

WORK SESSION AGENDA

BASEHOR CITY COUNCIL

March 9, 2009

6:00 p.m.

Basehor City Hall

1. Southside Villas – discuss sewer benefit district proposal.
2. Discussion regarding cul-de-sac located on property north of High Point Downs subdivision.
3. Discussion regarding construction of sidewalks in Pinehurst South Subdivision.
4. Zoning and Subdivision Regulation review. Review in detail the proposed changes and impact on the future of the city. (residential zoning categories, setback definitions and enforcement, lot minimum sizes, planned unit development point system, and conditional and permitted use category changes affecting churches and schools)
5. Capital Improvement Program review 2009-2013.
6. Tomahawk Valley Trail project.

Basehor City Council reserves the right to amend the agenda following its publication in the Basehor Sentinel newspaper. Citizens are encouraged to attend all public meetings. Updates to the agenda may be viewed at www.cityofbasehor.org

AGENDA ITEM INFORMATION FORM

Agenda Item: Discussion regarding cul-de-sac located on property north of High Point Downs subdivision.

Department: Administration

Background/Description of Item:

During development of the High Point Downs subdivision a cul-de-sac was constructed where a future street extension was to take place. There is evidence that some type of legal document was generated with the property owner to acquire the property and record the deed, however it was not signed or recorded.

It appears that it is a legal issue between the property owner and the developer, but it is being raised to keep the city council informed.

Funding Source:

Recommendation: Discuss and provide feedback.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: March 9, 2009

Temporary Cul-de-Sac on 153 Terrace – Treff Property
February 18, 2009
Dustin Smith, Planning Director

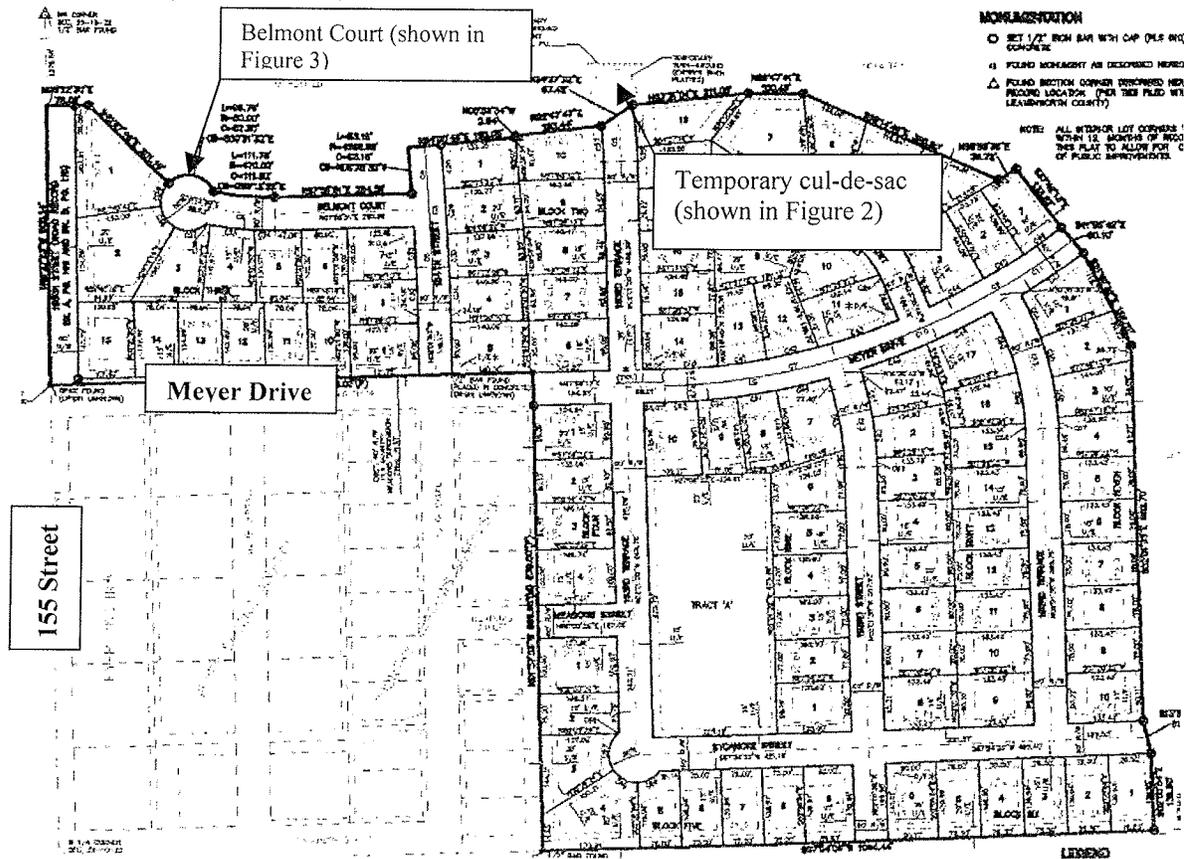
Recommendation Course of Action

If the property owner does not accept the city's offer based on the estimated value determined in the attached spreadsheet or other land value formula determined by the City Council, the city should proceed with condemnation to acquire the property.

Background

The final plat for High Point Downs, 1st Plat was approved in April, 2006 and is shown in Figure 1.

Figure 1: High Point Downs, 1st Plat

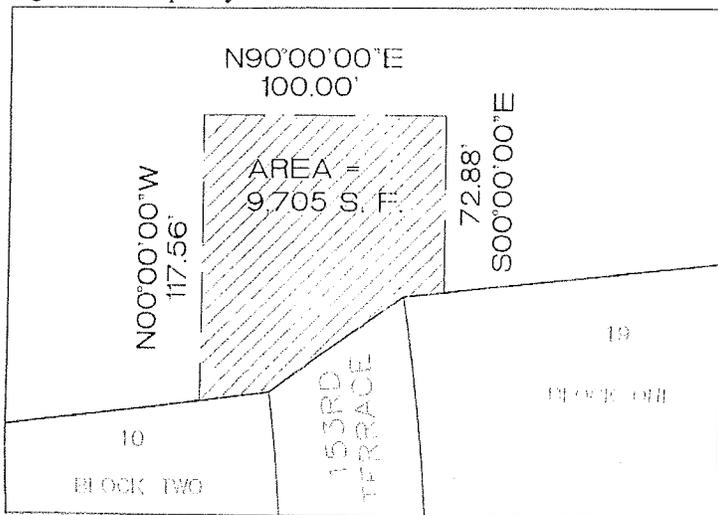


As part of the plat, a temporary easement was noted at the north end of 153 Terrace that was not part of the platted property, but was part of the unplatted property that was not purchased by the developer, and thus, remains under Mr. Treff's ownership. A temporary cul-de-sac was constructed within the area shown as the temporary easement and Mr. Treff has asked the city to either purchase the property containing the temporary cul-de-sac or remove it from the property.

Mr. Treff received notice several weeks ago from his insurance company that the public access (cul-de-sac) created by the cul-de-sac was a problem and that they intended to cancel his liability insurance unless the access was restricted. He subsequently has blocked access to the cul-de-sac with an earthen berm.

The property within the temporary easement contains approximately 9,705 square feet and is shown below.

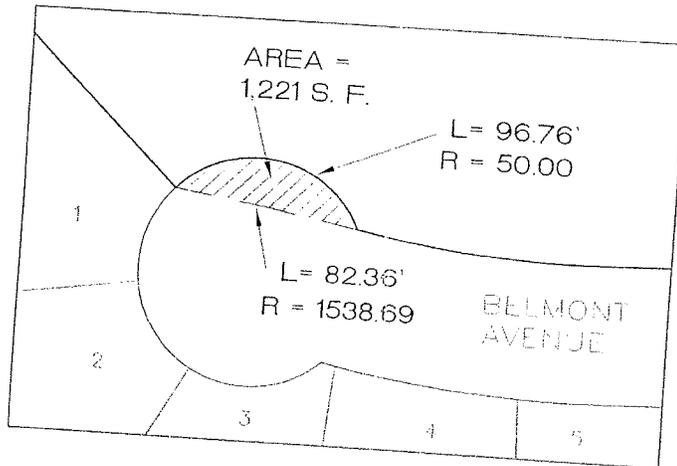
Figure 2: Temporary Easement



On or about February 11, 2009, the city received the information containing the price quote for the property containing the temporary cul-de-sac at the north end of 153 Terrace. Mr. Treff is asking the city to purchase the property shown in Figure 2 for \$20,000.

The information also claimed that a portion of Belmont Court is also located outside of the platted right-of-way (i.e. on private property). The property contains approximately 1,221 square feet, which is shown in Figure 3. Mr. Treff also requested that the City purchase this additional property, but included it in the \$20,000 quote for the property in Figure 2. The total area of the property Mr. Treff is asking the city to purchase (shown in the hatched areas of Figures 2 and 3) is 10,926 square feet.

Figure 3: Belmont Court



The issue with Figure 3 appears to be error between the surveyed boundaries of the right-of-way and where the street was actually constructed. It does not appear that the right-of-way for the radius was provided to accommodate the cul-de-sac. There was no access easement written for the Belmont Court property and it appears to be accidental.

Plat Details

The Highpoint Downs, 1st Plat was signed by the developer, who had apparently completed the purchase of the property prior to the recording of the plat. The plat was recorded on May 11, 2006. However, Mr. Treff was not a signator on the plat. In addition, my research with the County indicated that no easements were recorded as part of the Treff property. Therefore, from a legal standpoint, the City Attorney has advised that the city will either have to acquire the property from Mr. Treff, or allow the cul-de-sac to be removed from the Treff property.

Estimated Land Value

In 2006, the City began the acquisition process for right-of-way associated with the extension of Hickory Street in conjunction with the Silver Springs Subdivision. Although we never completed the acquisition, the City Council agreed to offer the property owner a rate of \$5,000.00 per acre. This was based on what the city had previously offered for land acquisition.

Based on the area of Mr. Treff's land that is in question (10,926 sq. ft.) at a rate of \$5,000 per acre, the offer from the city would be \$1,254.13 (shown in option 4).

The attached spreadsheet shows several scenarios for determining the land value. Options 1 and 2 are based on estimated land values of \$8,000-\$10,000 per acre for land with no adjacent public facilities, which was provided to the city by a local land developer. Option 3 is based on the current Leavenworth County appraised value of the land.

If the property owner does not accept the city's offer based on the attached spreadsheet or other land value formula determined by the City Council, the city should proceed with condemnation to acquire the property. It would be advisable to have an appraisal on the property, but due to the question as to whether the city should be liable for the Belmont Court right-of-way (Figure 3), I think we should make an offer to Mr. Treff to resolve the issue. If condemnation is necessary, an appraisal will be required to determine the fair market value for the property containing the streets.

Option 1 - Unplatted Land

Est. land needed for ROW (sq. ft.)	10,926
Est. Price per Acre (unplatted)	\$8,000.00
Price per square foot	0.18
Est. Cost for ROW Acquisition	\$2,006.61

Option 2 - Unplatted Land

Est. land needed for ROW (sq. ft.)	10,926
Est. Price per Acre (unplatted)	\$10,000.00
Price per square foot	0.23
Est. Cost for ROW Acquisition	\$2,508.26

Option 3 - County Appraised Value

Acreage of Property	73.800
No. of Square Feet	3,214,728
Appraised Value - Land Only (County)	\$14,240.00
Price per square foot	\$0.00
Est. Land needed for ROW (sq. ft.)	10,926
Est. Cost for ROW Acquisition	\$48.40

Option 4 - Recent City Offers for ROW

Est. land needed for ROW (sq. ft.)	10,926
Previous offer (per acre)	\$5,000.00
Price per square foot	0.11
Est. Cost for ROW Acquisition	\$1,254.13

Average value of all scenarios **\$1,454.35**

Proposal for Sidewalks in Pinehurst South
February 17, 2009
Dustin Smith, Planning Director

Recommended Course of Action

The City of Basehor should construct the sidewalks at city expense at the following locations as approved and shown on the construction plans for Pinehurst South:

1. South side of Juniper Road (extend from existing terminal point)
2. East side of 154 Place.
3. South side of Crimson Street.

Background/Existing Conditions

Pinehurst South was developed in 2003 under the current subdivision regulations that require sidewalks on at least one side of residential streets. The street and storm plans clearly show the sidewalk was to be installed on the east side of 154 Place; the south side of Crimson Street; and the south side of Juniper. However, only one small segment of sidewalk was constructed on the south side of Juniper, in front of the lot on southeast corner of 155 Street and Juniper. For whatever reason, the sidewalks were omitted, but the City issued the certificates of occupancy for each of the adjacent homes.

Sidewalks were constructed on both sides of 155 Street as part of the street construction project.

The certificate of occupancy (CO) is essentially our last chance to have all site details complete without having to pursue other means of enforcement on outstanding issues. In this case, the original developer of the subdivision sold the lots to various homebuilders, some of whom are no longer in business. This leaves the City with very few viable options, which are as follows:

1. The city can hire a contractor to install the sidewalks at the homeowner's expense.
2. The city can hire a contractor to install the sidewalks at the city's expense.
3. Do nothing (i.e. maintain the existing conditions) – Please note that the Planning Department does not consider this a truly viable option due to the fact that the sidewalks were shown on the plans, were part of the approved SIA and a portion of the sidewalk was installed.

Potential Physical Obstacles

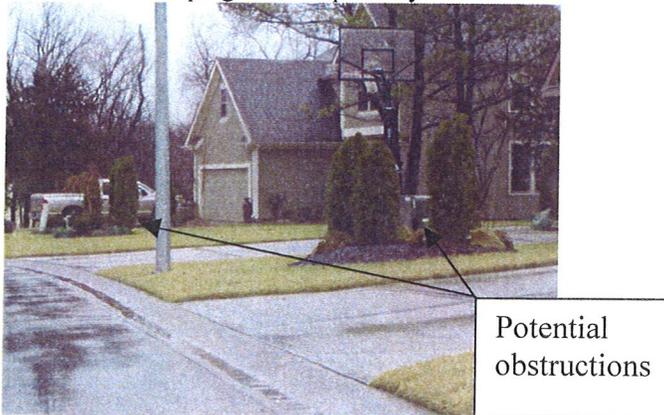
In most cases, retrofitting sidewalks will present problems with physical obstacles, such as landscaping and fences that may need to be removed and replaced when the sidewalk is installed. However, in this case, there are surprisingly few obstructions on any of the streets where the sidewalks should be placed. The photos below show some of the

landscaped areas that could be affected by the construction of the sidewalks, but it appears that any detriment resulting from construction would be minimal due to the distance from the sidewalk location.

Crimson Street

The landscaped areas shown in Plate 1 are close to the right-of-way, but are definitely within the adjacent utility easement. The light pole could also be considered an obstruction, but the sidewalk should fit between the light pole and the landscaping.

Plate 1: Landscaping close to/partially within ROW



154 Place

The following pictures indicated no obstructions on either side of the street where the sidewalk could be placed.

Plate 2: West side of 154 Place (looking south)



Plate 3: East side of 154 Place (looking south)



Juniper Road

Plate 4 shows the existing segment of the sidewalk located in front of the home on the southeast corner of 155 Street and Juniper. If the required sidewalks are not constructed, this segment will essentially be useless due to lack of connectivity.

Plate 4: Existing Sidewalk on Juniper (looking east)



Bus Stops

The Unified School District #458 Transportation Department has provided the Planning Department with a list of bus stops in the Pinehurst Subdivision. Bus stop locations vary depending on the school to which the bus is transporting the students. The locations also can vary slightly from year to year and some of the stops may be at specific residences. However, in general, students are walking to/from bus stops before and after school.

The bus stop locations area as follows:

Glenwood Ridge Elementary

154 Place
154 Circle
155 Street/Juniper Road

Linwood Middle School

154 Place
155 Street/Crimson Street

BL High School

154 Place
155 Street/Crimson Street

Trail

The map below shows the location of the existing trail in relation to the proposed sidewalks. There was speculation that the city allowed the omission of the sidewalks in lieu of the trail. This is not the case. The construction plans were approved with proposed sidewalks on the south side of Juniper, south side of Crimson and east side of

154 Place. A change to omit the sidewalks would have required an official determination by the City Council, which was never proposed and never occurred.

Map 1: Existing Sidewalks and Trail



Development Application Summary

Application	Applicant/Developer	Signator
Preliminary Plat/Plan	BBC Investment Properties	John Breuer
Final Plat	Breuer Properties	
Subdivision Improvement Agreement (SIA)	G&J Services, Inc.	John Breuer

Subdivision Improvement Agreement

This agreement was entered into on July 31, 2003 and included Pinehurst North and Pinehurst South Subdivisions. Section A provides a list of the public improvements including estimated lengths of streets and storm sewer, sanitary sewer and sidewalks that were required for the development of these two subdivisions. Subsection 1d includes a specific list of the sidewalks (estimated lengths) in Pinehurst South. The Subdivision Improvement Agreement (SIA) was signed by John S. Breuer, Secretary/Treasurer of G&J Services, Inc. on July 31, 2003.

Performance Bond

Documents were not found in Planning, City Engineer's or City Clerk's files.

Maintenance Bond

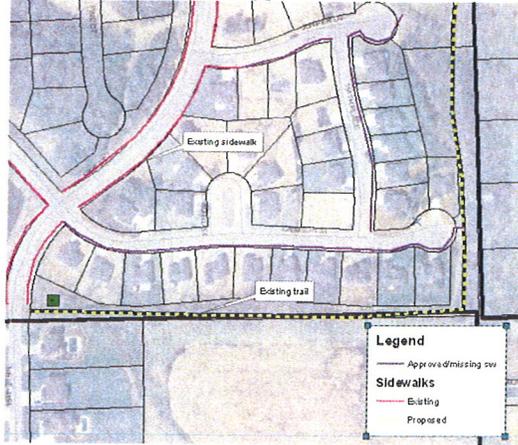
Documents were not found in Planning, City Engineer's or City Clerk's files.

Costs

In 2008, the Planning Department conducted research on the costs of installing sidewalks relating to the payments-in-lieu of construction associated with recent building permits. We contacted several contractors, developers, the City Engineer and City Superintendent for estimates. We received two estimates from contractors/developers and also used those provided by the city personnel. The rate adopted by the City Council was \$4.60 per square foot and will be applied to payments-in-lieu of construction on new developments.

Placement Option 1 is shown in Map 1 with cost analysis in the following table. The cost estimates are based on \$4.60 per square foot for the sidewalks in Pinehurst South as shown on the construction plans. In total, approximately 1,824 lineal feet of approved sidewalk is in question.

Map 1: Existing and approved SW

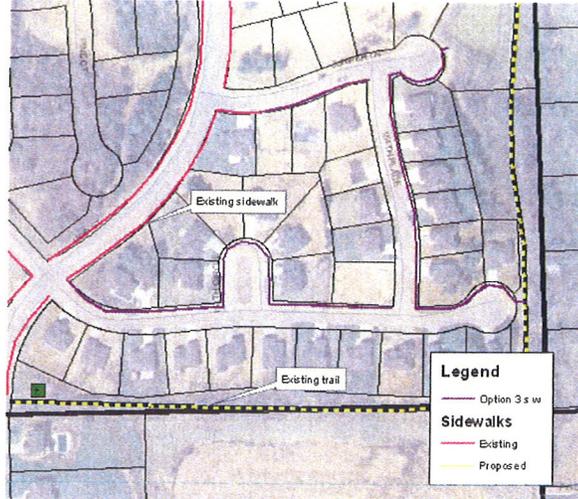


Placement Option 1. Cost Analysis

Street	Plan Side	Proposed Side	Approx. Length (ft.)	Cost Est.
154 Place	East	East	500	\$9,200
Crimson Street	South	South	975	\$17,940
Juniper	South	South	224	\$4,121,60
Total			1699	\$31,321.00

Placement Option 2, below provides cost estimates for placement of the Crimson Street sidewalk on the north side of the street, and around 154 Circle, as opposed to the south side of Crimson. The benefit to this option is that the sidewalk would be in the side yards of many homes, as opposed to their front yards, which may encourage less opposition.

Map 2: Option 2

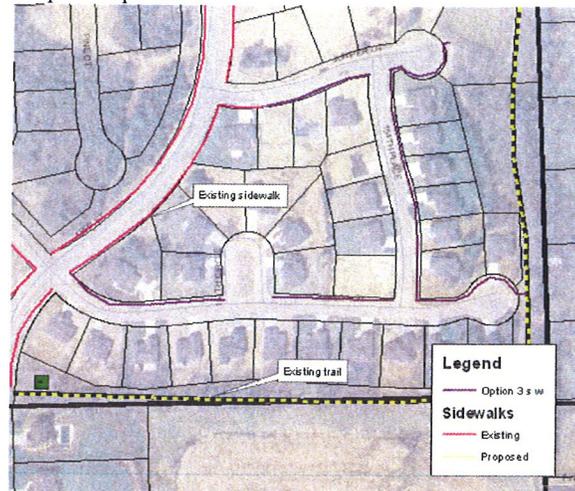


Placement Option 2. Cost Analysis

Street	Plan Side	Proposed Side	Approx. Length (ft.)	Cost Est.
154 Place	East	East	500	\$9,200
Crimson Street	South	North	1,100	\$20,240
Juniper	South	South	224	\$4,121.60
Total			1,824	\$33,561.60

Placement Option 3 includes placing the sidewalk on the north side of Crimson Street, but omitting them from 154 Circle. This option would reduce the number of adjacent property owners to six (6), most of which would have the sidewalk in a side yard, as opposed to the front yard. There are 11 properties on the south side of Crimson, but only six (6) on the north side. This is the lowest cost option due to the reduced length of the sidewalk. The sidewalk on 154 Circle could be omitted unless the property owners request it to be installed.

Map 3: Option 3



Placement Option 3. Cost Analysis

Street	Plan Side	Proposed Side*	Approx. Length (ft.)	Cost Est.
154 Place	East	East	500	\$9,200
Crimson Street	South	North	825	\$15,180
Juniper	South	South	224	\$4,121.60
Total			1549	\$28,501.60

*-Note – does not include sidewalks around 154 Circle.

Legal Issues

During discussions with a resident of Pinehurst South, they had questioned the city's liability in the case that an automobile/pedestrian accident occurred due to the pedestrian walking in the street. The city attorney provided the following information from Section 75-6104 (k), which is as follows:

75-6104 Same; when; exceptions from liability. A governmental entity or an employee acting within the scope of the employee's employment shall not be liable for damages resulting from...

(k) the failure to make an inspection, or making an inadequate or negligent inspection, of any property other than the property of the governmental entity, to determine whether the property complies with or violates any law or rule and regulation or contains a hazard to public health or safety;

Therefore, the city attorney has indicated that the city has no liability in the case of a pedestrian/vehicle accident that may be attributed to the lack of sidewalks.

Restoration

If the city elects to install the sidewalks, it will require yard restoration regardless of where they are placed. The sidewalks will be placed in the city right-of-way, which is maintained to the back of curb by the respective residents. Therefore, the city has the authority to install the sidewalks without consent of the property owners, but in good faith will need to allow for restoration of the yards to pre-construction conditions.

AGENDA ITEM INFORMATION FORM

Agenda Item: Zoning and Subdivision Regulation Review

Department: Administration and Planning

Background/Description of Item:

The proposed new Zoning Regulations have some significant changes that will impact the approval process and rules governing development.

Removal of residential zoning categories except R-1

One of the frequent complaints from developers is that the rules keep changing with each planner or that they are not consistent with what is published.

Most of the developments approved in the last five years have been planned unit developments, which allows the developer to get approval for smaller lot sizes and reduced setbacks in exchange for increased green space in another area. If the conventional residential zoning categories are left in place standard lot sizes and setback options would still be available and lead to more consistent practices.

Setback Definitions and Enforcement – the current definition is not what is being allowed. If enforcement begins, then the city council and developers need to be aware of the changes. Currently setbacks are based on the where the foundation walls are constructed, but should go off the roof overhang or from the edge of a porch.

Lot minimum size – one of the biggest factors, along with setbacks, that drives the type of development. With the proposed changes there would be two options, minimum 10,000 square feet for R-1 and 8,000 for planned unit developments.

Permitted and Conditional Use requirements, proposal to make churches and schools conditional use – This sends the message that schools and churches are not welcome in the community. There are other ways of dealing with concerns relating to vehicle traffic than by putting them in a conditional category.

Point system for multifamily developments – this is a system that is untested and not in use in any other area. It may work, but should receive more thought and testing before implementation.

Funding Source:

Recommendation: Discuss the impact and benefits of proposed changes.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: March 9, 2009

Planning Commission
March 3, 2009
Dustin Smith, Planning Director

The following items are those that were discussed at the public meeting for the proposed Zoning Ordinance conducted on January 20, 2009.

Zoning Regulations

1. Elimination of R-2, R-3 and Manufactured Home Zoning Districts
 - a. The elimination of these districts will allow the city a greater ability to negotiate better development plans.
 - b. Conventional districts have less flexibility, which could put the city in the position of approving a development that is less than desirable.
 - c. The planned district will provide a better means for the city to determine an acceptable density for high-density planned developments based on the amenities (i.e. the quality of the development) that the developer wishes to provide.
 - d. The current planned district has no such system to be used to determine an acceptable density.
 - e. Our current R-3 district only allows a housing density of 12 units per acre while only having to meet yard requirements and minimum lot area per dwelling unit.
 - f. Twelve units per acre is probably about the minimum market density for multi-family residential. Therefore, based on the maximum density in the conventional R-3 district, most high-density development will have to use the planned district.

Planning Department Recommendation – eliminate the R-2, R-3 and Manufactured home districts, leaving the R-1 and Planned Residential districts for housing development, as provided in the proposed Zoning Regulations.

2. Establishment of absolute 8,000 square foot minimum lot size and 7.5 foot setbacks in the planned residential district.
 - a. Developer indicated his belief that we should provide the opportunity for smaller lots than 8,000 square feet minimum. In addition, the setbacks should be reduced to allow larger building envelopes.

- b. Limiting the lot sizes and setbacks in the planned district eliminates the possibility for zero lot-line homes and many traditional neighborhood designs.

Planning Department Recommendation – consider reducing the minimum lot size to 6,000 square feet and setbacks to seven (7) feet.

- 3. Revise the point scale to start at 3 for density above 12 units per acre.

The point scale in the proposed regulations previously required 37-40 points to achieve only ½ unit per acre more in density. This occurred after we inserted the minimum requirements for 12 units per acre and it was an oversight that the rest of the point scale did not get modified.

The following points scale starts 3-4 points as the minimum to increase the density above 12 units per acre and increases based on the preferred density.

<u>Points Accumulated</u>	<u>Units per acre</u>
112+.....	25 units per acre
108-111.....	24.5
104-107.....	24
98-103.....	23.5
93-97.....	23
87-92.....	22.5
81-86.....	22
77-80.....	21.5
73-76.....	21
69-72.....	20.5
65-68.....	20
61-64.....	19.5
57-60.....	19
53-56.....	18.5
49-52.....	18
45-48.....	17.5
41-44.....	17
37-40.....	16.5
33-36.....	16
29-32.....	15.5
25-28.....	15
20-24.....	14.5
<u>15-19.....</u>	<u>14</u>
10-14.....	13.5
5-9.....	13
3-4.....	12.5

Medium-Density Maximum

Planning Department Recommendation – Revise the point scale to match what is shown above.

4. RV parking on hard surface.
 - a. What is the problem we are trying to correct...what is intent of the regulation?
 - b. Current proposal is to require RV (including boats) parking on hard surface (concrete or asphalt) on all residential lots less than one (1) acre.
 - c. Would require them to park on existing driveway or require additional impervious surface to park them.
 - d. This would not get RV's out of front of homes.
 - e. Should we require RV's to be parked in the rear yard, but not necessarily on hard surface?
 - f. Many single-family homes have fences that would not allow parking of RV in the rear yard without modification.

Planning Department Recommendation – require hard surface parking for RV's if parked in the front or side-yard. However, allow parking on grass if parked in rear yard.

5. Setback encroachments – what appurtenances can extend into the setbacks.
 - a. Current regulations do not allow any above grade structures, including porches (covered or uncovered), decks, chimneys, balconies, etc. to extend into the setbacks.
 - b. Most cities allow encroachments for structures that are at least two feet above grade, such as chimneys, balconies, roof eaves.
 - c. The city has not enforced this provision and has allowed uncovered porches, decks and steps to encroach.
 - d. Existing related definitions are as follows, with recommended changes in **bold face** text/~~strikethroughs~~:

Encroachment: Any architectural or structural feature which projects into the setback and is measured at grade; i.e., chimneys, balconies, porches, decks, etc., **not less than** two (2) feet above grade and **not** extending more than three (3) feet into the setback.

Set back: The required distance between a building or structure and the property line determined by measuring the horizontal distance between the property line and the vertical plane of the nearest architectural projection of the existing or proposed structure.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided for herein.

Yard, Front: An open unoccupied space on the same lot with the main building extending the full width of the lot, the building and the front line of porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into front yard.

Yard, Rear: An open unoccupied space on the same lot with the building between the rear of the building and the rear line of the lot and extending the full width of the lot. Covered porches, whether enclosed or unenclosed, shall be considered a part of the building and shall not project into the required rear yard.

Yard, Side: A yard between the main building and the adjacent side lot line and extending entirely from the front yard to the rear yard.

Planning Department Recommendation – modify the definition of encroachment as recommended, but leave the other definitions as is. We will start enforcing the regulations as they are written.

6. Wind Energy Conversion Systems – WECS are conditional uses, except in the planned residential district where there is potential for a wind energy conversion system to be constructed as part of a planned development and density bonuses are available for alternative energy sources. In either case, the development reviews will allow the Planning Commission and Council the ability to determine where the WECS may be placed.

Planning Department Recommendation – No changes to the proposed regulations.

Planning Commission
March 3, 2009
Dustin Smith, Planning Director

The following items are those that were discussed at the public meeting for the proposed Subdivision Regulations conducted on January 20, 2009.

Subdivision Regulations

1. Recording of Plats – My discussion with the City Engineer was that they agreed with requiring an irrevocable letter of credit or the completion of the public improvements prior to the plat being recorded. This is the city's current practice. The purpose of this is that if the plat is recorded, the development rights are vested for five (5) years, according to the statute. Therefore, we want to make sure that the developer is serious about proceeding with the development and either of the two requirements would assure that the subdivision will proceed or the City could force the construction of the improvements.

Planning Department Recommendation – Maintain the current practice and require a performance bond or completion of the public improvements prior to recording the plat.

2. Amount of maintenance bonds – The City Engineer indicated that 125% is the general standard for maintenance bonds. This is our current policy and the only objective of the change was to clarify the amount required. The amount of the bond protects the city in the case that we would have to make major repairs to the public improvements installed as part of a private development. It also covers inflation rates that tend to occur over the bond period.

Planning Department Recommendation – Required maintenance bonds in the amount of 125% of the construction contract price.

3. Requiring corner markers and T-posts on all lot corners during construction – We decided that this requirement would not have the intended results. Therefore, staff consensus is that we require surveys upon completion of the footings and foundations of all residential structures where the setbacks may be potentially in question.

Planning Department Recommendation - Require surveys upon completion of the footings and foundations of all residential structures where the setbacks may be potentially in question.

Capital Improvements Plan 2009-2013						
Project:	Priority	2,009	2010	2011	2012	2013

Community Facilities						
Improve PD Parking Lot, extend sidewalk	1	3,976				
Unfunded Future Projects						
City Hall and Police Building	3					5,000,000
Community Center (\$4.0 million)	4					
Total Revenues:		279,773	307,869	335,965	364,061	392,157
Balance Forward:		593,037	868,834	1,176,702	1,512,667	1,876,727
Capital Expenditures:		3,976	0	0	0	5,000,000
Projected Balance:		868,834	1,176,702	1,512,667	1,876,727	-2,731,117

Transportation						
Corridor Management Projects						
150th St.- Craig St. to Parallel Rd.	1	750,000				
Total Project Cost		850,000				
Wolf Creek Blvd 150th-153rd - TDD	2					
Total Project Cost		1,470,650				
150th Intersection North - TDD						
Total Project Cost		1,329,500				
155th St.- 24/40 N. for 800'	3					320,000 (1)
158th St.- 24/40 N. to Parallel Rd.	4	Completed 2008				
	6					
Reverse Frontage 150th-153rd South Side	7					
150th and 24-40 Intersection South	8					
155th to 158th North Side Reverse Frontage	9				124,015	
Other Projects						
155th St. and Parallel Intersection	1		499,428			
155th St- Parallel N. to Elm	2			480,000		
155th St. and Leavenworth Rd. Intersection	3			998,855		
147th St.- Donahoo Rd. to Hollingsworth Rd.	4			535,000 (2)		
147th St.- Leavenworth to Donahoo Rd.	5				610,000	
K-7 to Donahoo Rd. Left Turn Lane	6					250,000
Parallel Rd.- 155th St. to 163rd St.	7	Completed 2008				
Miscellaneous Improvements	-	181,468	185,823	190,283	194,850	199,526
Unfunded Future Projects						
147th St.- Parallel Ln. to Leavenworth Rd.	12					1,371,534
142nd St.- State Ave. to Parallel Rd.	13					727,425
Rev. Frontage Rd.(N)- 153rd to 150th St.	14					
Rev. Frontage Rd.(S)- 153rd to 150th St.	15					
150th St. Intersection Improvements	16					
Total Revenues:		572,678	610,252	647,942	685,750	723,679
Balance Forward:		1,732,021	1,356,276	1,263,815	-1,254,205	-1,515,795
Operating Expenditures:		16,955	17,462	17,968	18,475	18,982
Capital Expenditures:		931,468	685,251	3,147,993	928,865	449,526
Projected Balance:		1,356,276	1,263,815	-1,254,205	-1,515,795	-1,260,623

Adopted April 7, 2008
 Revised Feb. 27, 2009

Capital Improvements Plan 2009-2013						
Project:	Priority	2009	2010	2011	2012	2013

Public Utilities						
New Plant Expansion	1	3,940,000				
Remove Chestnut lift station	2	150,000				
Storage shed	3	120,000				
Sewer Line Rehabilitation	-	140,000	400,000	400,000		
Plant Bond Payments	-	488,000	488,000	811,581	1,135,162	1,135,162
Total Revenues:		6,312,101	887,141	963,889	1,028,264	1,089,661
Balance Forward:		633,604	1,817,686	1,515,208	953,831	520,701
Operating Expenditures:		290,019	301,620	313,685	326,232	339,281
Capital Expenditures:		4,838,000	888,000	1,211,581	1,135,162	1,135,162
Projected Balance:		1,817,686	1,515,208	953,831	520,701	135,919

Recreation and Leisure						
Trail 1- Tomahawk Valley	1		132,331			
Trail 2- BES to Park	2					
Unfunded Future Projects						
Recreation Complex/City Park	3		4,000,000			
Total Revenues:		30,010	31,162	32,373	33,647	34,989
Balance Forward:		101,400	125,230	17,695	43,511	70,405
Operating Expenditures:		6,180	6,365	6,556	6,753	6,956
Capital Expenditures:		0	132,331	0	0	0
Projected Balance:		125,230	17,695	43,511	70,405	98,438

Notes:

- (1) Funded by a Transportation Development District (TDD).
- (2) Leavenworth County project.
- (3) Forecasts do not include interest.

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider approval of the Tomahawk Valley Trail project and request for engineering design.

Department: Administration, Public Works

Background/Description of Item:

Following approval by the city council Feb. 17, 2009 the previously prepared Tomahawk Valley trail project was submitted to KDOT for funding under the Transportation Enhancement program. A call was made from the KDOT TE office that 50% of the \$10.0 million in economic stimulus funding going to TE projects would need to be ready for bid within 120 days.

Kay Jordan Cain stated that previously submitted projects had a good likelihood of being awarded since they would not take as long to get going. She felt the Tomahawk Valley project would be a good one to resubmit.

The project would need to be 80% design complete by April 1, 2009. MHS stated they would be able to meet that deadline if council would give authorization on March 2, 2009.

A proposal for the design is being prepared by MHS and will be distributed as soon as it is received.

The City of Basehor has a trail system included as part of the future parks plan in the approved Comprehensive Plan. An opportunity exists to apply for grants to fund the construction of trails for the city. The trail system would be built in sections as areas develop and they are added to development plans in subdivisions.

	Inflated Cost 2009/2010	City Match Amount	
155 th to 158 th and Basehor Library	\$597,376	\$119,475	20% match

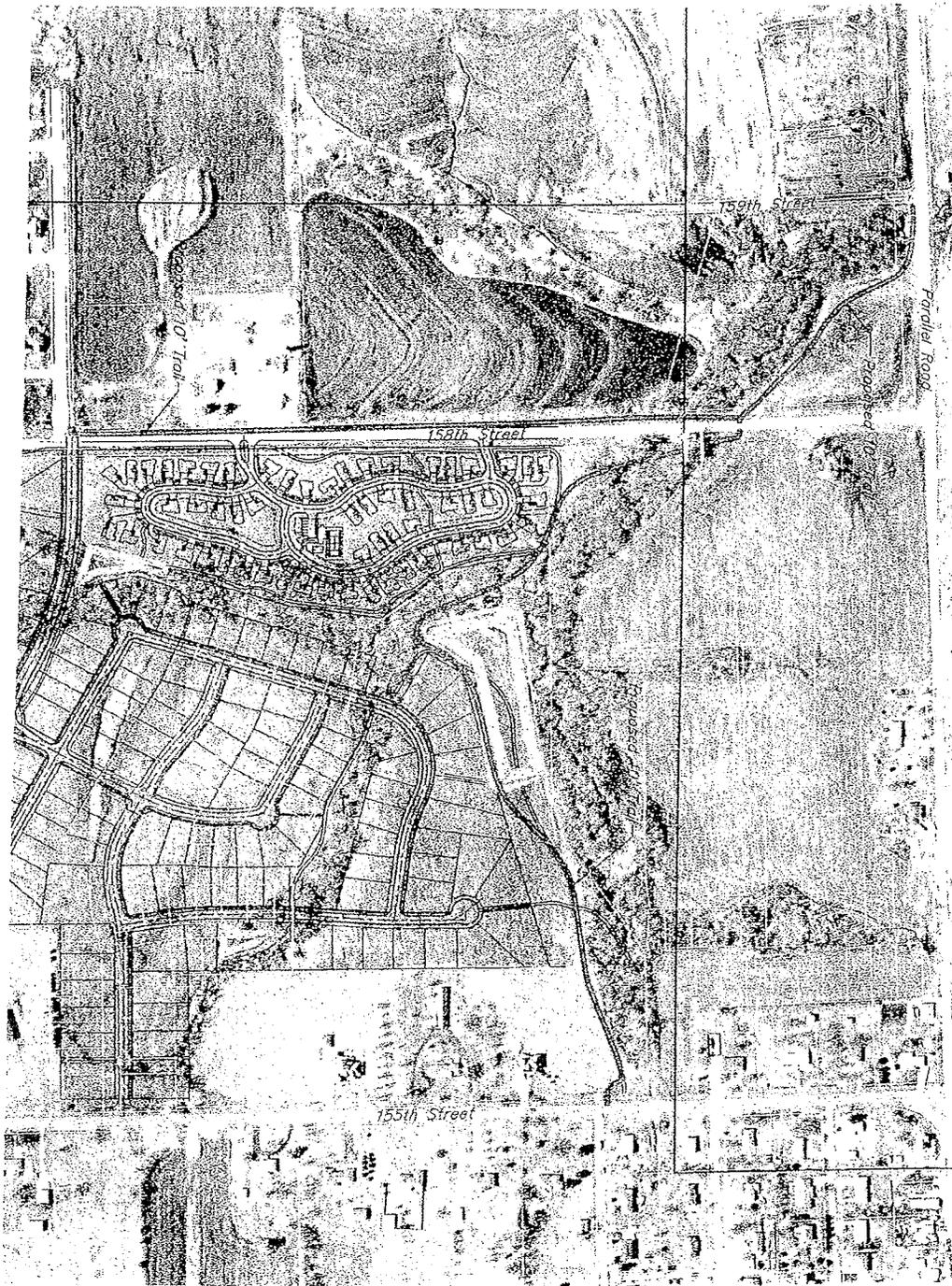
The application requires a resolution indicating the resolve of the council to move ahead with the project if it is awarded.

March 3, 2009 - KDOT TE contact stated that additional time would be allowed to complete the design and work out details on alignment and encouraged continued work on the project.

Funding Source: 2009 Budget Consolidated Street and Highway

Recommendation: Approve application to KDOT for construction of the Tomahawk Valley trail and the attached resolution.
Approve the proposal from MHS for design of the project.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: March 9, 2009

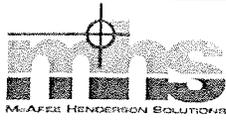


PROPOSED TRAIL
 155th STREET TO 159th STREET
 BASEHOR, KANSAS



McAFEE HENDERSON SOLUTIONS, INC
 Civil Engineering * Land Surveying
 3300 S. 14th St., Suite 100, Basehor, KS 66008
 Ph: 913/521-6100 Fax: 913/521-4172

DATE: 05/20/20
 DRAWN BY: JAC
 CHECKED BY: JAC
 APPROVED BY: JAC
 SCALE: AS SHOWN



**Basehor Trail
155th Street to 158th Street
Engineer's Preliminary Estimate of Cost**

2/26/2009

ITEM NO.	ITEM DESCRIPTION	UNIT	QTY.	UNIT PRICE	EXTENSION
1	Mobilization	LS	1	\$12,500.00	\$12,500.00
2	Construction Staking	LS	1	\$9,500.00	\$9,500.00
3	Grading	LS	1	\$18,370.00	\$18,370.00
4	Concrete Trail (10' Wide 155th Street to Parallel Road)	SY	4,040	\$54.00	\$218,160.00
5	Concrete Trail (10' Wide South to Library)	SY	2,160	\$54.00	\$116,640.00
6	ADA Sidewalk Ramp	EA	6	\$3,500.00	\$21,000.00
7	18" CMP	LF	40	\$40.00	\$1,600.00
8	60" CMP	LF	80	\$100.00	\$8,000.00
9	96" CMP	LF	40	\$175.00	\$7,000.00
10	Park Benches	EA	4	\$200.00	\$800.00
11	Signage	LS	1	\$400.00	\$400.00
12	Seeding	AC	4.0	\$2,750.00	\$11,000.00
13	Erosion Control	LS	1	\$8,500.00	\$8,500.00
14	Traffic Control	LS	1	\$1,500.00	\$1,500.00
Subtotal Construction Costs					\$434,970.00
Construction Contingency (10%)					\$43,497.00
TOTAL CONSTRUCTION COSTS					\$478,467.00
Surveying and Engineering Design (11.5%)					\$50,021.55
Construction Engineering (8.5%)					\$36,972.45
	Temporary Construction Easement (40' total width)	SF	111,600	\$0.45	\$50,220
	Permanent Easement (20' total width)	SF	111,600	\$0.70	\$78,120
SUBTOTAL ENGINEERING AND EASEMENT COSTS					\$215,334.00
TOTAL PROJECT COST					\$693,801.00

The City of Basehor



2620 N. 155th Street
P.O. Box 406
Basehor, Kansas 66007-0406

(913) 724-1370
FAX (913) 724-3388
www.basehor.org

April 23, 2008

Steve Miles
MEI, LLC.
15063 State Avenue.
Basehor, KS 66007

Re: Status of Tomahawk Valley and Miles Industrial Park plans/plats.

As a follow-up to our conversation on Friday, April 17, 2008, we offer the following summary and comments related to the applications. Please be advised that the attached list of comments may not be exhaustive and other issues may arise throughout the development process.

If you have questions or if you would like to meet with us to discuss these comments, please feel free to contact me at (913) 724-1370 ext. 24.

Sincerely,

Dustin Smith, AICP
Planning Director

Pc: Carl Slaugh
Development FILES

Enclosure:

MEMORANDUM

TO: Carl Slaugh, City Administrator
FROM: Dustin Smith, Planning Director
DATE: September 24, 2007

Re: Extension of the approval for the Preliminary Development Plan and Final Development Plan for Tomahawk Valley

This presents several issues including:

1. Section 5(n) of the Zoning Ordinance indicates that *“Approved Final Development Plans shall become null and void eighteen (18) months from the date of approval, if a building permit has not been issued and the start of construction of at least the first phase of the development of the approved Final development plan has not begun, unless such period is extended by the Governing Body upon written request by the applicant.”*

The final plat for phase I of Tomahawk Valley was approved by the City Council on **February 7, 2006**. According to the above referenced section of the Zoning Ordinance, the approval of the final development plan expired on **August 7, 2007** because they never applied for a building permit, even for phase I. No request was submitted by the applicant for an extension of the final development plan and, therefore, no extension was granted by the City Council for such extension.

2. The expiration of the development plan approval is included in the Zoning Ordinance specifically so as not to allow perpetual approvals, recognizing that changes in local conditions, economics and development patterns can occur over time. The approval expiration allows the city the opportunity to consider these types of changes and be able to address them with a new development plan, if necessary.
3. Changes have occurred since the approval of the preliminary development plans in 2005 and the final plat for phase I in 2006. Specifically the US 24/40 Corridor study has caused us to question how we might better provide traffic circulation throughout the city, especially that area between 155 Street and 158 Street if access management along the highway requires changes in the existing fully directional access points. At this point, we are fairly certain that the existing access on US 24/40 will change. If so, the street layout that was approved as part of Tomahawk Valley may not be sufficient to provide access throughout the central portion of the city. With a new preliminary development plan, the city would have the opportunity to reconsider the street layout within the subdivision and assure that we provide sufficient traffic circulation for the future of Basehor.
4. The City has been participating in a Trails Committee with the County and other cities within Leavenworth County. The objective of the committee is build support for a County-wide trail plan that would connect with the MARC Metrogreen trail system. The Planning Director is assembling a local trail committee to provide recommendations for a more detailed city trail plan for incorporation into the adopted Comprehensive Plan. The Tomahawk property may be a critical area for trail routes to connect 155 Street to 158 Street, the library and future museum property, along the creek areas and we could assure these trail locations as part of the revised development plan.

5. The city needs an easement for the sewer line across the Miles property that will allow us to decommission the Chestnut Street lift station. As a condition of approval of a new development plan and plat, we would be able to obtain the required easement. It is common practice for the city to obtain easements and rights-of-way needed for street and utility improvements during the development and platting process. The plats are recorded at the County and pre-empts the need for a separate easement document to be recorded with the property deed.

Planning Department Recommendation

Reject the proposal from Mr. Miles to provide the easement in return for a belated extension of the development approvals for Tomahawk Valley.

Tomahawk Valley

1. The Planning Department considers the previous approval of all plans and documents related to Tomahawk Valley null and void. Therefore, prior to proceeding with the development of the property, a preliminary development plan for the entire subdivision and final development plan and final plat for each phase will need to be approved for review by the Planning Commission and City Council.
2. Although a final plat for Tomahawk Valley was approved on March 6, 2006, it does not appear that a final development plan was ever submitted for any part of Tomahawk Valley. Therefore, the preliminary development plan technically expired on April 25, 2006.
3. If we assume the final plat served as the final development plan, then we should apply Article 7(5) of the Zoning Ordinance, which contains the planned residential zoning requirements and procedures, and indicates that:
 - a. *"Approved final development plans shall become null and void eighteen (18) months from the date of approval, if a building permit has not been issued and the start of construction of at least the first phase of the approved final development plan has not begun..."*
 - and
 - b. *"Upon expiration of the final development plan, the matter shall be reviewed and an action may be initiated to have planned zoning changed to the previous classification..."*
4. Upon resubmission of the preliminary development plan, the Planning Department will consider the following issues and make comments based on changes in policy and regulations that have occurred since the previous approval, or issues that were not adequately addressed, which include, but may not be limited to:
 - ✓ a. Connection of 156 Street to the existing stub-out in Cedar Ridge – it is understood that this would require the street to extend over a fiber-optic line. *Clarification, no connection provided*
 - b. Possible redesign of layout to provide thru street from Parallel Road to future Wolf Creek Parkway.
*N/S Street connecting
Development to the north was required to put in stub out street, but did not require Tomahawk development to provide a connection; Discrepancy in two different planners or planning commissions.*

4/23/08 (5)

- c. Eliminate double-frontage lots, especially those along Garden Parkway and other internal streets. If access to Garden Parkway is restricted, one possibility is to provide rear-alley access to the lots adjacent thereto. *in subdivision logs - D check staff notes to see if considered*
 - d. Elimination of several cul-de-sacs to provide better street connectivity. *Planner preference recent change, planner preference*
 - e. Provision for sewer line easement to allow the removal of the Chestnut lift station. *with reconsideration of development plan*
 - f. We will need a calculation of the open space areas within the subdivision to determine if the development plan meets the requirements for the open space. The development must consist of a minimum of 25% of usable open space that can include pool areas, creek areas and additional open space areas on the north side of the property that contain trails. However, it cannot include any private property that will not be accessible to the general public or stormwater management areas unless they are designed for dual use. *D difference between old and new requirements open space calculations have changed*
5. Other concerns that are not addressed in the development codes.
- a. The style of multi-family units in Block 9 is undesirable due to several factors, such as:
 - 1. cookie cutter design. *Preference*
 - 2. "snout" house design that will create a "garagescape" along the street view.
 - b. Provision of trail easement along creek from 155 Street to 158 Street, outside of a plat, if necessary – The City has applied for a KDOT grant to construct this trail. If the easement is provided and the grant is awarded, the City would build the trail, which would save the developer from building that portion of the trail as part of the development. The estimated cost of the trail segment is approximately \$500,000.
 - c. Provide a street connection from Block 6 housing to avoid forcing all traffic onto 158 Street. This should be possible while providing enough separation from the 158 Street/Garden Parkway intersection.
 - d. Private streets are not encouraged, but are acceptable within apartment or other type of residential complexes. Therefore, Block 9 will likely be private driveways, but Block 6 will need to be designed as public streets with public right-of-way.
6. Fees associated with the resubmittal of the applications*

MEI, LLC.

4

4/23/2008

- Preliminary Plat fee - \$250.00 + \$5 per lot
- Preliminary Development Plan fee - \$250.00 + \$5 per lot
- Final Plat fee - \$250.00 + \$5 lot
- Final Development Plan fee - \$250.00 +\$5 per lot
- Review costs of all construction plans (i.e. street and storm plans and sanitary sewer plans.) – per City Engineer rates and review times.

Miles Industrial Park

The Miles Industrial Park final plat was approved by the City Council on March 6, 2006. Because there are no specific expiration dates attached to preliminary or final plats in the Basehor codes, the plat approvals are still intact. At this time, only the Kansas Statutes provide for an expiration of a final plat, which is five (5) years after the plat is filed. However, other permits, such as those associated with the construction of the turn lanes, sanitary sewer, etc., may have expired and will need to be addressed with the appropriate agency.

Prior to recording the final plat, the applicant will need to either complete the public improvements or post bond for the public improvements.

We are not aware of additional review fees that will be necessary at this time.

