



**AGENDA
SPECIAL MEETING
BASEHOR PLANNING COMMISSION**

January 4, 2022 at 6pm

Also, via Zoom

<https://cityofbasehor.zoom.us/j/88190868838?pwd=SVZkUXFMYIJHVzFpR0NIYjFmRG13dz09>

Basehor City Hall

MEETING STATEMENT: To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Basehor Planning Commission is being conducted in a hybrid format, in person and using the Zoom media format, with the possibility of some of the commissioners appearing remotely. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Basehor City Clerk to make arrangements.

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to KRenn@cityofbasehor.org Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Individuals who contacted the City Clerk in advance to provide public comments will be called upon by name. All parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants, and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking.

Thank you.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Swearing in of new Planning Commissioner Hayden P. Maples**
4. **Swearing in of new Planning Commissioner Theodore M. Thomas II**
5. **Roll Call**
6. **Unfinished Business**
None

New Business

7. **Pete Heaven of Spencer Fane-Training Presentation for Planning Commissioners**
8. **Open Agenda**
None
9. **Reports from Special Committees**
None

10. Planning Directors Report
None

11. Adjournment

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 7

Topic: Presentation by Pete Heaven from Spencer Fane

Narrative: Training Presentation

Presented by: Pete Heaven

Staff Recommendation: N/A

Attachments: N/A

Projector needed for this item?

Basehor Planning Commission Work Session

January 4, 2022

Pete Heaven, City Land Use Counsel



SpencerFane®



Who And What We Are

1. Gatekeepers of a sound planning process
2. Independence
3. Recommendations
4. Final decisions
5. Precedence



Definitions

- Zoning – permanent permission to use property for a specific purpose
- Form Based Code – pre-approved/required design guidelines
- Special Use Permit – temporary permission to use property for a specific purpose
- Preliminary Development Plan – conceptual 3D plan of the finished project
- Final Development Plan – the finished project
- Preliminary Plat – conceptual line drawing of lots, boundaries, streets, etc.
- Final Plat – precise line drawing of lots, boundaries, streets, etc. (if the final plat conforms to the preliminary plat, the PC “**shall**” approve it)
- Variance – permission to do something that is otherwise prohibited by the Code



“Black Robe” Rules of the Road:

- Robert’s Rules
- Practice civility
- Never argue with a speaker
- Recusal
- Give reasons for decisions –
make a record
- Never vote “no” without a
reasoned explanation
- Apply the Golden criteria
- Never count noses
- Avoid extraneous issues



Ex Parte Communications

1. Disclosure of communication
2. Disclosure of communicator
3. Disclosure of content
4. Wearing the black robe.



KANSAS OPEN MEETINGS ACT (KOMA)

By law, Planning Commissions meetings must be “public meetings”

1. Definition of “meeting”
2. “Majority”
3. Simple gatherings
4. Exceptions
5. Calling trees and email



THE “GOLDEN” FACTORS

In 1978, the Kansas Supreme Court handed down the landmark case of **Golden vs. City of Overland Park**, and for the first time addressed criteria to be considered by cities and counties when rezoning property. If the following factors, although not exhaustive, are considered by the Planning Commission in connection with a rezoning, the decision will likely be determined “reasonable” by the courts:

1. CHARACTER OF THE NEIGHBORHOOD
2. NEARBY ZONING AND USES
3. SUITABILITY OF PROPERTY FOR CURRENT ZONING
4. EXTENT TO WHICH REQUESTED ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY
5. LENGTH OF TIME PROPERTY HAS BEEN VACANT AS ZONED
6. HARDSHIP ON THE OWNER COMPARED TO THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE
7. STAFF RECOMMENDATIONS
8. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Questions and Discussion

(go easy on me!)



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