

HAYSVILLE PLANNING COMMISSION & BOARD OF ZONNING APPEALS

Agenda

January 27, 2022

7:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of December 9, 2021
- IV. Special Order of Business
 - A. Conditional Use Permit
- V. New Business
- VI. Old Business
- VII. Correspondence and Informational Reading
- VIII. Committee Updates
- IX. Off Agenda
- X. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

December 9, 2021

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 7:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

Those members present were: Tim Aziere, Fred Plummer, Debbie Coleman, Mark Williams, and Jeff Blood. Also present was Planning & Zoning Administrator Jonathan Tardiff.

The first item of business was the Minutes of November 18, 2021.

Motion by Coleman

Second by Williams

To approve the minutes as presented.

Aziere yea, Coleman yea, Plummer yea, Williams yea, Blood yea.

Motion carried.

There was no special order.

Under new business, Tardiff presented the master plan review calander stated that nothing to review in January, in February review of the Land Use Map and Zoning Regulations, March nothing to review, April is a review of the Bike/Pedestrian Plan, May would be a review of the Park Plan, June is a review of the Historic Master Plan, July is Election of Officers, August review of the Bylaws, September is the Comprehensive Plan, October looking at Subdivision Regulations and Capital Improvement Program, nothing in November, and December the closing calendars.

Motion by Coleman

Second by Williams

To approve the Master Plan Review Calendar

Aziere yea, Coleman yea, Plummer yea, Williams yea, Blood yea.

Motion carried.

Under new business, Aziere presented the closing calandar for 2022. Aziere asked if there where any questions concerning the closing calandar for 2022. There was none.

Motion by Coleman

Second by Williams

To approve the Master Plan Review Calendar

Aziere yea, Coleman yea, Plummer yea, Williams yea, Blood yea.

Motion carried.

There was no old business.

There was no correspondence and informational reading.

Under committee updates, Coleman stated from Historic Committee that the Village Christmas was a beautiful evening and well attended.

There was no off agenda items.

Motion by Coleman

Second by Williams

To adjourn tonight's meeting

Aziere yea, Plummer yea, Coleman yea, Williams yea, Blood yea.

Motion carried.

The meeting adjourned at 7:06 PM.



Haysville Planning Commission Staff Report

AGENDA ITEM:

Owner:	City of Haysville Land Bank
Location:	Lots 1 through 12 Block B, eastern 36 feet of Lot 13 Block B, Lots 16 through 22, Block C of River Forest, Second Addition, Haysville, Sedgwick County, Kansas. Area of application is highlighted in green on the attached map
Current Zoning:	Residential "A"
Lot Size:	7.04 acres
Proposed Use:	Conditional Use Permit to allow the Assisted Living Facility use
Meeting Date:	January 27, 2022
Presented By:	Jonathan Tardiff, Planning and Zoning Administrator
Public Hearing:	Required to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	1/27/2022	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
City Council Meeting	2/14/2022	Approve Planning Commission's recommendation by ordinance by a simple majority (5 votes). Return the recommendation to the Planning Commission with a statement specifying the basis for the governing body's failure to approve or disapprove by a simple majority vote (5 votes)

BACKGROUND:

The subject property and surrounding properties are zoned "A" Residential and were platted on January 25, 2001. "A" Residential is characterized by a single-family lot with a full range of municipal facilities available. The development stalled after 10 of the 45 lots in Phase 1 were built upon. The developer built all 10 homes, selling 5 and keeping 5 as rentals. The developer did not pay the general or special property taxes and the property went to Sheriff's tax foreclosure sale by auction in 2015. The Haysville Land Bank purchased the property to continue the development for the city. The western portion of the area has 38 lots zoned single family residential "A" and 7 lots zoned two, three and four family "B". The proposed use area is currently vacant.

ADJACENT ZONING AND LAND USE:

NORTH: MS Mitch Mitchell Floodway
SOUTH: Single-family residences

WEST: Single-family residences and “BB” (Duplex)
EAST: Single-family residences

CONSIDERATIONS

The following criteria shall be evaluated as they relate to the specific case being considered, and such stipulation as deemed appropriate in relation to any request for a conditional use may be developed by the commission and incorporated into any recommendation in support of the requested conditional use.

1. Access and traffic load and/or flow.
 - a. Access. Access to the facility will be gained via a private road coming from the south that would connect with Karla Avenue once it is constructed.
 - b. Traffic load. The current River Forest Second Addition subdivision plat with the remaining lots consists of 39 lots. A single-family housing development (39 lots) will generate 437 trips/weekday. The proposed assisted living facility (51 units) and approximately 19 independent living units will generate 292 trips/weekday. The proposed facility would generate approximately 145 fewer trips/weekday than single-family development (These values are from the ITE Trip Generation Manual, 10th Edition).
 - c. Traffic flow. Traffic flow will be from Karla Avenue from the south of the proposed facility heading north on a private road.
2. Noise, light, and odor.
 - a. Noise. There is an anticipated decrease in the noise of the proposed land use verse thirty-nine (39) single family residential lots.
 - b. Light. Exterior lighting for the facility will need to follow off-street parking requirements.
 - c. Odor. No increase in odor is anticipated from the land use.
3. Screening.

Landscaping requirements of the city are found under Article 5, Section 501 of the Haysville Municipal Zoning Code. The land use is being interpreted or classified as assisted living for this item. Per the zoning ordinance landscaping, screening, and buffering requirements of this application are broken down into two (2) parts:

 - a. Landscaping and/or screening for parking lots.

Required Screening: All new parking lots or additions to parking lots shall be continuously screened from view from adjacent residential districts and certain types of streets when within one-hundred fifty (150) feet thereof (measured from the property line adjacent to the street), except at points of vehicular and/or pedestrian ingress and egress, to a minimum height of three (3) feet above the parking surface by the use of berms and/or plantings, with the following exemptions: 1) open parking lots in one-family and two-family residential projects in any zoning district and 2) open parking lots in industrial districts located on collector streets with industrial zoning on both sides of the street. Walls and fences may be used in combination with berms and plantings but may not be used as the sole means of screening a parking lot. This requirement shall apply to all at-grade expressway, freeway, arterial, and collector street frontages and to all local streets when parking is across from residential zoning districts. (Please see zoning ordinance for more details.)
 - b. Screening for mechanical equipment, loading docks, and trash receptacles.

Screening shall be provided to reasonably hide from ground-level view all ground-level heating, air conditioning and other mechanical equipment, loading docks, trash receptacles, or similar uses from adjoining street rights-of-way or from adjoining properties that are zoned a residential district or used for residential purposes. Such

screening shall be based on a landscape plan approved by the public works director, or their designee.

4. Parking.
 - a. Parking standards for the city are found in Article 5, Section 500 of the Haysville Municipal Zoning Code. Assisted living facilities as considered a residential type of land use is required to provide 0.75 parking spaces per unit. Fifty-one units are planned; thus 38 parking spaces are required.
 - b. The private drive and parking lot will meet requirements of the Sedgwick County Fire Code as it relates to emergency vehicle access.
5. Services.
 - a. Water. Water will be provided by the city via a current water line in the vicinity.
 - b. Sanitary Sewer. Sanitary sewer will be provided by the city via a current line in the vicinity.
 - c. Electricity. Electricity will be provided by Evergy.
 - d. Storm sewer/drainage. Storm sewer will be provided by the city via water flowing to the existing drainage pond and storm sewer lines.
 - e. Natural gas. This will be provided by Kansas Gas Service.
 - f. Communications/phone/internet will be available through Cox or AT&T.
6. Public health and safety.
 - a. It is anticipated the proposed land use, when built to the standards of the City's zoning ordinance, subdivision regulations, and building codes, would provide a healthy and safe environment to the residents of the proposed facility and the community itself.
7. Adequacy of facility and lot size.
 - a. The size of the proposed facility appears to be adequate for the needs of the community with the ability to expand. The city does not have a lot coverage regulatory maximum.
8. Signs.
 - a. Signage is dictated by the City's Sign Code, specifically, in this case, Section 16B-210. The requested land use is classified as residential, sign regulations for residential subdivision shall apply. For freestanding types of signs, two shall be permitted per subdivision entrance at a maximum size of 64 square feet and a maximum height of 8 feet.
9. Review by fire marshal for designation.
 - a. The Sedgwick County fire marshal has reviewed the report and has no concern with the designation. The building will be treated as light commercial for the building permitting and inspection process.
10. Other considerations as appropriate. A couple of important points about the proposed and requested assisted living facility:
 - a. The 2018 Senior Living Market Feasibility Study was done by an outside consultant to comprehensively look at the status of the community as a whole and then make recommendations from that. If you review the executive summary there is a need for both assisted living and independent living in Haysville. As quoted from the Kansas Housing Needs Assessment released in December of 2021 "A significant national increase in 65+ year old households is leading to more people that desire smaller homes and low maintenance housing". Both studies can be found on the City of Haysville webpage under Planning and Zoning/Plans and Studies.
 - b. The web-based 2021 Haysville Community Survey consisted of 33 questions. One question asked: "*Does the city need to encourage the development of assisted living*

center(s)/housing within its boundaries?” 353 respondents, 68% of respondents said “yes” to this question.

- c. Future development plans include independent living lots that will serve as a buffer between the Assisted Living use lots from the River Forest 2nd Addition phase 1 lots.

RECOMMENDED ACTION

Based upon information available prior to the public hearings, planning staff recommends that the conditional use request be **APPROVED**, with the following conditions:

1. Require screening along the entire east side of the property currently lots 1-6, Block B (a minimum height of three (3) feet above the parking surface using a wooden fence, berms, and/or trees.
2. Require screening for mechanical equipment, loading docks, and trash receptacles. Screening shall be provided to reasonably hide from ground-level view all ground-level heating, air conditioning and other mechanical equipment, loading docks, trash receptacles, or similar uses from adjoining street rights-of-way or from adjoining properties that are zoned a residential district or used for residential purposes. Such screening shall be based on a landscape plan approved by the public works director, or their designee.

This recommendation is based on the following findings:

CONFORMANCE TO THE CITY’S COMPREHENSIVE PLAN:

The city subject site is located in “A” single-family residential neighborhood with lots ranging from +/- a quarter-acre to a third acre. The January 2016, Haysville Comprehensive Plan’s Land Use Plan Map shows the site as Residential. The plan identifies housing with the goal to provide a variety of housing for current and future populations.

The Land-Based Classification System (LBCS) classifies Assisted Living as “Residential activities” and as “Residence or accommodation functions”. LBCS is a method devised by the American Planning Institute to describe how the land of an individual parcel is used. Activities describe the actual human activities that take place on the parcel, while functions describe the broader economic or social use the parcel serves. As an assisted living facility is permitted as a conditional use in this district the proposed facility would not seem to conflict with the residential use. The site and the area around it are located within a FEMA Flood Zone reduced flood risk due to the MS Mitch Mitchell Floodway.

IMPACT OF THE PROPOSED DEVELOPMENT:

Approving the conditional use is not expected to have a detrimental effect on public health, safety, and welfare. The proposed land use will have minimal impacts on the public due to its low intensity. Community services would not be negatively impacted by an assisted living facility being built.

PUBLIC REVIEW

The public hearing notice was published on January 6, 2022.

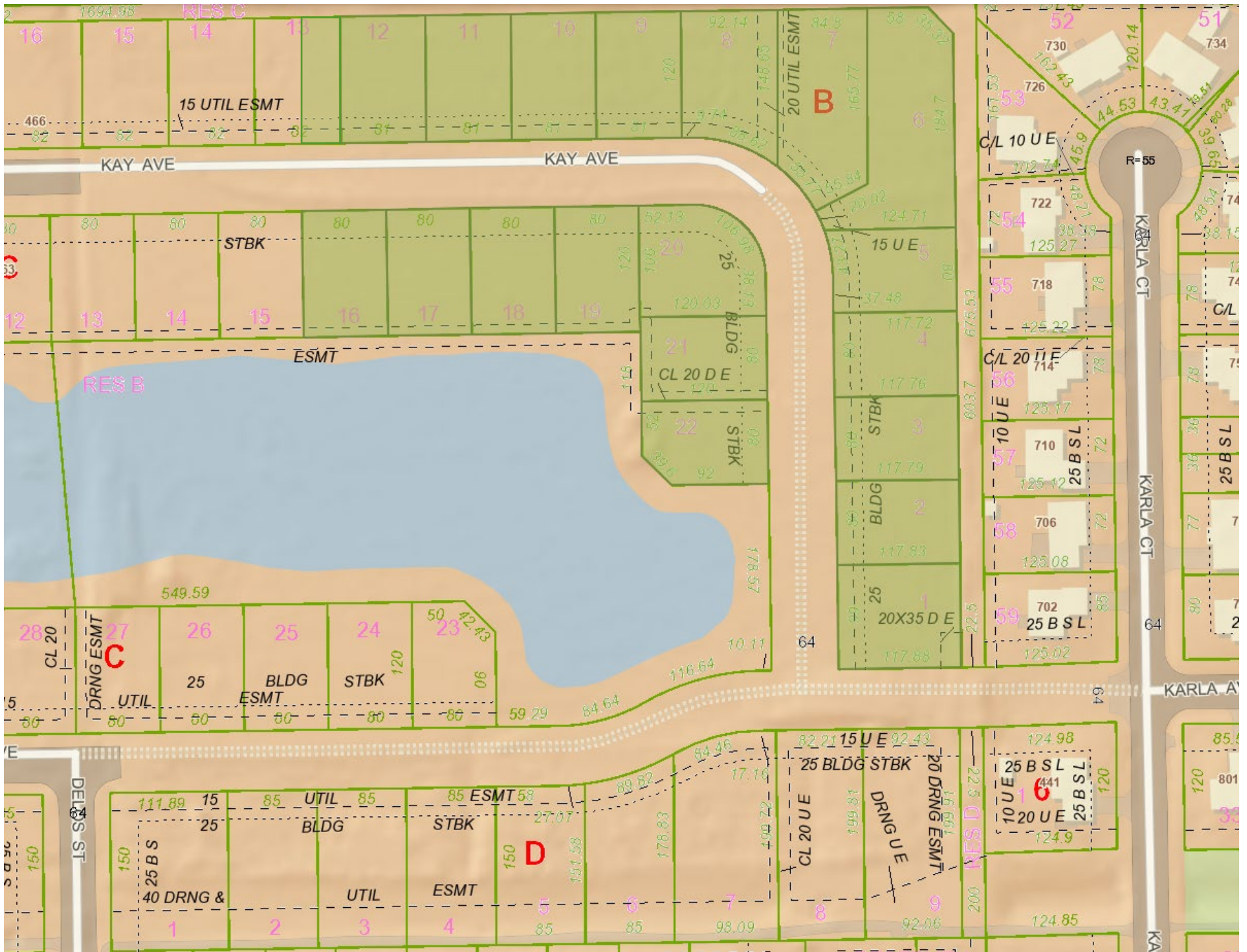
Any comments received are attached. Any comments received after the printing will be presented at the meeting.

ATTACHMENTS

Application for Conditional Use

Copy of the Public Hearing Notice

Signatures of support from members of the community.





CITY OF HAYSVILLE
 PO Box 404
 200 W. Grand
 Haysville, KS 67060
 Phone: 316/529-5900 | Fax: 316/529-5925
www.haysville-ks.com

**Application for
 Conditional Use
 Permit**

THE RECEIPT OF MONIES DOES NOT CONSTITUTE APPROVAL OF APPLICATION

APPLICANT INFORMATION

Name of Applicant: City of Haysville, Kansas, Land Bank	Phone: (316) 529-5900
Mailing Address: 200 West Grand Ave.	Email: wblack@haysville-ks.com
City, State, ZIP Haysville, KS 67060	
Name of Authorized Agent or Additional Applicant: William Black	Phone: (316) 529-5900
Mailing Address: 200 West Grand Ave.	Email: wblack@haysville-ks.com
City, State, ZIP Haysville, KS 67060	
Relationship of applicant to property is that of: <input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Other	

CONDITIONAL USE INFORMATION

The applicant(s) propose to establish a: Assisted Living Facility
For property located at: Lots 1 through 12 Block B, Eastern 36 feet of Lot 13 Block B, Lots 16 through 22, Block C of River Forest, Second Addition, Haysville, Sedgwick County, Kansas.
Presently zoned as: Residential; "A" Single-Family District
And legally described as: (If appropriate, metes and bounds descriptions may be provided in the space below or on an attached sheet.) Lots 1 through 12 Block B, Eastern 36 feet of Lot 13 Block B, Lots 16 through 22, Block C of River Forest, Second Addition, Haysville, Sedgwick County, Kansas.
The conditional use described above is requested for the following reasons: To allow the Assisted Living Facility use in Residential; "A" Single Family District.

The Haysville Planning Commission may, in certain instances, recommend a conditional use permit of property located within the city limits. The following items should accompany all requests:

1. Legal description
2. Proof of ownership
3. Sketch of property

4. Certified (prepared by an abstract company) ownership list for all properties within 200 feet of subject property if all property is within the city limits or 1000 feet of subject property if all property is outside the city limits or a combination

5. Copy of restrictive covenants (if any)

6. Filing fee of \$200.00 and publication fee of \$75.00 paid to the City Clerk as set out in Article 7 of the Zoning Regulations of the City of Haysville

I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize filled in; is accompanied by a current abstractor's certificated list as required in the instruction sheet; and is accompanied by the appropriate fee. I (we) further certify that the above and foregoing information is true and correct to the best of my (our) knowledge. I (we) acknowledge that the governing body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Note: at least one owner must sign this application. Other owners may be represented by an agent or agents.

SIGNATURE

Applicant:		Date:	
Agent or Additional Applicant:	<i>William Glad</i>	Date:	<i>12/28/21</i>
Agent or Additional Applicant:		Date:	

OFFICE USE ONLY

This application was received at the office of the Planning Commission at 3:40 (am/pm) on December 28th 2021. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of \$275.00.

Authorized Signature: *Jonathan Tordiff*

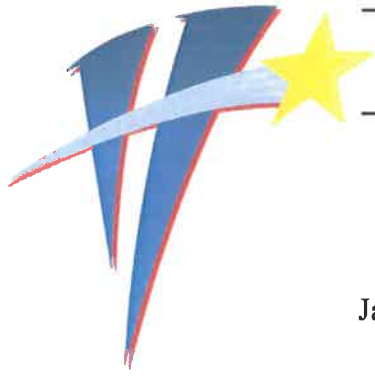
Title: *Planning & Zoning Admin*

To the members of Haysville City Council:

Thank you for approving plans to build a residence for retirees who have lived in Haysville for a great deal of their lives and want to continue living here where they have friends and family. Too many of our elderly residents have had to move to surrounding areas, such as Clearwater, Mulvane, Derby, Wichita, Maize, and Kechi, where many times they don't know anyone, and friends and family may find it difficult to visit them. This has taken a long time to come to fruition and we hope the next stage of development will be undertaken with the enthusiasm that will lead to speedy completion.

Marie + Richard Riggs
Betty Mc Cutcherson
Barbara Sifford
Glen Watt
Joanna Skerrice
Bill McCery
Harvey Stotler
Barbara Joust
David + Gerry Strank
Wally Wood
Mary Helen Jordan
James Endley
Pammy Halsey
Lucy Hughes
Cathy Towne
Belea Harris
Carmen Wise

Jeanita Farney
Flo M. Diaz



CITY OF HAYSVILLE, KANSAS

200 W. GRAND AVENUE - P.O. BOX 404 - HAYSVILLE, KS 67060
(316) 529-5900 - FAX (316) 529-5925 - WWW.HAYSVILLE-KS.COM

January 6, 2022

NOTICE OF PUBLIC HEARING

This letter serves to notify you that the Haysville Planning Commission will hold a public hearing to consider a Conditional Use Permit to allow the Assisted Living facility on property located on Lots 1 through 12 Block B, eastern 36 feet of Lot 13 Block B, Lots 16 through 22, Block C of the River Forest Second Addition, Haysville, Sedgwick County, Kansas 67060. A complete legal description is available for public inspection at City Hall, 200 W. Grand, during normal business hours.

You are hereby notified that a public hearing to consider this request is to be held before the Haysville Planning Commission on the following date, time, and location:

Thursday, January 27, 2022, at 7:00 p.m.
Haysville Municipal Building
200 W. Grand, Haysville, Kansas

As an owner or occupant of property in the area, you have the right to appear at the public hearing to express your views regarding this application. While you are welcome to present your opinion, the Haysville Planning Commission is required to base determinations on factual evidence, therefore quantitative data is encouraged. You have no obligation to appear at the public hearing.

If you have questions, comments, or concerns regarding this application prior to the public hearing, you may call the planning office at (316) 529-5900. Written comments may be mailed to the Haysville Municipal Building, Att: Planning Department, 200 W. Grand, Haysville, KS 67060, faxed to (316) 529-5925 or emailed to jtardiff@haysville-ks.com prior to the public hearing.

Very truly yours,

CITY OF HAYSVILLE

Jonathan Tardiff,
Planning & Zoning Administrator

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

<p>Lots 1 thru 13 inclusive, Blk B AND Lots 16 thru 22 inclusive, Blk C Subject Property</p>	<p>River Forest 2nd Addition</p>	<p>The City of Haysville Land Bank 200 W. Grand Ave. Haysville, KS 67060</p>
<p>Lots 14 & 15, Blk B AND Lots 13, 14, & 15, Blk C AND Lots 6, 7, 8, & 9, Blk D</p>	<p>“</p>	<p>The City of Haysville Land Bank 200 W. Grand Ave. Haysville, KS 67060</p>
<p>Part of Reserve B, begin at SE corner of said Res B, th. along E line of said Res B to SE corner of Lot 22, Blk C, River Forest 2nd Add; th. NWly along S & W lines of said Lot 22 & W line of Lot 21, Blk C, to SE corner of Lot 19, Blk C; th. W along S line of Lots 13 thru 19 inclus to SW corner of said Lot 13; th. SEly to NW corner of Lot 27, Blk C; th. along N line of Lots 24 thru 27, Blk C, to NE corner of said Lot 24; th. SEly along N & E lines of Lot 23, Blk C, to SE corner of said Lot 23; th. along S line of Res B (also being the N line of Karla Ave) to p.o.b.</p>	<p>“</p>	<p>The City of Haysville Land Bank 200 W. Grand Ave. Haysville, KS 67060</p>
<p>Reserves C & D</p>	<p>“</p>	<p>City of Haysville PO Box 404 Haysville, KS 67060</p>
<p>Lot 51, Blk 5, EXC comm at front corner common to Lots 51 & 50; th. NE along lot line 79.51' for begin; th. NE 79.62' to rear corner of Lots 50 & 51; th. N 10.91'; th. SWly 87.65' to begin</p>	<p>Pear Tree Addition</p>	<p>Raymond Pompa, Jr. & Kama Pompa 734 E. Karla Ct. Haysville, KS 67060</p>

Lot 52, Blk 5	“	Gene Leon Long & Lillie J. Long 730 E. Karla Ct. Haysville, KS 67060
Lot 53, Blk 5	“	Preston & Angela Swisher 726 E. Karla Ct. Haysville, KS 67060
Lot 54, Blk 5	“	Billie C. & Dolores Chaffin 722 E. Karla Ct. Haysville, KS 67060
Lot 55, Blk 5	“	Shawn Konkel & Patricia Thomas 2049 W. 103 rd St. Peck, KS 67120
Lot 56, Blk 5	“	Daniel W. Rinke 714 E. Karla Ct. Haysville, KS 67060
Lot 57, Blk 5	“	Kenneth G. & Lora A. Swart 710 E. Karla Ct. Haysville, KS 67060
Lot 58, Blk 5	“	Marty R. Hooper & Margaret Janean Hooper 706 E. Karla Ct. Haysville, KS 67060
Lot 59, Blk 5	“	Raymond G. Held & Lynda J. Held Revocable Living Trust 702 E. Karla Ct. Haysville, KS 67060
Lot 1, Blk 6	“	Rita Burk Special Needs Trust 12620 S. Hallet Olathe, KS 66062

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described lots within a 200 foot radius of:

Lots 1 through 12, Block B, and the Eastern 36 feet of Lot 13, Block B, and Lots 16 through 22, Block C, River Forest 2nd Addition, City of Haysville, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 13th day of December, 2021, at 7:00 A.M.

Security 1st Title LLC

By: John Childers
Licensed Abstracter

Order: 2494849
KJK

PUBLIC NOTICE

First Published in TSnews January 6, 2022 (1)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 7 p.m., Thursday, January 27, 2022, in the Council Chambers at City Hall 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider a request for a Conditional Use Permit to allow the Assisted Living Facility use on property located at Lots 1 through 12 Block B, eastern 36 feet of Lot 13 Block B, Lots 16 through 22, Block C of River Forest Second Addition, Haysville, Sedgwick County, Kansas 67060.

Comments, both written and oral, will be heard by the Planning Commission at the time of the hearing. For additional information call 529-5900 or visit the City's website at www.haysville-ks.com

Affidavit of Publication

Amy M Martin
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk at

Times-Sentinel Newspapers, LLC State of Kansas

A weekly newspaper printed in the state of Kansas, And published in and of general circulation in Sedgwick County, with a general paid circulation on a yearly Basis in Sedgwick County of Kansas, and that said Newspaper is not a trade, religious, or fraternal Publication. That said newspaper has been published At least weekly 50 times a year, has been so published Continuously and uninterruptedly in said county and state For a period of more than five years prior to the first Publication of said notice and has been admitted to the Post Office of Cheney, Kansas, in Sedgwick County as Second class matter. That the attached is a true copy Thereof and was published on the following dates in the Regular and entire Issue of said newspaper.

First Publication was made
On the 6 Day of Jan, 2022
Second Publication was made
On the _____ Day of _____, 2022
Third Publication was made
On the _____ Day of _____, 2022

Total Publication Fee \$ 40 50

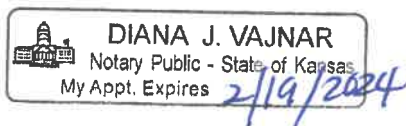
Amy M Martin

Subscribed and sworn to before me this
7 Day of Jan, 2022

Diana Vajnar

Notary Public

My Commission expires on 2/19/2024



**GENERAL RECEIPT
OFFICE OF CITY CLERK**

No. 111720

Received of City of Haysville, Kansas, 12-28, 2021

Two hundred Seventy Five and 00/100 Dollars

For Conditional use permit application fee

Distribution:
City Fund

Fund
Fund
Fund

NB
City Clerk