

HAYSVILLE PLANNING COMMISSION & BOARD OF ZONNING APPEALS

Agenda

September 23, 2021

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 August 26, 2021
- IV. Special Order of Business
 - A. Public Hearing to Consider a Vacation of a Portion of Platted Easement in Lot 1 Block B, Hillcrest Addition.
- V. New Business
 - A. Zoning Code Discussion
- VI. Old Business
- VII. Correspondence and Informational Reading
- VIII. Committee Updates
- IX. Off Agenda
- X. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

August 26, 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, Nicole Franken, Pat Hatcher, Mark Williams, and Jeff Blood. Also present was Deputy Administrative Officer Georgie Carter, and Planning & Zoning Administrator Jonathan Tardiff.

The first item of business was the Minutes of June 24, 2021.

Motion by Coleman

Second by Williams

To approve the minutes as presented.

Aziere yea, Hatcher yea, Plummer yea, Coleman yea, Franken yea, Williams yea, Blood Abstain.

Motion carried.

There was no Special Order of Business.

Under New Business was nomination for Designee for Historic Committee.

Aziere asked Coleman if that was currently her and if she wanted it to still be her. Aziere asked if there were any nominations for Designee for Historic Committee. Aziere so moved to retain Coleman as Designee for Historic Committee.

Motion by Aziere

Second by Williams

To reappoint Coleman as Designee for Historic Committee.

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

Motion carried

Under New Business was the Review of the Bylaws by the Planning Commission.

Tardiff stated the bylaws were updated as part of combing the Planning Commission and the BZA and reducing the number of members. Highlights include: Planning Commission/BZA consists of 7 members, 5 members must be residents of Haysville, 2 must reside outside the city, but within City's Zoning Area of Influence, chairperson must recess by motion and then open BZA meeting, a quorum is 4 members to transact business, no quorum, no business shall take place until the next regularly scheduled meeting. The BZA acts on their own agenda items, the chairperson must adjourn by motion and then reconvene the Planning Commission by motion. The BZA is limited to hear the following: Appeals, Variances, and Exceptions.

Aziere asked if there was any questions about the process how this would now go going forward. Aziere asked if anything with the BZA would have to be under the BZA part of the review of bylaws. Carter stated yes they would.

Aziere then entertained motion to recess Planning Commission.

Motioned by Coleman

Seconded by Williams.

To recess the Planning Commission and open the BZA portion of reviewing the Bylaws.

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

Motion carried.

Under New Business was the Review of the By-Laws by the Board of Zoning Appeals.

Aziere asked if there was any questions or discussion about the BZA part of the Bylaws, there were no questions. Aziere asked when the last BZA Item was. Carter stated it was early 2019 a variance for the Senior Center encroaching into the setback. Carter stated that there may be one coming up soon and would be handled the same way with a public hearing. History showed BZA maybe had 2-3 cases a year.

Motion by Williams

Second by Franken

To adjourn the BZA

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

Motion carried.

Motion by Williams

Seconded by Hatcher

To reconvene the Planning Commission.

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

Motion carried.

Motion by Williams

Seconded by Coleman

To approve the By-Laws

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

Motion carried.

Under New Business was the Review of the Historic Master Plan.

Tardiff presented a review of the Historic Master Plan. The Historic Committee requested that the VFW memorial be relabeled to Veterans Memorial Statue and Stone Statue be relabeled to Bronze Statue. Carter stated these are just reviews and would be coming back with a Public Hearing when we work on the comp plan.

There was no Old Business.

There was no Correspondence and Informational Reading.

Under Committee Updates Coleman stated that the Recreational Department is planning Gathering at the Gazebo. The event will be held on Saturday, September 25, 2021. Aziere asked if there was any other Committee updates. Carter stated that Park Board is meeting in person and had their last meeting in August.

Under Off Agenda Carter said that we are starting to review the Zoning Code for changes. Did the committee have anything they would like us to look at? The land use map would be coming soon due to changes that needed approved. Items she knew from before were: accessory structure height limits, and the number of cargo containers for commercial storage.

Motion by Coleman

Second by Franken

To adjourn tonight's meeting.

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

Motion carried.

The meeting adjourned at 7:12 PM.



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A

Subject: Vacation of a portion of Platted Easement in Lot 1 Block B, Hillcrest Addition.
Location: Hillcrest Addition is south of the MS Mitchell Floodway, northeast of the Drainage Easement LOT 1 BLOCK B Hillcrest Addition more commonly known as 925 W Alexander Dr.
Meeting Date: September 23, 2021
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	9/23/2021	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	10/12/2021	Adopt the recommendation of the Planning Commission as presented, or deny the recommendation.

LOCATION

Area of application is shaded in grey. See attached Plat.

REQUEST

To vacate a portion of platted easement in Lot 1 Block B, Hillcrest Addition to Haysville, Sedgwick County, Kansas to be vacated as described below:

Commencing at the northwest corner of Lot 1, Block B, Hillcrest Addition, Haysville, Sedgwick County, Kansas; thence bearing S 68°37'20" E along the north line of said Lot 1 a distance of 49.48 feet; thence bearing S 21°14'49" W a distance of 55.02 feet to the northeasterly line of platted easement, also being POINT OF BEGINNING; thence bearing S 38°14'34" E along the northeasterly line of said easement a distance of 15.13 feet; thence bearing N 64°21'07" W a distance of 13.07 feet; thence bearing N21°14'59" E a distance of 6.68 feet to the POINT OF BEGINNING.

More commonly known as 925 West Alexander Drive, the southwest corner of the home is encroaching into the easement preventing the sale of the home.

The property owners have submitted the request.

BACKGROUND INFORMATION

The Hillcrest Addition of Haysville was first platted in November 1954.
The Home was built in 1960.

RECOMMENDED ACTION

Approve the vacation request.

Staff does not see any negative impact on the residents in the area. This portion of W Alexander Dr. road is utilized for residences in the Hillcrest Addition and vacating a portion of this southwest easement will allow the house to be sold and only affects that reside in the home. Utility companies have been contacted. Utilities are located on the northeast side of the property except for the sewer line that is located in the easement just outside the structure.

PUBLIC REVIEW

The public hearing notice was published on September 2, 2021. Any comments received as of September 17, 2021 are attached. Comments received after this date will be distributed at the meeting.

ATTACHMENTS

Application for Vacation
PEC survey and legal description of vacated easement
Plat of the area
Kansas Gas Map
Evergy's letter
Copy of the Public Hearing Notice

COMMENTS

- Response from utility companies on vacation of a portion of platted utility easement
 - Mr. Lebrun from AT&T said they no issues.
 - Mrs. Proctor from Kansas Gas said they have no conflict.
 - 9/3/21 at 4pm: Mrs. Ricketts 949 W. Alexander Dr. asked about the easement, why it was needed, and how it would affect her property.
 - Mr. Brown from PEC provided the survey and legal description of the portion of platted easement to be vacated.
 - Mrs. Sutton from Evergy said they will accommodate an existing encroachment and agree to vacate only the portion that encroaches to assist in the sale of the property.



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
Vacation**

THE RECEIPT OF MONIES DOES NOT CONSTITUTE APPROVAL OF APPLICATION

APPLICANT INFORMATION

Name of Applicant: Jordan Elmore and Anisha May	Phone: (620-513-2133) (316-243-6174)
Mailing Address: 925 Alexander Drive	Email: Jordanelmore721@yahoo.com
City, State, ZIP Haysville, Kansas, 67060	
Name of Authorized Agent or Additional Applicant: Josie Thompson (Broker) Aubrey Gallagher (Agent)	Phone: (620-259-9445)
Mailing Address: 1701 Landon	Email: josie@reecenichols.com
City, State, ZIP Hutchinson, Ks. 67501	
Relationship of applicant to property is that of: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Lessee <input type="checkbox"/> Other	

VACATION INFORMATION

The applicant(s) hereby request(s) vacation of: The South West corner of the home where it is incroaching into the easment
Legally Described as Follows: Lot 1 Block B Hillcrest addition
The general location is described as follow: 925 Alexander Drive, Haysville, Ks. 67060
The vacation described above is requested for the following reasons: The corner of my home is in the easment and is preventing the sale of my home, additionally it has cost us greatly financially, and caused two closings of property to be put off until this goes through.

In making this request for vacation of the previously described property now in public ownership, I understand that:

1. Upon consideration of this request by the Planning Commission, I will be responsible for the preparation of an ordinance (or resolution when necessary) for passage by the governing body; such ordinance or resolution to be approved as to form by the City Attorney and delivered to the office of the Planning Commission prior to the scheduling for hearing by the governing body.
2. That the title of this property, if involved, can be vacated only through legal proceedings before the governing body. I further understand and agree that if approved, the vacation proceeding shall be at no cost to the City, or any utility; and I agree if (if request is approved) to pay all costs of the removal and relocation of all underground surface utilities presently located in the public way or easement for which vacation is requested; or to make such other arrangements as may be agreeable to the utilities concerned.

3. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the City and the owners of any lesser property rights for the public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use.

The Applicant herein, or authorized agent, acknowledges:

- a. Receipt for an instruction sheet concerning the filing and hearing of this matter.
- b. Advisement of the fee requirements established by Section 17-378, Code of the City of Haysville, and that the appropriate fee is herewith tendered.
- c. Advisement of the right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in the instructions.

SIGNATURE

E-Sign?

Applicant <i>Christina May</i> AuthenticSign	<i>Andrew King</i>	Date: 08/26/21
Agent or Additional Applicant: <i>Jordan Elmore</i> AuthenticSign		Date: 08/26/21
<i>Joni Thompson</i>		08/26/21

The Haysville Planning Commission may, in certain instances, recommend zoning or rezoning 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 \$150.00 paid to the City Clerk as set out in Article 7 of the Zoning Regulations of the City of Haysville

OFFICE USE ONLY

This application was received at the office of the Planning Commission at 2 (am/pm) on 8/30/21 21. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of \$150.00.

Authorized Signature: *Jonathan Tardiff* Title: *Planning & Zoning Admin*

Invoice # 110824

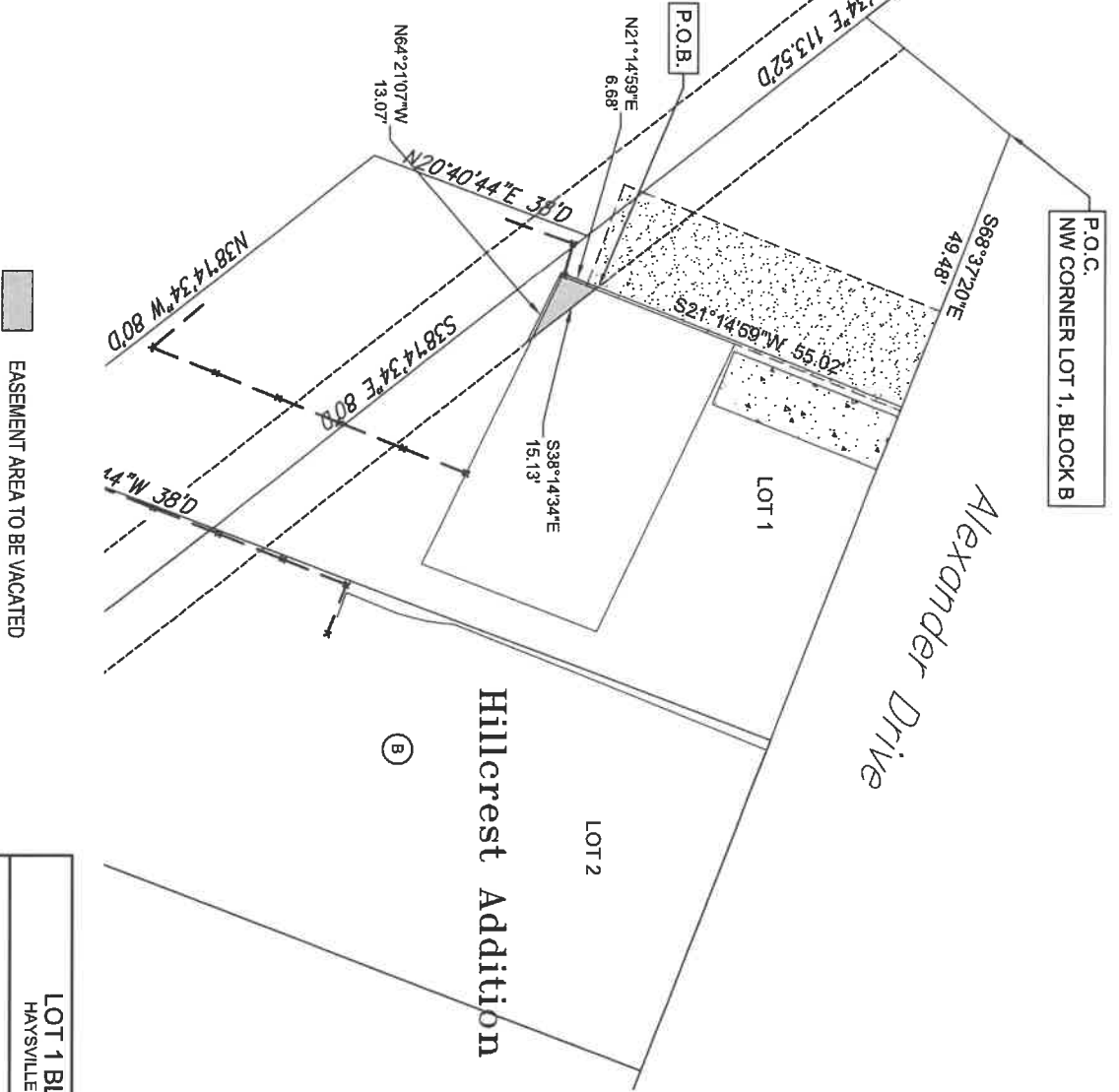


Hillcrest 2nd Addition

LEGAL DESCRIPTION:

A PORTION OF PLATTED EASEMENT IN LOT 1, BLOCK B, HILLCREST ADDITION TO HAYSVILLE, SEDGWICK COUNTY, KANSAS TO BE VACATED AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK B, HILLCREST ADDITION, HAYSVILLE, SEDGWICK COUNTY, KANSAS; THENCE BEARING S 68°37'20" E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 49.48 FEET; THENCE BEARING S 21°14'59" W A DISTANCE OF 55.02 FEET TO THE NORTHEASTERLY LINE OF PLATTED EASEMENT, ALSO BEING POINT OF BEGINNING; THENCE BEARING S 38°14'34" E ALONG THE NORTHEASTERLY LINE OF SAID EASEMENT A DISTANCE OF 15.13 FEET; THENCE BEARING N 64°21'07" W A DISTANCE OF 13.07 FEET; THENCE BEARING N 21°14'59" E A DISTANCE OF 6.68 FEET TO THE POINT OF BEGINNING.



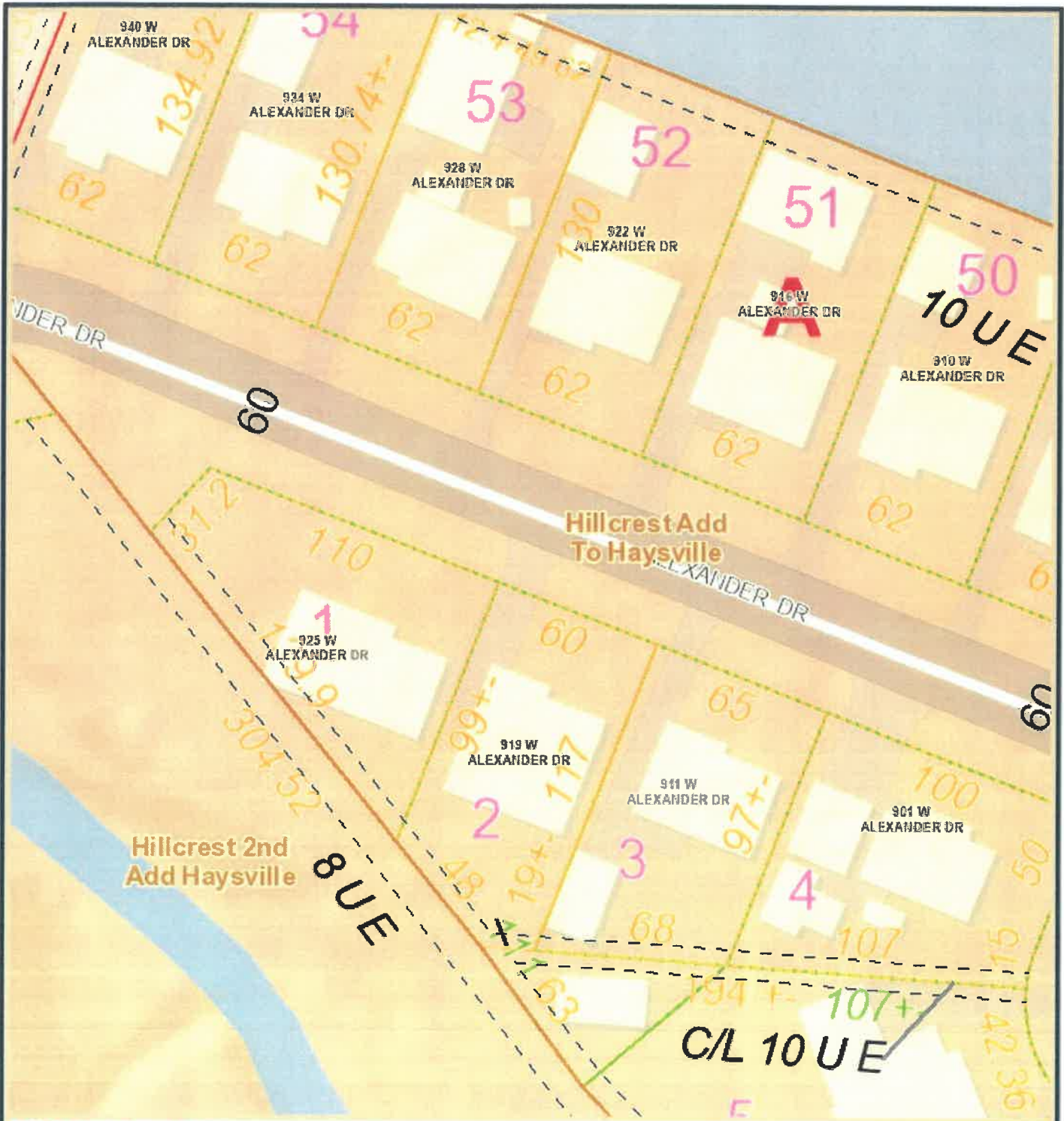
 EASEMENT AREA TO BE VACATED

JOB NO.	2177002-000
DATE	15 SEPTEMBER 2021
LOT 1 BLOCK B HAYSVILLE, KANSAS	
HILLCREST ADDITION	



A portion of platted easement in Lot 1, Block B, Hillcrest Addition to Haysville, Sedgwick County, Kansas to be vacated as described as follows:

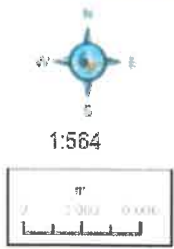
Commencing at the northwest corner of Lot 1, Block B, Hillcrest Addition, Haysville, Sedgwick County, Kansas; thence bearing S 68°37'20" E along the north line of said Lot 1 a distance of 49.48 feet; thence bearing S 21°14'49" W a distance of 55.02 feet to the northeasterly line of platted easement, also being POINT OF BEGINNING; thence bearing S 38°14'34" E along the northeasterly line of said easement a distance of 15.13 feet; thence bearing N 64°21'07" W a distance of 13.07 feet; thence bearing N21°14'59" E a distance of 6.68 feet to the POINT OF BEGINNING.



Date: 9/17/2021

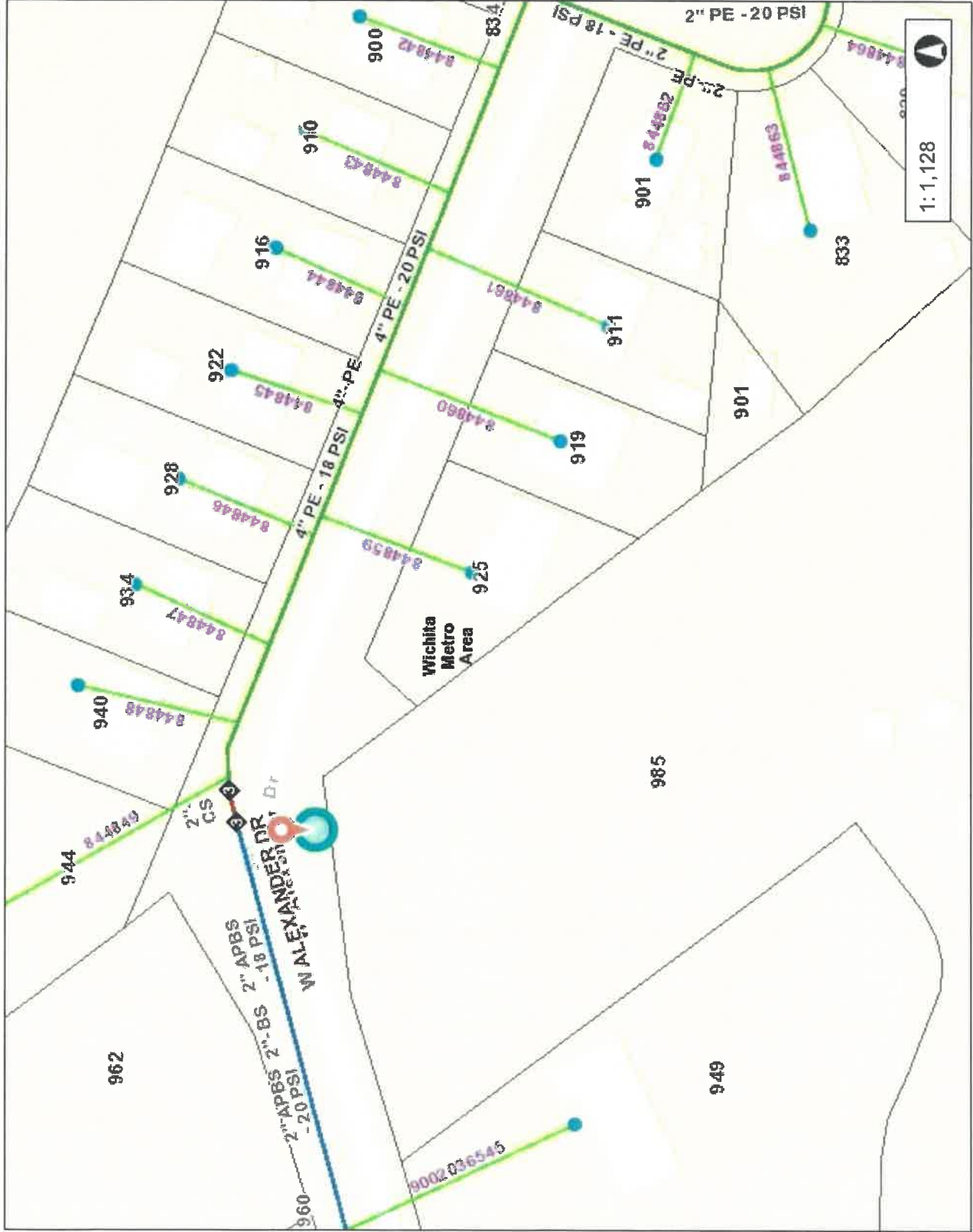
2721 Sedgwick County Assessor's Office
 2721 Sedgwick County Assessor's Office
 2721 Sedgwick County Assessor's Office

925 W Alexander
 Sedgwick County, Kansas





925 Alexander Dr - Vacation Request

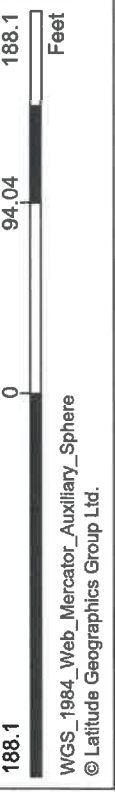


1: 1,128

- Legend**
- OGS Facilities
 - Designer Drip
 - Designer Test Point
 - Designer Anode
 - Designer Rectifier
 - Designer Bond Junction
 - Designer Ground Bed
 - Designer Cable
 - Bond Wire
 - Rectifier Cable
 - Designer Rural Tap
 - Designer Gas Pipe Casing
 - zz Casing
 - Insertion
 - Designer Meter Setting
 - Designer Non-Controllable Fitting
 - Coupling
 - Ell
 - End Cap
 - Expansion Joint
 - Flange
 - Reducer
 - Reinforcing Sleeve
 - Screw
 - Tee
 - Transition
 - Purge Point
 - Threaded O-ring
 - Unknown
 - Designer Gas Valve
 - Designer Location Notes
 - Designer Controllable Fitting
 - Short Stop
 - Three-Way Tee
 - Designer Regulator Station
 - Designer Town Border Station
 - Designer Excess Flow Valve
 - Designer Utility Easement
 - Designer Abandon Service Line
 - to be Removed (Contains Gas)
 - to be Abandoned (Contains Gas)
 - Removed (No Longer Contains Gas)
 - Abandoned (No Longer Contains Gas)
 - Designer Service Line
 - Status Not Available
 - New Design - Status Pending
 - Proposed
 - Approved
 - Under Construction
 - Operating
 - Designer Abandon Mains
 - to be Removed (Contains Gas)
 - to be Abandoned (Contains Gas)
 - Removed (No Longer Contains Gas)
 - Abandoned (No Longer Contains Gas)
 - Designer Mains
 - Status Not Available
 - New Design - Status Pending

Notes

DISCLAIMER: This document and information herein is a visual representation and approximation of ONE Gas facilities and is subject to revision at any time without notice. It is an informational tool and is not guaranteed, warranted, or represented to be to scale, complete, accurate, or depicting depth. ONE Gas disclaims any and all liability for same. Call 811 by dialing 811 prior to and excavation.





Jonathan Tardiff
City of Haysville
200 W. Grand Ave
PO Box 404
Haysville KS 67060

September 16, 2021

RE: Request to vacate of a portion of an 8' utility easement located in the Hillcrest Addition to Haysville, Sedgwick County, Kansas. The utility easement is located on: Lot 1 Block B, Hillcrest Addition. The general location of the request is 925 West Alexander Drive rear yard 8 ft. utility easement.

Dear Mr. Tardiff

Evergy has reviewed the request to vacate this to accommodate an existing encroachment and will agree to vacate only the portion that has that encroachment to assist in the sale of the property. We will not allow any structures and proper clearance. **Any relocation or removal of existing equipment will be at the applicant's expense.**

Brian Ward , Design Subdivision Supervisor, will for this area and can be contacted at 316-261-6244, please feel free to contact her if you have any questions.

Thank you for sending us a copy of this request for review It is appreciated.

Sincerely,
Rondee Sutton
Sr. Administrative Assistant.

CC: Brian Ward

PUBLIC NOTICE

First Published in The TSnews September 2, 2021 (11)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 7 p.m., Thursday, September 23, 2021, in the Council Chambers at City Hall, 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider the vacation of a 8 foot utility easement located on Lot 1 Block B Hillcrest Addition to Haysville, Sedgwick County, Kansas, commonly described as: 925 West Alexander Drive.

All interested citizens and property owners of the City as well as other persons of interest, are invited to attend the public hearing and participate in the same. Also, any such interested persons may express his or her opinion concerning the proposed case by delivering, either in person or by mail, a letter addressed to the City of Haysville, Attn. Planning Department, 200 W. Grand Ave, P.O. Box 404, Haysville, Kansas 67060 or email them to jtardiff@haysville-ks.com. Written comments will be accepted up to 4:00 pm on the day of the meeting.

For additional information call 529-5900 or visit 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 9 Day of Sept, 2021

Second Publication was made
On the _____ Day of _____, 2021

Third Publication was made
On the _____ Day of _____, 2021

Total Publication Fee \$ 58.50

Amy M Martin


Subscribed and sworn to before me this

1 Day of Sept, 2021

Diana Vajnar

Notary Public

My Commission expires on 2/19/2024

 **DIANA J. VAJNAR**
Notary Public - State of Kansas
My Appt. Expires 2/19/2024