

**HAYSVILLE PLANNING COMMISSION
& BOARD OF ZONING APPEALS**

Agenda

September 8, 2022

6:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of August 25, 2022
- IV. Special Order of Business
- V. New Business
 - A. Public Hearing to Consider a Zone Change Request from “E” Heavy Commercial to “F” Light Industrial
 - B. Review of Park Plan
 - C. Review of Historic Plan
- VI. Old Business
- VII. Correspondence
- VIII. Off Agenda
- IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

August 25, 2022

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 6:59 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

Those members present were Tim Aziere, Nicole Franken, Fred Plummer, Jeff Blood, Mark Williams, and Laura Adkins. Also present were Planning and Zoning Administrator Jonathan Tardiff, Deputy Administrative Officer Georgie Carter, and City Attorney Josh Pollak.

The first item of business was the Minutes of August 11, 2022.

Motion by Adkins, seconded by Plummer.

To approve the minutes as presented.

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.

Motion carried.

Under special order of business was the election of Pro-Tem which was removed from the agenda as it is only used at the meeting you need it for, and needs to be removed by motion and vote.

Motion by Adkins, seconded by Williams.

To remove Item IV. A: Election of Pro-Tem from the agenda.

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.

Motion carried.

Under new business was the public hearing to consider a zone change request from "AA" residential district to "A" Residential District and "B" Two, Three, and Four Family Districts.

Aziere read the opening statements of the public hearing and entertained a motion to open the public hearing.

Motion by Williams, seconded by Franken to open the public hearing

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.

Motion carried.

Aziere asked if any members of the planning commission had a conflict of interest in the case. Aziere said he had a conflict of interest and would abstain from the vote, but will still run the meeting. Franken said she had a conflict of interest and will abstain as well.

Aziere asked if anyone had received written or electronic communications on this case. There was none.

Aziere asked staff to present the staff report for the zone change.

Tardiff presented the staff report and stated the applicant is applying for a zone change from "AA" Single Family Dwelling District to "A" Single Family Dwelling District, and "B" Two, Three, and

Four Family Dwelling District. A public hearing notice was published on August 4, and letters were mailed to area residents within 200 feet to the north, east, and west of the subject property, as well as 100 feet to the west.

Tardiff stated legal consideration of the finding of facts from chapter 16-700.B of the Zoning Regulations provides specific matters for consideration by the planning commission when approving or not approving a rezoning request of a specific property. In order to properly make a recommendation to the city council, the planning commission must make specific and substantiated findings supporting its recommendation. Tardiff stated he shall now go through those 8 factors.

1. Zoning Use & Characteristics of the Neighborhood.
 - The subject property is vacant and currently being used for agriculture.
 - Adjacent properties are developed “A” Single Family and ‘D’ Light Commercial to the North. ‘A’ Single Family to the South. ‘A’ Single Family to the East. Agricultural to the West.
 - It is not uncommon for infill development to have “A” Single Family and B’ Two, Three, & Four Dwelling District.
2. Suitability of the subject property for the uses to which it has been restricted.
 - The property is currently zoned “AA” Single Family District as it was recently annexed into the city.
 - The uses permitted in the “A” Single Family Dwelling District and “B” Two, Three, & Four Family Dwelling District are suitable for the site and are compatible with surrounding zoning and land uses.
3. The extent to which removal of the restrictions will detrimentally affect the nearby property.
 - The property is currently surrounded by Single Family Dwellings.
 - Staff does not foresee any detrimental impacts to nearby property if the request is granted. The property will be Single Family and Two, Three, & Four Family District, and has the same size, height, and setback regulations as the existing zoning.
4. Length of time subject property has remained vacant as zoned.
 - The property is in the process of being platted.
 - The property was last sold in 2022.
5. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant.
 - The health, safety, and welfare matters associated with the proposed “A” Single Family District and “B” Two, Three, & Four Family District zoning should not be significantly different than those associated with the existing “AA” Single Family Zoning as it is annexed into the City.
6. Conformance of the requested change to the adopted or recognized comprehensive plan.
 - Haysville’s Land Use Plan identifies the property as residential and does not differentiate between economic development and housing choices.

- The Comprehensive Plan provides the following goal for Housing.
 - Provide a variety of housing choices for current and future populations.
- 7. Impact of the proposed development on community facilities.
 - Municipal water and sewer are available to the property.
 - Municipal services such as police and fire protection are already provided to the area, and no additional burden is anticipated that cannot be accommodated with existing resources.
 - This lot is located west of South Meridian Avenue, a two-lane highway.
- 8. Opposition or support of the neighborhood residents.
 - We received five comments regarding this zone change, but only one in opposition.
 - On August 5, Mr. Davis called asking about the location of the property. He also wanted to know if the water tower would be able to handle this. I told him the city water supply could handle the new development. He also suggested that a map should be attached to the letter when this goes out. I informed him where the location of the property was and thanked him for the advice for making sure a map was attached with future notices. I did tell him I could provide a map if necessary and where it was located on the webpage.
 - On August 5, Mrs. Hammond of Bridgeport Properties called requesting a map of the proposed zone change. She mentioned having a buyer in the area that was interested in building duplexes. I emailed her a map of the proposed zone change area.
 - On August 8, Mr. Collins called about the location of the proposed zone change. He thought it was scheduled for the August 11 meeting. I reviewed the ownership notification list and found they had received notification for the August 25 public hearing. I directed him to the city's webpage that has the planning commission information for public hearings. I emailed him all the information concerning the preliminary plat and zone change. He also asked me to forward this to his wife.
 - On August 8, Mr. Kelsey called and left a voice mail opposing the development. He stated he was the developer of Country Lakes.
 - On August 10, Mr. Kelsey also called the mayor and left a message repeating his concerns about the development.
 - On August 9, Mrs. Clements called asking about the location of the proposed zone change, and what was planned to be built there. I informed her where the property was located.

9. Recommendation of the staff.

- Based off of the proceeding facts, staff is recommending the approval of the zone change as requested.
- This new development complies with our growth plan, and also meets the current housing trends as noted in the state housing study from 2021 by providing a variety of housing for the community.
- Currently, we have very few residential lots for sale in town, and this will meet the needs of our community.

The applicant is here to answer any questions you may have.

Aziere asked if there were any questions for staff from the commissioners. There was none. Aziere asked for the applicant of the agent to come forward. Rebecca Mellies from PEC representing the applicant Andrew Reese who was also present came forward. Aziere asked if there were any questions for the agent or the applicant. There was none.

Aziere asked if anyone from the public would wish to speak. They have five minutes to speak. If they were presenting good, factual information, this time may be extended by a vote.

Joe McGregor with the Southampton HOA neighborhood, we have 85 homes in the neighborhood, and on behalf of the board, we oppose any development of duplexes in our neighborhood. We have concerns about any potential crime that comes with duplexes, and the violation of our property.

Todd Williams resides at 827 S. Lakeview in Country Lakes. He said he had talked to other neighbors as well as runs the Country Lakes Facebook page, and he is opposed to this kind of development as well as was hearing a lot of opposition from neighbors about these types of neighborhoods being built in the area. Folks that build their homes do not want these types of neighborhoods nearby. Neighbors feel it is an eyesore in the area, rentals near people's property make the values go up. Other issues brought up were the kids living here, and where would they go to school. Freeman is already at capacity. If anyone tries to pick their child up it's a nightmare having to wait fifteen minutes. Taxes will go up, school bonds to ask for money to build a new school and another levy for Haysville. On behalf of the Country Lakes Addition, we are opposed to this zone change and think the city should consider incentives for new businesses instead.

Mr. Williams other concern was the letter that went out to the area residents. A thousand feet to the west is in the middle of a farm field, and two hundred feet to the south, you are only getting very limited houses and Mr. Williams lives on the south side of the neighborhood and does not want to drive past duplexes or dealing with property taxes going down. Several people at tonight's meeting that if they hadn't seen the letter or heard from their ward council members would not have known about the zone change. Concerning the ward council members, who are with their wards over there, they have spoken their concerns at the last council meeting and even voted the change down. We don't want to buy houses near developments of duplexes and hope the commission considers this.

Aziere asked if any other member of the public wished to speak.

Jared Pape who resides at 2104 West Schoolhouse Street stated his property views this field, and he has two small children. It is very congested to utilize the sidewalk to school and does not trust his children to use the sidewalk due to the congestion. He has invested in his property, maintained his yard, and the last thing he and his wife want to see out the back door is duplexes and rentals.

Jeremy Watkins who resides at 574 Schoolhouse Circle, stated that congestion trying to get in and out of the school, kids walking along the sidewalks, and you also have kids walking on the other side of the street where there is no sidewalk. It is a dangerous area, and a child was hit earlier in the school year over there. Mr. Watkins is glad the sidewalk is available for kids to utilize for school. He does not see how you can fit in multifamily homes that have more kids into the schools we currently have. Mr. Watkins wondered how it was not detrimental to property value that housing would not bring down property value. He absolutely picked this area because it was a nice area with open spaces and the neighborhood is nice. Mr. Watkins wondered why they couldn't bring in more businesses or rezone the area for businesses.

Aziere asked if the commissioners had any questions for the public. There was none

Aziere asked if the applicant wished to rebut anything. Andrew Reese with Bannister Real Estate and Sky View at Block 49 commented that he would like to address some of the issues brought up the concern of value of the homes and safety which has been taken into consideration. The development of duplexes is only part of the development and not the whole thing.

Concerning the duplexes, when they set them up, his company sets up HOAs to help maintain the yards of the duplexes by controlling the mowing and watering. The duplexes are valued at \$350,000 and are rented for \$ 1,500. Some of the occupations of tenants that live in duplexes are registered nurse, landscaper, software engineer, quality insurance specialist, quality control inspector, principal of a high school, etc. Mr. Reese said these are being rented out to mostly professionals, and the front portion of the site plan is duplexes and the back half is single-family housing. His company has done this in other places, and if this housing hurt the value of real estate they wouldn't make it so you drove past these duplex areas to the single-family homes. There is a need in Haysville for these types of housing as well as the city and state housing needs. They are willing to work with the city to create parks for the neighborhood.

Aziere commented that Mr. Reese had talked about taxes and a few issues that were brought up. Aziere asked what about the issue of crime, the issue of the schools, congestion, and the need to bring businesses to the City of Haysville.

Mr. Reese stated that places want schools want to grow and that is part of the growth in communities and to do that you need to bring kids in.

Mrs. Mellies addressed the concern about pedestrian congestion and safety getting out to the schools. The best way to impact this is to add connectivity with internal streets and sidewalks adjacent to the streets. The addition to development here will add potential pedestrian congestion. The analysis from a trip generation for the traffic congestion has proved negligible to traffic on Meridian itself, if we were to add more we would have to reevaluate the situation.

They have talked with Sedgwick Fire Department and worked with them to provide a plan so the fire department can better serve the area.

Aziere entertained a motion to close the public hearing.

Motion by Adkins, and seconded by Williams.

To close the public hearing

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.

Motion carried.

Aziere opened the floor to the Commissioner's comments and stated that everything is in the staff report.

Blood asked about one comment that this had been brought before the city council before.

Carter stated that the zone change has not gone before the city council, but the annexation has been brought to the city council. The zone change goes before the city council after planning.

Adkins asked what the result of the annexation discussion was.

Carter stated that the annexation was approved, and there was some misunderstanding on the process, but the annexation does not control the zoning of the property just the incorporation into the city.

Aziere asked if there was any other discussion. If none Aziere would entertain a motion.

Motion by Williams to approve the request to change the zoning classification from "AA" Single-Family Dwelling District to "A" Single-Family Dwelling District, and "B" Two, Three, and Four Family Dwelling District based on the finding of facts and for the recommendation of approval to the city council. Seconded by Adkins.

Blood aye, Plummer aye, Franken abstained, Aziere abstained, Coleman absent, Adkins yea, Williams yea.

Motion passed.

Under new business was the preliminary plat of the Wheatland Village Addition to Haysville, Sedgwick County, Kansas.

Tardiff presented the staff report of the preliminary plat for review of the Wheatland Village Addition. Tardiff stated the applicant is asking for the property to be platted to build single-family homes, and two, three, and four-family homes on it. The property is 64.036 acres and was annexed on August 8, 2022. Upon receiving the preliminary plat, it was sent out for review, and these are the following responses:

- Sedgwick County Public Works emailed asking if the developer was requesting annexation.
 - I said yes.
- County Stormwater requested a meeting with the agent or engineer to ensure the downstream impact to Country Lakes is appropriately considered, especially the area discharging from Reserve A, before the development of the drainage plan.
- County Public Works requested the following:

- 300-400 feet separation between the church driveway and the proposed Wheatland Dr.
- The applicant shall guarantee the closure of any driveway openings located in areas of complete access control.
- In the legal description “Except the East 60 feet thereof” should be removed, as that portion will be dedicated with the plat; the legal description goes to the Section line.
- The proposed R/W line is dimensioned, but not displayed.
- On the final plat, the proposed 60 feet R/W line should be bold.
 - I forwarded the email to PEC for them to review.
- Haysville Public Works had the following questions:
 - Should it read Jubilee Circle as the Street ends in a cul-de-sac, as a street normally has a cul-de-sac, an offshoot would be a court.
 - Why is this addition not using the existing Sanitary Sewer on the west and south ends of the property?
 - On the lots with the pipeline easement, is there enough space to even build a home on? Specifically on block 3, lots 21-24?
 - I forwarded these questions to PEC for them to review.
- Kansas Gas reviewed the preliminary plat and had no conflicts.
- Sedgwick County Fire District 1 asked if Wheatland Drive would have a future access connection. They mentioned that Section D107 of the 2018 IFC requires the following:
 - One-or-two-family dwelling residential developments where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.
 - I forwarded the question to PEC for them to review.
- Everyg emailed requesting an additional 15-foot utility easement as marked on the attached plat marked in pink. They also suggested street light placement marked in yellow on the marked plat. They asked to please any changes, additions, or removal of suggested light placement, sign the marked plat, and send an electronic copy back to them for their records.

Tardiff stated that the preliminary plat generally meets the design standards and requirements of the Haysville Subdivision Regulations. Staff recommends approval of the preliminary plat along as the applicant addresses the issues listed in the comments before the submittal of the final plat. The applicant is here to answer any questions you may have.

Aziere asked if there were any questions for staff. There was none.

Mrs. Mellies came forward to answer the responses from the utility companies.

- County Public Works, yes this was annexed.
- Haysville Public Works, we are in agreement with changing the name to Jubilee Circle. They are going to tie into the sanitary sewer line to the south to minimize less maintenance. With the pipeline easement, they are working around it and have gone through each proposed lot with a proposed covenant for a non-burnable structure to be built.
- Sedgwick County Fire District 1, PEC proposed to widen the road so that firetrucks can get through. From the transition to single-family from duplex, they are going to have no parking on the south side and install no parking signs.
- County Public Works PEC is shifting the driveway to provide the amount of access needed for the separation of 300 to 400 feet from the existing driveway.

- County Stormwater, we are working with the drainage issue with the west 20 acres that are a reserve to meet the minimum requirements of drainage. We will not be sending any more water to the adjacent properties as is already happening in an undeveloped condition. We are coordinating other projects at the city and county levels.
- We are in agreement with all the staff comments and are addressing them with our final plat submittal.

Aziere asked if the commission had any questions for the agent.

Adkins asked about what was going to happen with the dead end to Wheatland Drive. Mrs. Mellies stated that subdivision regulations require a stub if the west 20 acres were ever to be developed. The intent would then you could extend the continuation of the public street. Mr. Dugan owns the property to the west, if he were to ever choose to develop he has access all the way to Meridian. This is a minimum subdivision regulation for the continuity of developments.

Franken asked about the connectivity there. Mrs. Mellies commented that this is what Reserve A is a placeholder for the minimum drainage. It can be replatted with additional residential lots if where is enough interest.

Aziere asked if there was any other discussion. There was none.
Aziere entertained a motion.

Motion by Blood, seconded by Plummer to approve the preliminary as presented.
Blood aye, Plummer aye, Franken abstained, Aziere abstained, Adkins yea, Williams yea.
Motion passed.

Under new business was the public hearing of the Haysville Land Use Map.

Aziere read the opening statements of the public hearing and entertained a motion to open the public hearing.

Tardiff presented the staff report with the following revisions.

- Dorner Park should be changed to green to designate parkland.
- Copper Tail Addition along Grand should be changed to yellow to designate residential.
- Country Lakes Park reserve should be changed to green to designate parkland.
- The property located south of 79th and west of Meridian should be changed to yellow to designate residential.

The staff is recommending approval of the Land Use Map with the revisions as presented.

Carter commented that on the screen is the updated land use map with the proposed changes we had discussed at the previous meeting.

Adkins asked about the Meridian Corridor study and where the Haysville Schools are located on the east or west side. Aziere stated he remembered the plan incorrectly and was from 2012. Carter stated that the plan is old, the property has changed hands, and is not sure if that is still available, but the use is still there. Carter said this is the map we approved the boundaries of last year, we updated the GIS, and it is now online. We will be doing a more extensive look at the

comprehensive plan next year, but this updates us with the GIS.

Franken asked about as the city grows making sure we are reserving spaces for businesses. Aziere commented that part of the Meridian Plan that the red corners along Meridian that identify commercial. Carter stated that businesses require increased traffic counts, and to have increased traffic counts you need to have increased rooftops. This goes hand in hand with development.

Blood mentioned the property north of 63rd is now residential and not park space.

Pollak asked if there was a motion to open the public hearing. Aziere stated there wasn't one on the script he had. Pollak said we should have a motion to open the public hearing.

Motion by Adkins, seconded by Williams to open the public hearing.

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.

Motion carried.

Aziere asked if any members of the public wished to speak. There was none. Aziere entertained a motion to close the public.

Motion by Adkins, seconded by Williams to close the public hearing.

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.

Motion carried.

Aziere asked if there were any other comments from the commission.

Franken asked about the number of rooftops and businesses. Aziere stated that no matter what kind of development it is, any development from "we need more businesses here is a good thing" if done correctly. Some businesses won't come unless there are so many trips a day in front of their store, or how many rooftops in so many of a mile radius to access whatever they have. We need growth, manage and do it well.

Adkins asked if the way maps are done now, we take into account the number of what can be residential in our area, estimate the number of rooftops and carve out the number of business lots that way. Aziere said no it is not that technical, and a lot of this is from the Meridian Corridor Plan, what we are trying to do is if this develops out, some things are already developed and those zone changes won't change unless something comes to us to force that change. This is more of a road map for how we would like to see it developed. So if someone brings us a zone change at one of those hard corners along Meridian and they want to put commercial there, we look at the zoning map and ok that was what we wanted and should allow it.

Carter stated this does not set it into stone, but this is what we set out for the plan and it can change. The Land Use Map is your guide.

Aziere asked if there were any other questions. There was none. Aziere entertained a motion for the Land Use Map.

Motion by Williams, and seconded by Franken to approve the Land Use Map as presented by staff.

Blood aye, Plummer aye, Franken aye, Aziere aye, Adkins aye, Williams aye.
Motion carried.

There was no old business.

There was no correspondence.

There was no committee updates.

On off-agenda items, Adkins asked about the property on Meridian from the last meeting. It has been vacant for so long and wondered if having a protective overlay that could maybe happen or would it might prevent someone from trying if it says no drive-thru. Is this something in our prevue we can address?

Carter said the City can approach the property owner. The City does not own property, but the property that just had a zone change needs to go before Council and they need to make a final decision on that first. We need to let that go through before we look at anything else.

Aziere asked if someone owned that property and wanted to develop it in a way that the protective overlay prohibited they bring it to us and have a new decision. Carter said yes they could request a zone change to remove the protective overlay or parts of the overlay.

Motion by Franken, Seconded by Williams

To adjourn tonight's meeting

Aziere yea, Franken yea, Plummer yea, Blood yea, Adkins yea, Williams yea.

Motion carried.

The meeting adjourned at 7 PM



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A

Subject: Zone Change Request from “E” to “F”
Case Number: ZON2022-03
Meeting Date: September 8, 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	9/8/2022	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	10/11/2022	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance).

AREA MAP

Area of application is marked by an arrow below:



BACKGROUND INFORMATION

The applicant has applied for a Zone Change from “E” Heavy Commercial to “F” Light Industrial. Public hearing notices were mailed on August 18, 2022, to all owners of property located within 200 feet of the subject property to the north, east, west, and south of the subject property. On August 18, 2022, a notice of a public hearing was published in the official newspaper of the City, The Times Sentinel.

Legal Considerations

Findings of Fact: Section 700B of the Zoning Regulations provides specific matters for the consideration by the Planning Commission when approving or not approving a rezoning request for a specific property. The Planning Commission may find that not all factors are relevant to this zone change request. Matters that are determined by the Planning Commission to be important will be the basis for the Planning Commission’s recommendation. In order to properly make a recommendation to the City Council, the Planning Commission must make specific and substantiated findings supporting its recommendation.

1. **ZONING USES AND CHARACTER OF THE NEIGHBORHOOD:** *(Factual description of the application area and surrounding property as to existing zoning, land uses, general condition, age of structures, etc.).*
 - The subject property was recently bought at the end of 2021.
 - It is vacant and has not been in use since June 2021.
 - Adjacent properties are zoned for “AAA” Large Single Family to the North. ‘E’ Heavy Commercial to the South. ‘F’ Light Industrial to the East. “D” Light Commercial to the West.
 - It is not uncommon for this area to have “F” Light Industrial District.
2. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** *(How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones that might be appropriate for this property?)*
 - The property is currently zoned “E” Heavy Commercial.
 - The uses permitted in the “F” Light Industrial District are suitable for the site and are compatible with surrounding zoning and land uses.
3. **EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** *(Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g. allowed uses, minimum lot size, height, setbacks, traffic generation, landscaping, and screening, use limitations, etc.))*
 - The property is currently surrounded by Heavy Commercial and Light Industrial.
 - Staff does not foresee any detrimental impacts to nearby property if the request is granted. The property will be Light Industrial, and has the same size, height, and setback regulations as the existing zoning.
 - Staff does not see any detrimental effect.
4. **LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** *(Factual information, but its importance may be somewhat subjective. A property may be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a large availability of property of the same zoning district, financing problems, land*

speculation, fragmented ownership, lack of available public services, or other development problems.)

- The property was last sold in 2021.
5. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE AS COMPARED TO THE LOSS IN VALUE OR THE HARDSHIP IMPOSED UPON THE APPLICANT: *(The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.)*
- The health, safety, and welfare matters associated with the proposed "F" Light Industrial District zoning should not be significantly different than those associated with the existing "E" Heavy Commercial Zoning.
6. CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED COMPREHENSIVE PLAN: *(Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date, or are there mitigating circumstances which speak to the nonconformity?)*
- Haysville's Land Use Plan identifies the property as commercial.
 - The Comprehensive Plan provides the following goal for Industrial.
 - Provide a diversified, stable industrial sector that will afford the citizens of Haysville a broad economic base.
7. IMPACT OF THE PROPOSED DEVELOPMENT ON COMMUNITY FACILITIES: *(Are water and sewer available for extension? How are roads impacted? Can other community facilities (e.g. police, fire, parks, libraries, schools) handle the increased development? Should be based on factual information referencing standards used to make the determination.)*
- Municipal water and sewer are available to the property.
 - Municipal services such as police and fire protection are already provided to the area, and no additional burden is anticipated that cannot be accommodated with existing resources.
 - This lot is located east of Broadway Avenue, a five-lane highway, and north of Cain Drive, a single-lane local street.
8. OPPOSITION OR SUPPORT OF NEIGHBORHOOD RESIDENTS: *(This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.)*
- No one has indicated their opposition to this zone change. (See attached comments).
9. RECOMMENDATION OF STAFF: *(Should be based on the proceeding eight factors, adopted plans and policies, other technical reports (e.g. Capital Improvement Program, facility master plans, etc.) which speak to the topic, and staff's best professional judgment.)*
- Staff recommends approval of the zone change with the provisions that a protective overlay be added per Chapter 16, Section 417.B1 and 417.B5, of the Haysville Zoning and Planning Code. Recommendations for the protective overlay #10 is listed below:

USES NOT ALLOWED

- Outdoor Storage Yard & Towing
- Auction House
- Car Sales/Repair
- Flea Market

Commercial Storage (including units available for rent by individual)

RESTRICTIONS ON PERMITTED USE:

Animal hospitals and kennels.

(A) When located adjacent to a residential district animals may not be left outdoors from 9:00 pm - 7:00 am.

STORAGE: No outside storage is allowed. All building areas used for storage and/or accessory uses are to be designed and constructed as a continuation of the main building and constructed with the same materials/color. No business shall display or store goods or equipment outside of an enclosed building.

SCREENING: All fences and walls shall be opaque.

BUILDING MATERIALS FOR SCREENING: Screening shall be constructed of wood fence boards; plastic or PVC material, provided such materials are designed for use as fencing; and/or masonry materials or concrete poured or placed in such fashion as to meet City fence design requirements.

LIGHTING: Exterior or lighting fixtures shall be shaded so that direct light is directed away from adjacent residential areas.

Recommended Motion:

Approve the request to change the zoning classification of 7030 S. Broadway Ave from “E” Heavy Commercial District to “I” Light Industrial District with a protective overlay 10 added based on the findings of fact and forward a recommendation of approval to the City Council.

PUBLIC REVIEW

The public hearing notice was published on August 18, 2022. Any written record of the comments received as of September 7, 2022, are attached. Comments received after this date will be distributed at the meeting.

ATTACHMENTS

Application
Copy of the Public Hearing Notice

COMMENTS



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

Zoning Application

THE RECEIPT OF MONIES DOES NOT CONSTITUTE APPROVAL OF APPLICATION

APPLICANT INFORMATION

Name of Applicant: <i>New Co XI LLC</i>	Phone: <i>316-528-4051</i>
Mailing Address: <i>PO Box 404</i>	Email: <i>chris@newcoxi.com</i>
City, State, ZIP <i>Wichita, KS 67201</i>	
Name of Authorized Agent or Additional Applicant: <i>Amy Heggstedt Beauties & Beasts Inc</i>	Phone: <i>316 655 0534</i>
Mailing Address: <i>2921 S Kansas Ave</i>	Email: <i>Amy@beautiesandbeasts.org</i>
City, State, ZIP <i>Newton KS 67114</i>	

ZONING INFORMATION

The applicant(s) hereby request(s) rezoning of:	
Legally Described as Follows: <i>LOT 1 BLOCK A GRAND AVENUE INDUSTRIAL PARK ADD.</i>	
From Zone: <i>HEAVY COMMERCIAL</i>	To Zone: <i>LIGHT INDUSTRIAL</i>

SIGNATURE

Applicant: <i>Christopher Thomas Meyer New Co XI LLC</i>	Date: <i>7/14/22</i>
Agent or Additional Applicant: <i>Amy Heggstedt President Beauties & Beasts</i>	Date: <i>7/25/22</i>

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 \$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

*\$275.00 615012
 Amy Heggstedt*

OFFICE USE ONLY

This application was received at the office of the Planning Commission at 10:15 (am/pm) on July 25th 2022. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of \$275.00.

Authorized Signature: Jonathan Tuxliff

Title: Planning & Zoning Admin

Affidavit of Publication

Michelle R. Leidy-Franklin
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 18 Day of Aug, 2022
Second Publication was made
On the _____ Day of _____, 2022
Third Publication was made
On the _____ Day of _____, 2022

Total Publication Fee \$ 169.37

Michelle R. Leidy-Franklin

Subscribed and sworn to before me this

22 Day of Aug, 2022

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

PUBLIC NOTICE

First Published in TSNews August 18, 2022 (11)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 6:00 p.m., Thursday, September 8, 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 zone change request from "E" Heavy Commercial to "F" Light Industrial for property generally located at 7030 S. Broadway Ave, legally described as: Lot 1, Block A, Grand Avenue Industrial Park.

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.