

HAYSVILLE PLANNING COMMISSION

Agenda

June 24, 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 May 27, 2021
- IV. Special Order of Business
 - A. Election of Officers
 - i. Chairperson
 - ii. Vice-Chairperson
 - iii. Secretary
- V. New Business
 - A. Plat 2021-01: Vaden's Little Acres Addition to Sedgwick County
 - B. Plat 2021-02: Shook Addition to Haysville
- VI. Old Business
- VII. Correspondence and Informational Reading
- VIII. Committee Updates
- IX. Off Agenda
- X. Adjournment

HAYSVILLE PLANNING COMMISSION
Minutes
May 27, 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, Richard Meyer, and Mark Williams (via Zoom). Also present was City Clerk/Treasurer Angela Millsbaugh, Deputy Administrative Officer Georgie Carter, and Planning & Zoning Administrator Jonathan Tardiff.

The first item of business were the Minutes of March 11, 2021.

Motion by Coleman

Second by Franken

To approve the minutes as presented.

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

Motion carried.

Under Special Order of Business was a public hearing to consider a Zone Change request from “D” light commercial to “E” heavy commercial on property located at 7141 S. Broadway.

Aziere read the opening comments and stated he would entertain a motion to formally open the public hearing.

Motion by Coleman

Second by Plummer

To open the hearing.

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

Motion carried – the public hearing was opened.

Carter presented the staff report and stated the request was for a zoning change from “D” light commercial to “E” heavy commercial. She began by explaining the reason for this zone change request was to allow a welding business which is not an allowed use in light commercial. Carter stated Public Hearing Notices were mailed on May 5, 2021, and it was published in The Times Sentinel newspaper on May 6, 2021.

At this time, Carter begins discussing the ‘Legal Considerations’ of the property.

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 is a vacant lot.
 - Adjacent properties are zoned for “E” Heavy Commercial to the North, “D” Light Commercial to the South, “F” Light Industrial to the East, and “A” Single Family to the South.
 - It is not uncommon for this area to have ‘E’ Heavy Commercial as indicated on the map that was presented.

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 “D” Light Commercial and a welding shop is not allowed in current zoning.
- The uses permitted in the “E” Heavy Commercial District include a welding shop which is 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 Light Commercial and Heavy Commercial lots and adjacent to a Light Industrial lot and a Single Family lot.
- Staff does not foresee any detrimental impacts to nearby property if the request is granted. The property will be heavy commercial and has the same size, height, and setback regulations as the existing zoning.
- Staff does not see any detrimental affect but is recommending screening if any items stored outside.

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 is currently unplatted.
- The property was last sold in 2020.

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 “E” Heavy Commercial zoning should not be significantly different than those associated with the existing “D” Light 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 and does not differentiate between heavy or light commercial.
- The Comprehensive Plan provides the following goal for Commercial.
 - Provide opportunities for the continuation and expansion of retail activities in the Haysville area.

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 is 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 along Broadway, a five-lane highway.

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.
- More information can be found under “COMMENTS” of the Staff Report.

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 judgement.)*

Staff recommends approval of the proposed zone change request with the provision that a protective overlay be added per Chapter 16, Section 417 B5, of the Haysville Municipal Zoning and Planning Code. The protective overlay should include a requirement for screening of any items stored outside. An opaque screening should be installed along the west and south property lines. The following materials would be allowed: 1) Wood fence boards. 2) Plastic or PVC material, provided such materials are designed for use as fencing. Or 3) Masonry materials or concrete poured or placed in such fashion as to meet fence design requirements.

Aziere asked what other uses are allowed in Heavy Commercial. Georgie read off uses permitted in “E” Heavy Commercial. Chapter 16 Section 413 B1 Uses permitted. In going through the uses permitted, Coleman stated she would exclude Class “A” Club, B” Club, and Private Clubs. Aziere stated he would exclude Microwave Tower, Outdoor Storage Yard, Radio Transmission Towers, and Television Transmission Towers from an allowed use on the property if it was changed to Heavy Commercial.

Aziere called for the Applicant or their Agent to step forward.

Kyle Selchert stepped forward and stood for questions. Aziere asked him to describe his plans for this location. He stated that his business is making military replacement parts and is not going to be open to the public. The lot is vacant and bringing no revenue currently. He stated he would bring revenue to the City by employees eating in town. He has plans to expand his business though sales of replacement parts to the military.

Aziere called for any other members of the public to speak. There was none.

Aziere called for questions from the Commission for the public. There were none.

Motion by Coleman

Second by Plummer

To close the public hearing.

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

Motion carried.

Aziere called for discussion of the zone change. We will base our decision off the eight criteria presented to us in the staff report.

Aziere stated the reason for asking about what other uses are allowed in Heavy Commercial was because they need to consider what would be allowed in the future if they allowed the zone change. Aziere asked if there was any other discussion. He entertained a motion.

Motion by Coleman

Second by Franken

To approve the zone change request from “D” Light Commercial to “E” Heavy Commercial at 7141 S Broadway Ave with the protective overlay and excluded uses.

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

Motion carried.

Under Special Order of Business was a public hearing to consider a Vacation of Easement, Timber Creek Estates Addition.

Aziere read the opening comments and stated he would entertain a motion to formally open the public hearing.

Motion by Coleman

Second by Plummer

To open the hearing.

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

Motion carried – the public hearing was opened.

Carter presented the staff report and stated the request was for a vacation of a 10' utility easement located on Lots 22 to 41 Block A Timber Creek Estates Addition more commonly known as 437 E. River Birch St. to 107 E. River Birch Circle. The City and the property owners had submitted the request together, and all but one property owner has signed the application, due to not being able to contact the owner.

Carter stated the vacation of easement was published in the Times Sentinel newspaper on May 6, 2021 and utility companies contacted.

The Timber Creek Estates Addition was first platted in February 2006. A copy of the plat with the subject easement highlighted was available.

Staff is recommending approval of the vacation request. Staff does not see any negative impact on the residents in the area. This portion of the E. River Birch Street to E. River Birch Circle road is utilized for the residences in the Timber Creek Estates and vacating this rear easement will only affect those living in the addition. Utility companies have been contacted, utilities are ran on the north side of the properties. No utilities companies requested a future need for use of the rear easement.

Aziere called for any other members of the public to speak. There was none.

Motion by Coleman

Second by Plummer

To close the public hearing.

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

Motion carried.

Aziere called for discussion of the vacation of easement, asking if there were any houses currently built. Carter replied there are three houses built, three others sold/under construction. Carter stated the City is submitting the application but several of the home owners had spoken to her about the easement.

Aziere asked if there was any other discussion.

Aziere entertained a motion.

Motion by Coleman

Second by Franken

To approve the vacation of easement for Timber Creek Estates addition as recommended.

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

Motion carried

Under Special Order of Business was a public hearing to consider a Zoning Code Amendment to Article 9 and Article 10.

Aziere read the opening comments and stated he would entertain a motion to formally open the public hearing.

Motion by Coleman
Second by Plummer
To open the hearing.

Aziere yea, Meyer yea, Williams yea, Plummer yea, Coleman yea, Franken yea.
Motion carried – The public hearing was opened.

Carter presented the staff report and explained that after Covid-19 staff began reviewing City committees. Several had large committee numbers similar to Planning Commission. Staff is proposing to combine the Planning Commission and Board of Zoning Appeals into one Commission and reducing the number of members down to 7 from 11. The Planning Commission information would be moved to Chapter 1 of the City Code where other city board information is detailed. We would be removing the board information from section 16 that creates the Planning Commission and Board of Zoning Appeals. This way if there was changes made to these it would not require a public hearing. Attached in the report is a listing of other Planning Commissions and BZA numbers, combined committees and population numbers.

Carter stated the public hearing notice was published in the Times Sentinel newspaper on May 6, 2021.

Aziere called for any other members of the public to speak. There was none.

Motion by Coleman
Second by Plummer

To close the public hearing.

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

Motion carried.

Aziere called for discussion of the Zoning Code Amendment to Article 9 and Article 10.

Aziere said they need to do something, his main concern with combining the Planning Commission and the BZA is the purpose is the Planning Commission votes on something and you don't like the outcome, you can go to the BZA comprised of different members to see if you can't get it overturned. Millsbaugh explained the purpose of BZA and that an appeal would go to court. Aziere was also concerned with keeping one from each ward and how many Areas of Influence would we need, and that one side of town shouldn't represent the whole town. Coleman was concerned with cutting the numbers down but trying to keep it odd to break a tie. Coleman also said it is important to get representation from all the wards in town. Carter stated there was several other towns that had combined boards and that in practice we have always tried to have a representative from each ward but it was not required by the code. Carter stated that Wethington had already informed us he did not want to be reappointed, with three vacancies currently we would asking if anyone else would like to step down. Myers stated he would step down. Coleman said she was fine with 7 members then.

Aziere entertained a motion.

Motion by Coleman
Second by Plummer

To approve the change in the Zoning Code Amendment as presented.

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

Motion carried

Under New Business was the review of the Bicycle/Pedestrian Plan Review.

No one had any discussion. Coleman had suggested changes to the Park Plan that she said she would give to staff. Carter stated the final version would come back later in the year.

There was no Old Business.

There was no Correspondence and Informational Reading.

There was no Committee Updates

There was nothing for Off Agenda.

Motion by Coleman

Second by Plummer

To adjourn tonight's meeting.

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

Motion carried.

The meeting adjourned at 8:04 PM.