

HAYSVILLE PLANNING COMMISSION
Agenda
May 24, 2018
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 10, 2018
- IV. New Business
None
- V. Old Business
 - A. Zoning Code Addition – Tiny Homes; primary structures less than 599s.f.
- VI. Correspondence and Informational Reading
None
- VII. Committee Updates
None
- VIII. Off Agenda
None
- IX. Adjournment

Haysville Planning Commission
Minutes
February 8, 2018

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

Those members present were: Tim Aziere, Bob Wethington, Debbie Coleman, Clay Randel, Joe Holub, Steve Burden, Dawn Stock, Planning Commission Secretary – Rose Corby, City Inspector – Chad Bettles

Chairperson Aziere presented for approval the Minutes of February 8, 2018.

Motion by Randel – Second by Coleman

Move to approve the minutes of February 8, 2018.

Aziere yea, Wethington yea, Coleman yea, Randel yea, Holub yea, Burden yea, Stock yea

Motion declared, carried.

Under New Business:

Zoning Code Addition – Tiny Homes; primary structures less than 599 s.f.

Aziere opened the public hearing and requested Rose to present the case. Rose stated that she provided a corrected version for the commissioners as a result of some typos she found in the document. She continued with an explanation concerning the Tiny Homes Zoning Code addition. She said that because of several questions concerning where the tiny homes would be she explained that Tiny Homes would have their own zoning district and that a tiny home would not be permitted to be built in any other zoning district. She added that this code would allow a builder to come in and establish a Tiny Home subdivision. Burden said that he saw quite a bit of information of how these were built and as with mobile homes small homes are built on trailers. At some point in time as most of the area is vacated and there are one or two left are there any provisions at some point in time to do away with these? Rose explained that if there is no activity in the subdivision after two years then the area would come back to Planning Commission for a Re-zone request. She added that if there are one or two families left in a sub-division then it would be up to the individual property owners to re-zone through Planning Commission.

Holub said that he asked her if there were any areas for consideration for this zoning? Rose said no, there are no areas within the city limits of Haysville that is slated to become a tiny home subdivision. This code was just going to open the door for a builder who wants to purchase land and become annexed and turn what they purchased into a tiny home subdivision. Aziere added that the Planning Commission would have the opportunity to approve wherever it goes if this happens.

Aziere opened the floor to the public for public comments.

Bob Johnson of Let's Rock and Roll and Change the World spoke about his non-profit organization wanting to purchase Bergman's corn maze property with a first phase to include 150 Tiny Homes. He explained that there are existing businesses on the property that they will continue to use. He also said that the property is around 78 acres of which 20 acres would be utilized for tiny homes. Mr. Johnson continued with his plans for the property to include farming. He explained that his organization does not do hand-outs. His organization provides hands-up for not only the homeless but, also the poor or less fortunate. His organization has plans to include medical, dental, mental, and abuse counseling on the property. Joe Holub said that he has concerns about this property becoming a blighted community and asked what his plans are to combat that. Mr. Johnson said that one of the programs they are looking at is Habitat for Humanity where every individual that has a home in that community will have sweat equity They will be required to help build their home, care for it, and maintain the property. He also explained

that they have a vetting system that will not allow violent offenders or sex offenders and it is not something they want because this is a family community. He suggested that we look at Mobile Loaves and Fishes (MLF) in Texas who have a very successful program that includes tiny homes. Holub said that he predicts these homes will change hands, what every five years. Mr. Johnson said that they have some who transition out in a short time because they just needed something short term till they got back on their feet but, that they also have those who stay for life.

Mr. Johnson's fiancé also spoke and reiterated what Mr. Johnson said and also included that they have a rent to own option. Wethington asked if she has read these codes. She said that there are some differences with other codes but that these seem pretty standard. She said that Wichita's codes are similar. Aziere asked if she was prepared to pay for the streets, water and sewer as this code requires the developer to pay for the infrastructure. She said yes and they understand they have to pay for it and are prepared to do so. Aziere asked Rose if we had water and sewer service that far south. Rose said water and sewer service stops at Country Lakes and that it would be the property owners responsible for costs to establish water and sewer.

Aziere closed the public portion of the public hearing.

Aziere asked for Commissioner comments.

Coleman said that when she first got on to Planning she made a statement that she would never vote to allow another mobile home to come back to Haysville. She said she thinks that as a result of what we have already done it's been a very negative reputation that Haysville has developed even though we don't have a great many here. Most are in South Wichita but, still it's Haysville. That's our motive of housing down here. She said that she cannot and will not vote for anything like this.

Randel asked for clarification on the stairway and ceiling height. He said he did not understand the landing in relationship to the 6'2" clearance and asked how can we ask for a 6'2" clearance when the loft height requirement is much less. Aziere explained that it is 6'2" clearance going up the stairs but that once you reach the loft area the ceiling height would be reduced. Discussion followed including Chad clarifying that he is in agreement. Aziere said that he would clarification concerning the 4/3 measurement in the section about the treads and risers. There was some confusion as to how to calculate this and it was agreed to modify this section. Discussion continued. Randel asked for clarification about the 16" to 18" from the landing platform to the loft floor. It was explained that this may be a vertical drop to allow for the thickness of a mattress. Aziere said this was an odd requirement.

Aziere said that the next issue he has is under the front yard portion. He said that corner lots are not any different than front yard lots. Requiring 10' on both sides just means you have less buildable area on that lot. Rose explained that she provided a very rough sample of a couple of lots. Aziere asked why the side yard on the one lot was showing 5' and not 3'. Rose said that this was done in Word because she does not have a drawing program. Word would not allow a 3' line to be drawn. Aziere said the 3' side yard setback was ridiculous. He does not know if this is the structures themselves or the side yard setbacks making it 6. He said let's assume that we make the side yard setback 5' with zero encroachment. He asked, you are requiring all the utilities not be in the right-of-way? Rose said no. Discussion followed. Rose added that the drawing shows a 5' rear yard utility easement and that this was not going to work.

Aziere read section General Conditions B. 2. He asked if we have 10' how are they going to get equipment back there to get to the utilities. Chad said that 8' is the minimum access requirement. Aziere said that why don't we make the utility easement 10' and that he feels the spacing between two structures is to small even at 10' apart.

Aziere asked what the minimum drive-way width was. Chad said, 12' width measured at the property line. Aziere asked what was the purpose of reducing the drive-way width? Rose stated they were utilizing the minimum requirements of a parking stall which is 8 ½' wide. Aziere said he would like that changed to a 10' minimum.

Aziere asked if our current code limits decks to the back yard. Chad said, not if you have the side yard to allow it.

Randel asked why we are having a public hearing when we have never even seen these documents yet or had them worked out first. Aziere said we could have had it worked but, that we need to have a public hearing to bring the codes into city code. He said that he thinks the issue is that we didn't start with a great example and that if something we are discussing the public would have the opportunity to say they didn't agree with it.

Aziere continued and asked for the overhang requirement allowing 18" into the side yard setback be removed. He also asked to change wording to face to face curb. Discussion followed to include street requirements, parking, and asked where people are going to park if they have a drive-way large enough for one vehicle and no parking allowed on the street and asked where people are going to park. Rose said he has a valid point. Discussion followed.

Coleman asked the owners of Let's Rock and Roll and Change the World what the capacity of the homes. They explained that they run anywhere from 1 occupant to 6 occupants. She said that she does not think it is clarified in any of the tiny home paperwork she has read. Aziere said that our code does not limit the number of people living in a house.

Aziere said that he has a lot of issues with all of this. He said that it doesn't seem very well thought out. It seems like it is going to create a lot of problems. Maybe if we can get things worked out we could move forward. He added that there are enough unanswered questions for him right now that he is not interested in voting yes to this.

Randel said that he has more questions. He said that the overhang of 18" being allowed in the 3' side yard setback and was wondering how the fire department feels about this. Rose said that the fire department requires a fire hydrant on the street and the ability to turn around. Aziere added that we already requested the side yard setback to be changed to 5'.

Randel asked about the Parking requirements saying that it says to See Section 500. Rose said she can add parking requirements.

Randel asked if we were going to allow wheels to remain on the tiny homes. Rose said, no. they will be foundation built. She added that after talking with the Sedgwick County Appraiser's office that these homes would be appraised as real property because they will have foundations and anchored.

Burden asked if the property that the guests were talking about was in the city limits and also asked if platting would happen through us. Rose said the property is not in the city limits but that it does sit within our area of influence and yes, platting would have to go through Haysville's Planning Commission. Holub asked how these buildings be set, how would the streets run, what is the ingress and egress? Aziere said that a plat would have to be approved by the Planning Commission. Rose explained that every architect that has developed plans for a tiny home subdivision allow for a street to run into the subdivision with most having a community building in the center and allowing that street to wrap around the community building with the exit at the same location as the entrance. Holub further added that he has concerns with the maintenance of the subdivision and who was going to ensure that it is monitored.

Aziere said that if he wanted maintenance of the subdivision to be established he could request it to be added that the HOA would be responsible. Aziere said it is not anything different than we would require in any other district. Coleman asked who enforces that. Aziere said the HOA would maintain it but our code enforcement would enforce it. Coleman said we have violations within the city. Holub said our code enforcement is really in the city, lacking.

Aziere asked if there were any other discussions.

Motion by Burden – Second by Randel

Move to table pending revision and answers to questions.

Aziere yea, Wethington yea, Coleman yea, Randel yea, Holub yea, Burden yea,

Stock yea

Motion declared, carried.

Old business:

There were none

Correspondence and Informational Reading:

There were none

Committee Updates:

Coleman announced that the Saddle Club had a rodeo this past weekend. She said there was awesome attendance. Participants were from all over the country and the City of Haysville was mentioned by the announcer several times. The town of Waco brought in rock for parking and the city donated the land for the parking. She added that this was a joint effort and was a great experience by all.

Wethington announced the Mayoral bike ride and the pit stop.

Off Agenda:

There were none

Motion by Randel – Second by

To adjourn

Aziere yea, Wethington yea, Meyer yea, Coleman yea, Randel yea, Chatwell yea,

Holub yea, Burden yea, Stock yea.

Motion declared, carried.

XXX RESIDENTIAL; “TH” TINY HOME DISTRICT REGULATIONS.

The regulations relating to the Residential “TH” District shall be as follows:

- A. Use Regulations. In the “TH” Tiny Home Residential District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:
1. Single family dwellings.
 2. Conditional Uses (See Section 702).
 - a. Community buildings owned and operated by the city or Home Owners Association. The community building may be no more than 2,000 s.f. and meet the minimum International Building Code (IBC) requirements as adopted.
 - b. Home Occupation (See Section 502).
 3. One detached Accessory Structure: provided, it is less in square feet than the primary structure, located within the rear yard of a lot and meets the setback requirements of the primary structure and shall not be less than five feet from the rear lot line, nor encroach on any platted or recorded easement.
- B. General Conditions.
1. Land used for a “TH” District:
 - a. Shall, as a condition of zoning, be platted according to City Subdivision Regulations with specific attention given to drainage or utility easements which may be created by the particular design concept.
 2. Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he/she shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment in an underground system may be placed above ground but not in the public right-of-way. The Planning Commission may recommend and City Council may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical.
 3. Each dwelling shall have adequate space for one automobile in the driveway area. The driveway must be a hard surface of either concrete or asphalt. All measurements shall be within the property line boundaries.

All properties shall have an approach per the Standard Drive Entrance requirements with an amended minimum width being ~~8~~10'.

4. In the event that within two years following approval by the Governing Body, the applicant does not initiate construction in accordance with the plans and conditions so approved, the Planning Commission may initiate action to change the zoning district classification of the property. A public hearing shall be held at which time the applicant shall be given any opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and an appropriate recommendation to the Governing Body for official action.

C. Height Regulations.

1. No building shall exceed two stories or 25 feet in height.

D. Building Regulations. These building regulations are intended to be the minimum requirements.

1. All structures are to be constructed with a foundation to include anchoring that meets the requirements of the current International Residential Code as adopted.
2. Primary structures shall be designed with current plumbing standards that meet plumbing code requirements including, connection to the City of Haysville's potable water system.
3. The primary structure shall include a minimum four (4) inch sewer pipe connected to the City of Haysville wastewater system, in accordance with current city code.
4. The primary structure is to include bathing facilities with a toilet and handwashing sink as well as an approved method to remove moisture in accordance with the adopted mechanical code, and a GFCI outlet within three (3) feet of any source of water.
5. The primary structure shall include a food prep area with sink and meet current plumbing code requirements.
6. The primary structure must have a side hinged front door and an approved egress window located in the rear of the structure. Egress roof access windows in lofts used as sleeping rooms shall be installed where the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1 of the currently adopted International Residential Code.

7. Primary electricity shall be required from the approved franchised electrical provider. Structures may utilize solar panels as a secondary source.
8. Heating & cooling may be obtained through standard means and practices and shall meet the ability to reach 70° Fahrenheit three (3) feet above the finished floor. Liquefied Petroleum Gas (LPG) used as a means to heat any structure is not permitted.
9. No Heating or cooling units are to be placed in such a way that they encroach upon any setback requirements.
10. Loft – is a floor level located more than 30 inches above the main floor and open to ~~it~~ the area below on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.
 - A. The minimum area for lofts shall not be less than 35 square feet and the minimum dimensions shall not be less than 5 feet in any horizontal dimension.
 - B. Loft access – The access to and primary egress from lofts shall be any type ~~d~~ described in Sections D.10.H.
 - C. Stairways accessing lofts shall comply with this code or with Sections D.10.D.
 - D. Width – Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall not be less than 20 inches.
 - E. Headroom – The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches as measured v vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
 - F. Treads and risers – Risers for stairs accessing a loft shall not be less than 7 inches and not more than 12 inches in height. ~~Tread depth and riser height shall be calculated in accordance with one of the following:~~
 - i. ~~The tread depth shall be 20 inches minus 4/3 of the riser height, or~~
 - ii. ~~The riser height shall be 15 inches minus 3/4 of the tread depth.~~
 - G. Landing platforms – The top tread and riser of stairways accessing lofts shall be constructed as a landing platform ~~where the loft ceiling height is less than 6 feet 2 inches where the stairway meets the loft.~~ The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, ~~and~~ 16 to 18 inches in height measured from the landing platform to the loft floor and not less than 20 inches in width.
 - H. Handrails shall comply with Section R311.7.8 of the ~~2015 International Residential Code as adopted.~~ currently adopted

International Residential Code.

- I. Stairway guards – Guards at open sides of stairways shall comply with Section R312.1. of the currently adopted International Residential Code ~~as adopted~~.
- J. Ladders accessing lofts shall comply with Sections D.10.C. and D.10.J.
 - i. Size and capacity – Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200 pound load on any rung. Rung spacing shall be uniform within 3/8-inch.
 - ii. Incline – Ladders shall be installed at 70 to 80 degrees from horizontal.
- K. Alternating tread devices accessing lofts shall comply with Section R311.7.11.1 of the currently adopted International Residential Code.
- L. Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2 of the currently adopted International Residential Code. The clear width at and below handrails shall not be less than 20 inches.
- M. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches in height or one-half of the clear height to the ceiling, whichever is less.

E. Area Regulations.

- 1. Maximum area of dwelling - 599 square feet for each primary structure.
- 2. Lot area - the lot area for “TH” Tiny Home family dwellings and accessory buildings shall be not less than 2,100 square feet.
- 3. Lot width - the lot width shall be not be less than 30 feet.
- 4. Lot depth - the minimum lot depth shall be not be less than 70 feet
- 5. Front yard.
 - a. In all locations where building lines, setback lines, or front yard lines are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum front yard setback shall be the same as the distance between the front line and the furthest projection from the primary structure or setback line shown on the plat.
 - b. In the “TH” Tiny Home District the minimum front yard setback shall be 10 feet on interior lots. On corner lots, 10 feet on all sides

abutting a street.

6. Side yard.

- a. In all locations where building lines or side lines on corner lots are shown on plats which have been approved by the commission and which are recorded in the office of the register of deeds of Sedgwick County, the minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
- b. No building shall be less than three (3) feet from the property line or encroach on any recorded or platted easement. A minimum of three (3) feet shall be maintained between the adjacent properties. Overhanging eaves, gutters, and chimneys are not permitted at no more than 18" into the three (3) foot side yard setback in the side yard setback.

7. Rear yard.

- a. There shall be a rear yard having a depth of not less than 15 feet.

Provided further, that chimneys may project into the required rear yard but shall not encroach upon any platted or recorded easement.
- b. Accessory building shall be not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

F. Parking Regulations. (See Section 500.) A parking lot(s) shall be established within the subdivision and include two stalls per residential lot in the Tiny Home Subdivision and measure 8½' X 19' per stall to provide additional parking.

G. Street Regulations. (See Section 5. of the Subdivision Regulations for Haysville, Kansas)

- a. Streets, as a condition of zoning, shall be platted according to the City's Subdivision Regulations, shall be considered private and maintained by the homeowner's association, shall be constructed of asphalt or concrete, be a minimum of 21 feet face to face curb, and 41-50 feet for street right-of way.