

HAYSVILLE PLANNING COMMISSION

Minutes

February 25, 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, Richard Meyer, Mark Williams, Fred Plummer, Debbie Coleman, and Nicole Franken. Also present was City Clerk/Treasurer Angela Millspaugh, Deputy Administrative Officer Georgie Carter, and Administrative Secretary Morgan Capps.

The first item of business were the Minutes of September 24, 2020.

Motion by Coleman

Second by Williams

To approve the minutes as presented .

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

Motion carried.

Under Special Order of Business was a public hearing to consider a Zone Change Request from “A” to “BB” on Vacant Lot located at 328 N. Ward Parkway.

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

Motion by Williams

Second by Franken

To open the hearing.

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

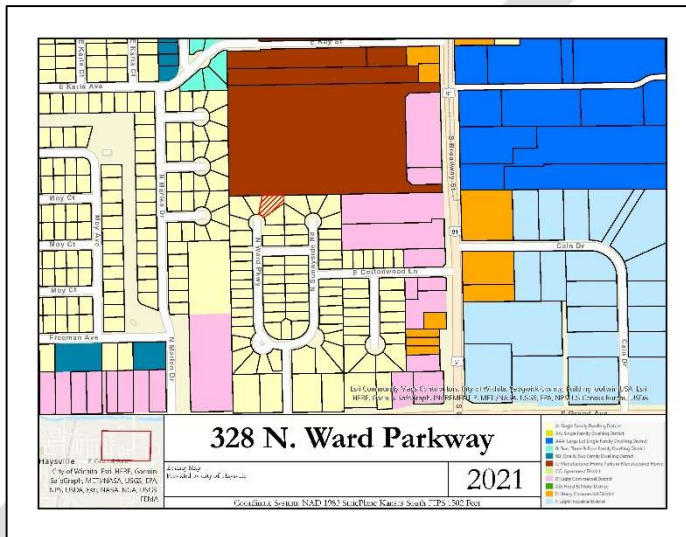
Public hearing was opened.

Carter presented the staff report and stated the request was for a zoning change from “A” single family to “BB” one and two family in order to construct one duplex. She began by explaining the history of this parcel and how the property was plotted as part of the Open Door Church Addition in 1975, and a single family residential home was built during the late 1970s to early 1980s. She stated the structure caught on fire during the early 2000s and was demolished between 2008 and 2009. The property was recently sold in 2020. Carter stated Public Hearing Notices were mailed on January 13, 2021, and it was published in The Times Sentinel newspaper on January 28, 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 “A” Single-Family and “C” manufactured homes. To the west, south and east are single-family residences that were constructed in the 1970’s and 1980’s. The property to the north is developed manufactured home park.
- It is not uncommon for this area to have ‘BB’ One & Two Family as indicated on the map below.



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 “A” Single Family Residential. “A” is limited to single-family detached homes, accessory uses, and parks. The “A” district also permits conditional uses for parks, community buildings owned and operated by the city, churches, public schools, libraries, golf courses, and development of natural resources and extraction of raw materials.
- The uses permitted in the “A” district are suitable for the subject site and are compatible with surrounding zoning and land uses. However, this site as well as the surrounding zones and land uses would remain compatible with the “BB” district.

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 single-family residential lots and a manufactured home park with the exception of a few areas in this general vicinity that are one & two family residential lots.
 - Staff does not foresee any detrimental impacts to nearby property if the request is granted. The property will remain residential and has the same size, height, and setback regulations as the existing zoning.
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 platted as part of the Open Door Church addition in 1975 and a single family residential home was built sometime in the late 70's to early 80's.
 - The property has been sold multiple times, records indicate ownership changes in 1977, 1979, 1981, 1991, 2012 and 2020.
 - The structure caught fire in the early 2000's and was demolished around 2008-2009.
 - In 2010 and 2014 the City had to abate nuisance violations.
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 "BB" One and Two Family zoning should not be significantly different than those associated with the existing "A" Single Family 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 residential.
 - 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: *(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.
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.)*
- One property owners has indicated their opposition.
 - More information can be found under “COMMENTS” of the Staff Report, there is also an attached email that was sent.
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 is supportive of the proposed zone change based on the proceeding factors.

Aziere stated he did not have any questions but mentioned Carter skipped over past abatement of nuisance violations listed under Item 4 of Legal Considerations. Carter stated there were problems from the previous owners in 2010 and 2014. Aziere asked if the lot was vacant at that time and Carter said yes. She stated the nuisance problems were from not mowing.

Aziere asked if there were any questions for staff from the commissioners. Mark Williams stated the streets in this area are not paved, is there a plan to pave these in the future? Carter stated that the City recently received a grant to pave the Sunset Fields area on 63rd Street. When Sunset fields is complete the plan is to move to the next unpaved streets, it is a matter of funding. Carter stated the long-term goal is to have all roads paved. Williams asked approximately how many times we have approved a spot-zone. Aziere stated this occurred at the last planning meeting. Aziere announced that it’s been rare but we have never had anything that was consistent. He stated we look at the case that is presented to us. Aziere said we haven’t looked at a full residential subdivision in a while. There were no other questions.

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

Dustin Evans stepped forward and stood for questions. Aziere asked why he was wanting to build here. He stated that he is an investor that builds duplexes and manages several properties. He also stated that he purchased this property late last year. Aziere asked Evans if he contracts

out the exterior of the houses or if he manages the properties himself. Evans said that the tenants will be responsible for mowing the property's yards, and he will manage the rest of the exterior of the property which includes painting. Aziere asked if the property is currently fenced or if it will be fenced. Evans stated it is currently fenced. Aziere asked if the fence is in decent condition, and Evans said three sides are in decent condition while the south side needs to be repaired and he plans on addressing it. He stated there is a fence present, but a tree fell on it from the neighbor's side to the south. Williams asked about the plans for the existing foundation left in the ground. Evans stated they will tear through the foundation of the basement and dispose of the concrete. Williams stated it is full of debris. Evans said the foundation appears to have settled well due to it being flat, and a flat foundation is one thing he looks for whenever he goes to build. He stated it isn't uncommon for there to be a footing present. Aziere asked if his intention is to remove all of the foundation and start over. Evans said they will not remove all of it, only where the footings are located. Aziere asked if he is going to use four-foot stem walls or spread footings, and Evans said yes.

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 Meyer

Second by Coleman

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.

Franken stated her concern is for the first consideration. Aziere stated there are pictures of examples of the exterior and interior of similar houses. He explained the point of tonight's meeting is trying to see if this house fits into the neighborhood, apart from the differences this house possesses compared to other houses around it, stating it is a multi-family residence instead of a single-family residence. Aziere stated this is an improvement over a vacant lot that has been vacant for quite some time and any development in the neighborhood would be beneficial to a vacant lot. Aziere stated his personal opinion: with this being on a bigger lot, it will not feel crowded. He brought up the possible issue of there being twice as many vehicles in the driveway due to it being a multi-family home. Aziere also stated that newer residences can be beneficial to the neighborhood. He also stated that this addition is directly adjacent to manufactured housing, and multi-family housings serve as a natural buffer. While we are not actually creating a true buffer, that function on that line is the best use between those two. He said if this was in the middle of the neighborhood he might have a different opinion, or if it was on a smaller lot. For this use and this specific place it makes sense, much like the last case we saw as a natural progression between manufactured housing and single family residential. Coleman said the exterior of this home blends in well with the exterior of the homes around it, apart from minor differences, such as stonework to the front of the house. Aziere asked if the new addition will have grass in the yard. Evans said yes in the backyard, there will be gravel that extends to the property line in front. There will be a backyard that is grass as well. He also said the driveway is large enough for four vehicles to park. The gravel will help with the maintenance of the yards. Coleman asked if the upkeep of the yard is his responsibility or will it fall back onto the City.

Evans said if the tenant does not maintain the yard of the property he will then manage it. Evans said he wants to keep it nice. Coleman asked if there is currently any protection from the storms, such as a safe-room. Evans said no. Aziere asked if there was any other discussion. He entertained a motion.

Motion by Meyer

Second by Coleman

To approve the zone change request from “A” Single Family to “BB” One and Two Family at 328 N. Ward Parkway.

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

Motion carried.

There was no New Business.

There was no Old Business.

There was no Correspondence and Informational Reading.

Under Committee Updates, Aziere asked if there was any committee updates. There were none. Aziere discussed the vacant positions and what efforts were being made to fill those. City Clerk/Treasurer Angie Millspaugh stated that the City periodically advertises vacancies. Aziere stated if anyone wanted to serve, they should contact the City.

There was nothing for Off Agenda.

Motion by Coleman

Second by Williams

To adjourn tonight’s meeting.

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

Motion carried.

The meeting adjourned at 7:22 PM.