

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

Agenda

January 11 2024

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 December 14, 2023
- IV. New Business
  - A. Public Hearing Zone Change LC and SF to TF
- V. Old Business
  - A. Review of Zone Change HC to SF Lot 1, Block A, Shook Addition
- VI. Correspondence
- VII. Off Agenda
- VIII. Adjournment

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

Minutes

December 14, 2023

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 6:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

Those members present were: Jeff Blood, Tim Aziere, Debbie Coleman, and Mark Williams. Also present were Planning and Zoning Administrator Jonathan Tardiff, and Deputy Administrator Georgie Carter.

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The first item of business was the Minutes of November 9, 2023.

Motion by Williams Second by Coleman.

To approve the minutes as presented.

Blood aye, Rinke absent, Aziere abstain, Coleman aye, Adkins absent, Williams aye.

Motion carried.

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Under new business was the public hearing of the Zone Change HC to SF of property located at 6537 S. Broadway.

Aziere read the opening statement to open the public hearing and formally opened the public hearing to consider the proposed zone change from "HC" Heavy Commercial to "SF" Single-Family Residential for property located at Lot 1, Block A of the Shook Addition to Haysville.

Aziere asked the commission if anyone had a conflict of interest in the case. There was none.

Aziere asked the commission if anyone had received any written or electronic communications on this matter. There was none.

Aziere asked for staff to present the staff report.

Tardiff stated that the zone change was for Lot 1, Block A of the Shook Addition to Haysville from heavy commercial to single-family residential and that the property owner wishes to build a home on the property. Tardiff stated that a primary structure must be built before an accessory structure is built and that comments are in the staff report before them. Tardiff stated that staff recommends the approval of the zone change from heavy commercial to single-family and that the applicant is here to answer any questions you may have.

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

Aziere asked if the applicant wished to speak. Mrs. Barger stated no unless there was a question from the commission. Aziere stated that there was a letter the commission should read from Air Capital with concerns about what they do at their business and if a home being built would create an issue that is not currently present.

Aziere asked Mrs. Barger if she had seen the letter. Mrs. Barger, owner of the property stated that the owner of Air Capital had talked to her about this, but that she was not in a hurry to build on the property and has lived near the property for 55 years with no concerns. Aziere asked Mrs. Barger if she had any concerns moving closer would be louder. Mrs. Barger stated no and that she was just getting her affairs in order since having the property platted and divided in half. Mrs. Barger stated that the owner

of Air Capital seemed fine after having talked to her about his concerns.

Carter stated that there are two properties directly west of the salvage yard that are single-family, and the salvage yard is south of the property in question. Aziere asked if they were all zoned heavy commercial. Carter stated no, the two lots belonging to Mrs. Barger, the salvage yard, and the properties facing Broadway are heavy commercial.

Williams asked if we had approved this property for a zone change. Carter stated yes there had been a lot split, and the property was just recently platted. Mrs. Barger stated that the property goes from Broadway back to A Street and Sandy Street. Mrs. Barger stated her daughter was going to build there, but decided to build elsewhere. Mrs. Barger stated that she wanted to leave the front half heavy commercial, and that when they were going through the platting was asked if they wanted to divide the property into two lots.

Aziere understood that making the back part residential makes sense for the area and that Air Capital's main concern made sense, that if you are not from the area and buy the property not realizing it is next to a salvage yard, and then three months in have an issue with the salvage yard. Aziere stated that for a business being there for fifty years he wasn't trying to create undue hardship for the business by allowing the zone change. Mrs. Barger stated she was in no hurry to build on the property, was just getting her affairs in order, and was not selling the place currently.

Aziere asked for a motion to close the public hearing.  
Motion by Coleman Second by Williams to close the public hearing.  
Motion passed.

Aziere asked the commission if there was any other discussion. There was none  
Aziere asked for a motion.

Motion by Coleman Second by Aziere.  
To approve the Zone Change from HC to SF of property located at Lot 1, Block A of the Shook Addition to Haysville presented.  
Blood aye, Rinke absent, Aziere aye, Coleman aye, Adkins absent, Williams aye.  
Motion carried.

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

Aziere stated the same rules apply as previously and opened the public hearing and asked staff to present the proposed changes.

Tardiff stated that in the packet before them were the proposed revisions by staff to the land use map with changes as discussed during the workshop in October. Tardiff stated that changes are listed in the memo before them and that he would not read all the changes unless asked to or the commission had any questions regarding the proposed changes. Tardiff stated that two changes staff saw afterward were the East side of Cain Drive changed to industrial, and the neighborhood east of Plaza Drive changed to neighborhood mixed use.

Aziere asked the commission if there were any additions they would like to add. Blood mentioned two properties at the west and northwest corner of 63<sup>rd</sup> and Broadway should be changed to neighborhood

mixed-use.

Aziere asked the commission if there were any other changes or discussions to the land use map. Blood asked if all the properties south of Emmett would be changed to industrial. Tardiff stated that was correct.

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

Aziere stated now was the time for any member of the public to speak. There was none.

Aziere asked for a motion to close the public hearing.

Motion by Coleman Second by Williams to close the public hearing. Motion passed.

Aziere asked for a motion.

Motion by Coleman Second by Williams.

To approve the Land Use Map to Haysville with the revisions mentioned.

Blood aye, Rinke absent, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

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Under new business was the public hearing of the Comprehensive Plan to Haysville, Kansas.

Aziere read the opening statement to open the public hearing and asked staff to present the staff report.

Tardiff stated that in the packet before them was a copy of the Comprehensive Plan for the city. References to the South Broadway Corridor Plan were removed throughout the document; On page 2 the population growth was updated; On page 6 the section on Land Use and Growth, the square miles were reduced to 20.43 as this had included the floodway in the previous calculations; On page 8 Bicycle Facilities total miles was updated to 14.62 miles; and on page 18 the number of parks was updated to 17, which include 3 active parks and 14 passive parks. Tardiff stated these were all the recommended changes they had.

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

Aziere asked if there was any member of the public who wished to speak. There was none.

Aziere asked for a motion to close the public hearing.

Motion by Williams Second by Blood to close the public hearing. Motion passed.

Aziere asked the commission if there was any discussion. There was none.

Aziere asked for a motion.

Motion by Williams Second by Blood.

To approve the Comprehensive Plan to Haysville as presented.

Blood aye, Rinke absent, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

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Under new business was the public hearing amending Chap 16 Zoning Regulations.

Aziere opened the public hearing and asked staff to present the staff report.

Aziere asked the commission if anyone had a conflict of interest in the case. There was none.

Aziere asked the commission if anyone had received any written or electronic communications on this matter. There was none.

Aziere asked the staff to present the staff report.

Tardiff stated that in their packet are the proposed amendments to the zoning regulations. Tardiff stated that in Section 200, the following was changed:

- Accessory Apartment definition.
- Added Barndominium back in.
- Added Cargo Container back in.
- Updated Sight/Vision Triangle definition.

Tardiff stated that in Section 400, the following was changed:

- Changed Accessory Apartments changed to conditional use in Office Commercial, Light Commercial, and Heavy Commercial Districts.
- Changed Cemetery to conditional use in all zoning districts.
- Added Convenience Store to permitted use in Office Commercial District.
- Added Microbrewery to permitted use in Office Commercial and Light Commercial District.
- Added Retail, General to permitted use in Hotel and Motel Commercial District.
- Added Riding Academy or Stable changed to permitted use in Light Industrial District.
- Added Short Term Residential to permitted use in Two-Family Residential District with a permit required. Corrected wording: Permit Required.
- Removed Tattooing and Body Piercing Facility as it is included with the Personal Improvement Service definition.
- Changed Tavern and Drinking Establishment to permitted use in Office Commercial District.
- Changed Storage, Outdoor, as a Principal Use to outdoor storage must have an all-weather surface and be screened from adjacent properties and any public roadway, and no inoperable vehicle storage for more than 45 days.
- Changed Vehicle-Storage Yard to conditional use and removed "Provided any area for the purpose of providing space" condition.

Tardiff stated that attached was the draft of the proposed changes to the zoning code, and that these are changes staff caught after updates were made.

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

Aziere asked the commission if there was any discussion. Blood asked why the drinking establishment's permitted use was not the same as the microbrewery's permitted use. Carter asked where he was looking. Blood stated that the drinking establishment was permitted use in the office commercial district and that the microbrewery was permitted in the office commercial and light commercial district, and that they should be the same.

Aziere asked if a microbrewery allowed drinking. Blood stated that if you are a microbrewery you have to be a drinking establishment. A microbrewery cannot sell a glass of beer as it has to be a drinking establishment on top of being a microbrewery. Aziere stated those two uses need to say the same thing. Aziere asked what the correct use should be. Carter stated that the microbrewery was, and that under Tavern and drinking establishment light commercial as a permitted use needed to be added.

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

Aziere asked for a motion to close the public hearing.

Motion by Coleman Second by Blood to close the public hearing.

Aziere asked for a motion.

Motion by Coleman Second by Blood.

To approve the amendments to Chap 16 Zoning Regulations with changes updating Tavern and Drinking Establishment to match Microbrewery as a permitted use in office commercial and light commercial districts.

Blood aye, Rinke absent, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

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Under new business was the review of the 2024 Closing Calendar.

Tardiff stated that this was just for them to review and that he had added the January 8 meeting due to a zone change that is coming up, and that this will go before the city council on Monday, February 12.

Aziere asked if the commission needed to vote on this. Tardiff stated no.

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Under new business was the review of the 2024 Master Plan Review Calendar.

Tardiff stated that this was just for the commission to review of what was planned for the year.

Aziere asked if the Comprehensive Plan could be moved to October. Tardiff asked if they had to review the Capital Improvement Plan before the Comprehensive Plan. Carter stated that they usually review everything that goes into the Comprehensive Plan first. Aziere asked if this was why there were a lot of public hearings as the land use map was behind. Carter stated yes the land use map was the last one that had a lot of changes to it and took longer this year. Carter stated that the Bike Plan, Park Plan, and Historic Plan have to go before those committees first in March and have Planning review them in June, and next year should go smoother as there should not be any major changes to the Land Use Map or the Comprehensive Plan and may not require a public hearing.

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There was no correspondences.

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Under off-agenda, Tim Austin with Iron Horse Development was working on the property for development south of 79<sup>th</sup> Street and Seneca Street that is 43 acres, outside city limits, but is within Haysville's area of influence, and had a few questions before submitting a preliminary plat as he was used to the Wichita and Sedgwick County zoning regulations and subdivision regulations. Mr. Austin stated that he understood that the plat would be in conformance with the county regulations, but saw some differences with city regulations and wanted clarification when the surveyor prepares the plat. Mr. Austin stated that before them was a sketch plat of the area in question and that Mr. Austin had talked to Mr. Wagner with Sedgwick County Sanitary Department about the soils and Mr. Wagner had recommended minimum lot sizes of 2 acres for septic uses. Mr. Austin stated that there is city water that crosses this property and having talked to city staff was thinking that the lots would be served connected with the city public water system which makes sense, and then put the lots on septic's. Mr. Austin asked the commission what the cul-de-sac length should be as the city's subdivision regulations limit the length to 500 feet, but the site is 2,600 feet depth.

Aziere asked the staff if the commission had adopted county regulations for plats outside city limits. Tardiff stated that was correct. Aziere asked Mr. Austin what the county states for cul-de-sac lengths. Mr. Austin stated that it was 1,200 feet for a single dead-end point of access and that the subdivision

to the north is an older 1950s subdivision and it is a single point of access of 2,600 feet. Aziere asked if the county allowed exceptions. Mr. Austin stated yes they do allow exceptions, and that was one of the questions he had for the commission if they would allow exceptions, or Mr. Austin would try to plan for a future second point of access or an easement to cross one of the properties for the street to the north.

Aziere stated they would not get anything going east across the creek unless they purchased something from the south to get there. Aziere stated that if he remembers correctly Mr. Austin could increase the street width, obtain the 2,600 feet, and meet the requirements, and that ultimately it would be the county fire department that would be the yes or no concerning the plat. Aziere stated that he did not have a problem as long as Mr. Austin was meeting all the county requirements.

Mr. Austin asked that so long as they meet the fire department criteria they are good to survey the property. Aziere stated that the commission wants to see residential development here and so long as they are meeting the requirements they are okay and the commission will not stand in their way. Carter stated that during the plating process, the plat will go out to the county and the county make their recommendations, the commission will recommend that the surveyor accommodate the county's changes before final approval. Mr. Austin thanked the commission for the input and would work with his surveyor to have a preliminary plat drawn up with the correct lot size and minimum pad elevations as the area was in a floodplain.

Williams asked where this was located from 79<sup>th</sup> Street. Mr. Austin stated it was just south of 79<sup>th</sup> Street and 81<sup>st</sup> Street before you came to 95<sup>th</sup> Street.

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Motion by Coleman Second by Williams.

To adjourn tonight's meeting.

Blood aye, Rinke absent, Aziere aye, Coleman aye, Adkins absent, Williams aye.

Motion carried.

The meeting adjourned at 6:27 p.m.



# Legal Notices and Publications

## Public Hearing - Planning Commission - January 11, 2024 - Zone Change Request

TERM	DEFINITION
ORDINANCE	Comprise the body of local Haysville law which governs the management of local affairs, the conduct of persons, the use of property, and other matters on which the City of Haysville government exercises its power. General ordinances remain in effect until repealed by another ordinance.
RESOLUTION	Less formal than ordinances. Generally used when (1) required by State statute, (2) when the formality or permanency of an ordinance is not required, (3) when a separately written record is advisable, or (4) when there is doubt that a simple motion of the Governing Body, recorded in the Governing Body minutes, is not sufficient.
PUBLIC HEARINGS	A formal public hearing held in order to receive testimony from all interested parties - including the general public - on a proposed issue or action.
OTHER LEGAL NOTICES	Financial reports, specific meeting agendas, and any other item that does not fit within the previous three categories but still requires publication.

On September 11, 2023, the Haysville Governing Body adopted Charter Ordinance No. 29 exempting the City from the provisions of K.S.A. 12-1651 and providing substitute provisions which relate to the official naming of an official newspaper.

On December 11, 2023, the Governing Body adopted Resolution No. 23-13 officially designating the City website ([www.haysville-ks.com](http://www.haysville-ks.com)) as the official City newspaper for legal notices that do not require publication in a newspaper of general circulation. All notices meeting this definition will be published on this page.

Archived Notices

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### NOTICE OF PUBLIC HEARING

**TO WHOM IT MAY CONCERN:** At 6 p.m., Thursday, January 11, 2024, 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 “LC” Light Commercial and “SF” Single-Family Residential to “TF” Two Family Residential for property generally located at the NE Corner of Grand Ave and Plaza Dr., and legally described as **Lots 1-3, Block C, Reserve A, S 106 Ft Lot 3, Block B, and E ½ Lot 6 and S ½ Lot 7, Block A of Country Plaza Villas Addition to Sedgwick County, Kansas.**

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](mailto:jtardiff@haysville-ks.com). Written comments will be accepted up to 4 p.m. on the day of the meeting. For additional information call 529-5900.

(Published December 18, 2023)

**AFFIDAVIT**

STATE OF KANSAS       )  
  ) SS.  
SEDGWICK COUNTY     )

Undersigned, the duly appointed and serving City Clerk for the City of Haysville, Kansas, pursuant to the laws of Kansas and the ordinances, resolutions and Code of the City of Haysville, being of lawful age, first being duly sworn, on oath states:

1. On December-18, 2023 the attached was first posted by undersigned or designee on the City of Haysville, Kansas website [City of Haysville-Home \(haysville-ks.com\)](http://City of Haysville-Home (haysville-ks.com)) and this Affidavit constitutes proof thereof.

**FURTHER AFFIANT SAYETH NOT.**

Angie Millspaugh  
Angie Millspaugh, City Clerk

The foregoing instrument was subscribed and sworn to or affirmed before me this 18<sup>th</sup> day of December, 2023, by Angie Millspaugh, City Clerk, City of Haysville, Kansas.

Trisha Greer  
Notary Public





# Haysville Planning Commission Staff Report

## AGENDA ITEM: IV-A

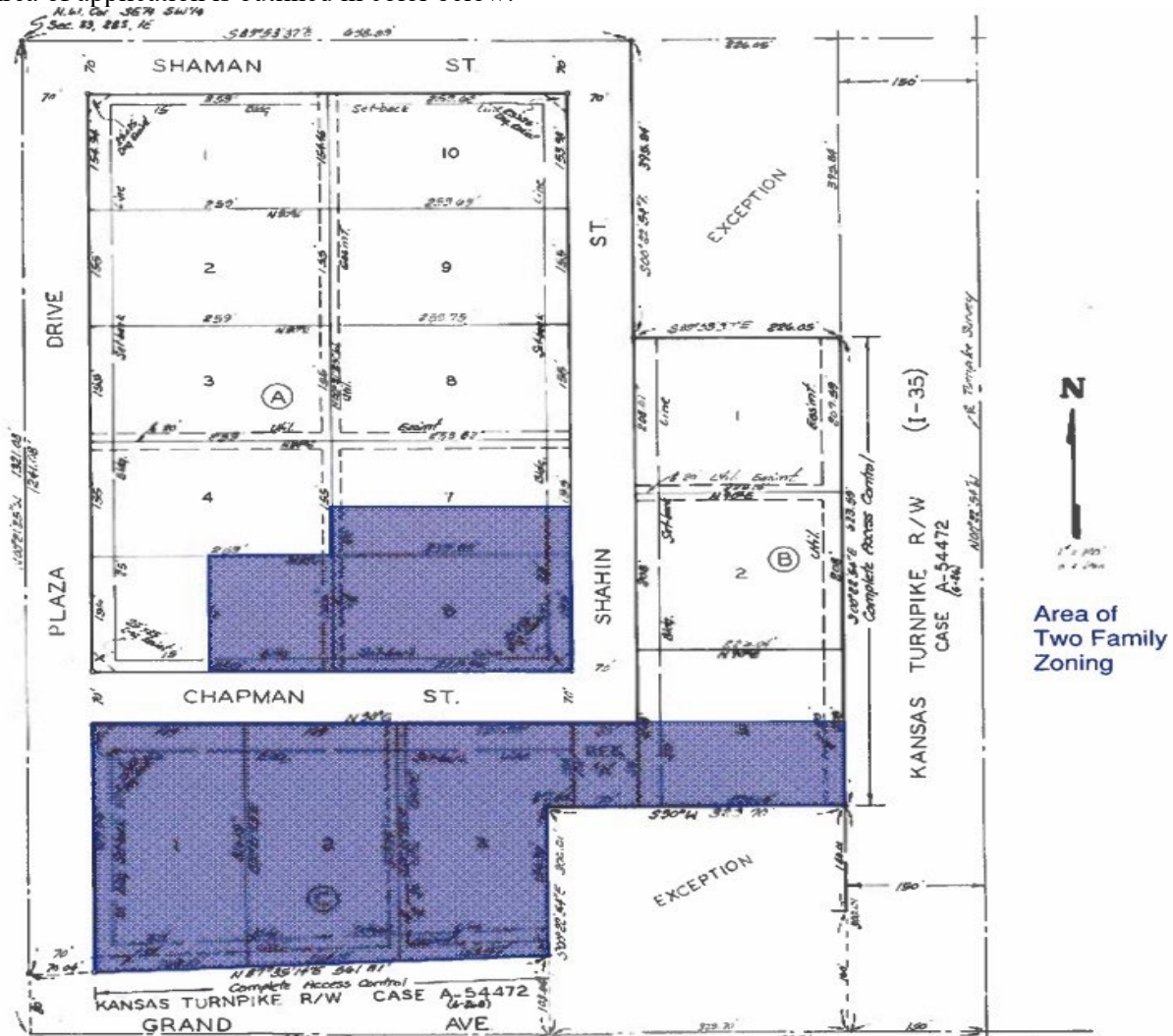
**Subject:** Zone Change Request from “LC” & “SF” to “TF”  
**Case Number:** ZON2024-01  
**Meeting Date:** January 11, 2024  
**Presented By:** Jonathan Tardiff, Planning and Zoning Administrator  
**Public Hearing:** Required, to be held by Planning Commission

## ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
<b>Planning Commission</b>	1/11/2024	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
<b>City Council</b>	2/12/2024	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 <sup>st</sup> reading of ordinance).

## AREA MAP

Area of application is outlined in color below:



## BACKGROUND INFORMATION

The applicant has applied for a Zone Change from “LC” Light Commercial and “SF” Single Family Dwelling District to “TF” Two-Family Dwelling District for Lots 1-3, Block C, Reserve A, S 106 Ft Lot 3, Block B, E ½ Lot 5, Lot 6, and S ½ Lot 7, Block A of Country Plaza Villas Addition to Sedgwick County, Kansas.

On December 18, 2023, an official public hearing notice was published on the City of Haysville website at [www.haysville-ks.com](http://www.haysville-ks.com). Public hearing notices were mailed on December 20, 2023, to all owners of property located within 200 feet, and 1,000 feet of the subject property. On December 21, 2023, a notice of a public hearing was also published in the Haysville 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 properties are vacant or have homes on them.
  - Adjacent properties are zoned for “SF” Single Family Residential to the North and East, “SF15” Single Family/Suburban Residential to the East, and “LI” Light Industrial to the South and West.
  - It is not uncommon for this area to be neighborhood mixed use.
  
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 properties are currently zoned “LC” Light Commercial, and “SF” Single Family.
  - The uses permitted in the “TF” Two-Family Residential 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 properties are currently Light Commercial and adjacent to Single Family District and Single Family/Suburban District.
  - Staff does not foresee any detrimental impacts to nearby properties if the request is granted. The property will be a Two-Family Residential District and will need to be replatted.
  
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 properties have remained vacant or have had homes on them since being platted in June 1985.
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 “TF” Two-Family Residential District zoning should not be significantly different than those associated with the surrounding “SF” 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 is currently being updated and identifies the properties as neighborhood mixed-use 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: *(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 properties.
  - 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.
  - The properties are located along Grand Ave, a four-lane street, and Plaza Drive, a two-lane 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.)*
- Comments from area residents are in the comments below.

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 request as requested.

#### RECOMMENDED ACTION

Staff recommends approval of the zone change request

**Recommended Motion:**

*Approve the request to change the zoning classification of properties located at Lots 1-3, Block C, Reserve A, S 106 Ft Lot 3, Block B, E 1/2 Lot 5, Lot 6, and S 1/2 Lot 7, Block A of the Country Plaza Villas Addition to Sedgwick County, Kansas from "LC" Light Commercial and "SF" Single Family Residential District to "TF" Two-Family Residential District 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 December 18, 2023. Any written record of the comments received as of January 5, 2024, is attached. Comments received after this date will be distributed at the meeting.

#### ATTACHMENTS

Copy of the Public Hearing Notice

#### COMMENTS

- 1/2/24 Phone call from Mr. Briley, resident at 7041 Shahin Street, asked why the zone change included his property as he had bought the property from Lange.
  - Staff stated the certified ownership list listed Lange as the property owner. He said he would be attending the meeting and contacting Lange.
  
- 1/4/24 Phone call from Mr. Hill, resident at 7050 Plaza Drive, voiced his concern about the two-story homes, whether the homes would be for rent or sale, the dollar impact of sewer and water would affect area residents, and that he would be present at the meeting.
  
- 1/8/24 Phone call from Mr. Gates asking if the proposed zone change would be two-family homes or duplexes, and contacting Lange.
  - Staff stated they could be two-family homes or duplexes, and asked if he would be attending the meeting on Thursday. He stated he would be attending the meeting.

# MEMORANDUM

**TO:** Haysville Planning Commission

**FROM:** Jonathan Tardiff, Planning and Zoning Administrator

**SUBJECT:** Zone Change "HC" Heavy Commercial to "SF" Single Family Residential of Lot 1, Block A Shook Addition.

**DATE:** January 11, 2024

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Haysville City Council reviewed the recommendation for the property located at Lot 1, Block A of the Shook Addition on January 8. The City Council sent the item back to the Planning Commission to review the zone change again including allowing the applicant and Ken Boote, adjacent property owner, to speak. Staff will review the points brought up during the council meeting, the chair will read Mr. Boote's letter dated December 11, the applicant, Adrial Barger will be allowed to speak, the adjacent property owner, Mr. Boote, will be allowed to speak, and the applicant will be allowed to rebut.

The city council requested the commission review the golden factors again in light of the contents of the letter, and then have a chance for discussion before giving their recommendation.

Planning Commission Options are:

1. Resubmit the original recommendation giving the reasons for returning the same recommendation,
2. Submit a new recommendation,
3. Amend the original recommendation.

If the Planning Commission fails to deliver its recommendation to the City Council following the Planning Commission's next regular meeting after receipt of the City Council's statement, the City Council shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

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Several items were brought up during the discussion at council on Monday that need clarification:

- Mr. Boote's letter, visit, and phone calls were documented in the staff report. These were included in the staff report and presented in the same manner as other zone changes.
- 21 letters were sent out, and only 1 property took opposition to the proposed zone change.
- This request changes the use from a higher intensity to a lower intensity which is a basic tenet of consideration of a zone change request.
- The applicant wants to have her affairs in line for her children. She does not plan on building immediately.
- When this began back in 2021, she wanted to build a garage, but the property was not platted. According to our subdivision regulations, a building permit cannot be issued for an unplatted property. An accessory structure cannot be built in the absence of a primary structure.
- Access to the property was designated on the western side when it was platted, which means access is through a residential neighborhood.
- This area was annexed into the city and has many legal-non-conforming uses (the use was there when the property was annexed, and the use has continued therefore it is allowed). This includes residential uses on heavy commercial lots (along Broadway) that are unplatted. There are also residential and commercial uses on the same lot. Some of these properties have a single structure on them (garage) which is allowed because they are legal-non-conforming use.



- The zoning map shows that the property to the north and west of the proposed lot is zoned residential. The property to the south and east are zoned heavy commercial and have both residential and commercial use on them.
- The parcel to the east of the property being considered for a zone change, Lot 2 will remain zoned heavy commercial, and only the west parcel, Lot 1, is proposed to change to single-family residential.

# Air Capitol Auto, LLC

6603 South Broadway  
Wichita, Kansas 67216

December 11, 2023

City of Haysville, Kansas  
200 West Grand Ave  
Haysville, KS 67070

Members of the Haysville Planning Commission:

Please accept my apology for not attending this very important meeting in person, my Board Member obligations to the Derby Recreation Commission require my attendance in the same time slot.

I am the owner/operator of Air Capitol Salvage at 6603 S Broadway since July, 1979. We operate an environmentally respectful Auto Recycling Facility within the restrictions of the current HC zoning as well as being authorized to operate the facility via a non-conforming agreement as the facility has been operated continuously since well in advance of the date of Haysville annexation.


I am respectfully requesting that the planning commission reject the re-zoning proposal for the west portion of the parcel commonly referred to as 6537 South Broadway, Wichita, KS for the following reasons:

Much of the commercial activity on the premises involves the operation of heavy equipment including, but not limited to Bobcats, Front-End Loaders, Forklifts, Dump Trucks, Wreckers, and most importantly a Vehicle Press, commonly referred to as a "Car-Crusher". We make every attempt to operate with consideration of the neighborhood surrounding us by only operating this equipment during normal business hours and the crusher is situated to maximize the land area between this noisy equipment and nearby residences. This is undoubtedly an unsuitable environment for residency.

It is my opinion that offering a residential permit to build residence(s) along my northern boundary will ultimately result in a property usage battle as the operation of my business involves noise, dust, concussion, (as the press is flattening motors/transmissions, and vehicle bodies), and unpleasant odors. I'm proud of my 44 year record of being a good neighbor with no unresolved complaints, but this change in property use threatens to place us on an inevitable course of trouble.

It is my understanding that the property owner simply wants to erect a garage very much like the existing structure currently situated at the east half of the same address and this commission has denied her request. As the adjacent property owner, I would offer absolutely no resistance to granting a non-conforming use permit as this would be an ideal use of the land allowing good neighbors continue to be good neighbors. Ariel has been a wonderful neighbor and I hope to continue that positive relationship.

Sincerely,



Kenneth W. Boote  
Air Capitol Auto, LLC



# Haysville Planning Commission Staff Report

## AGENDA ITEM: V-A

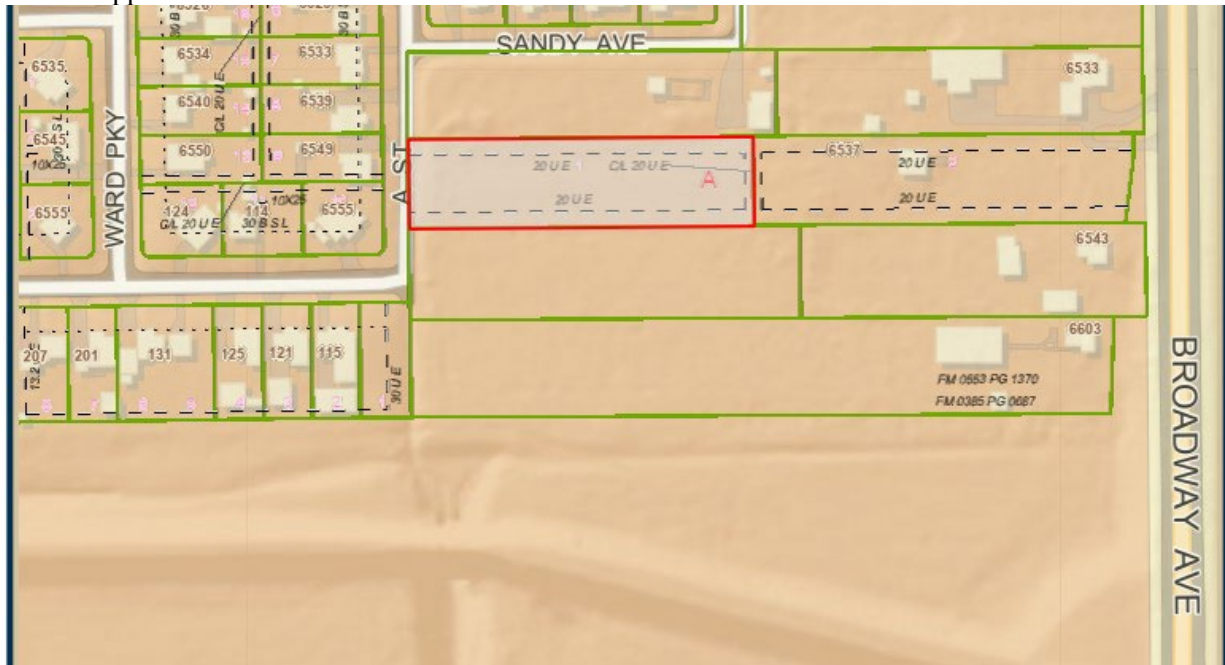
**Subject:** Zone Change Request from “HC” to “SF”  
**Case Number:** ZON2023-01  
**Meeting Date:** December 14, 2023  
**Presented By:** Jonathan Tardiff, Planning and Zoning Administrator  
**Public Hearing:** Required, to be held by Planning Commission

## ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
<b>Planning Commission</b>	12/14/2023	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
<b>City Council</b>	1/8/2024	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 <sup>st</sup> reading of ordinance).
<b>Planning Commission</b>	1/11/24	Second Review. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
<b>City Council</b>	2/12/24	Adopt the recommendation of the Planning Commission as presented, revise or amend and adopt such recommendation by ordinance, or take no further action.

## AREA MAP

Area of application is outlined in red below:



## BACKGROUND INFORMATION

The applicant had the property platted into 2 Lots of the Shook Addition to Haysville on August 17, 2021.

The applicant has applied for a Zone Change from “HC” Heavy Commercial to “SF” Single Family Dwelling District of Lot 1, Block A of the Shook Addition to Haysville.

Public hearing notices were mailed on November 16, 2023, to all owners of property located within 200 feet of the subject property. On November 16, 2023, 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 is vacant and not being used.
  - Adjacent properties are zoned for ‘SF’ Single Family to the North and West, and ‘HC’ Heavy Commercial to the South and East.
  - It is not uncommon for this area to be ‘SF’ Single Family Dwelling 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 “HC” Heavy Commercial.
  - The uses permitted in the “SF” Single Family Dwelling 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 zoned Heavy Commercial and is adjacent to a Single Family Residential District.
  - Staff does not foresee any detrimental impacts to nearby property if the request is granted, and the property has been platted.
  
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 has remained vacant even before being platted in August 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 “SF” Single

Family Residential should not be significantly different than those associated with the surrounding “SF” Single Family Residential.

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 is currently being updated and will identify 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: *(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 along A Street, a two-lane 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.)*

- Comments from area residents are in the comments below.

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 request as requested.

<b>RECOMMENDED ACTION</b>
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Staff recommends approval of the zone change request

**Recommended Motion:**

***Approve the request to change the zoning classification of property located at Lot 1, Block A, of the Shook Addition to Haysville, Sedgwick County, Kansas from “HC” Heavy Commercial to “SF” Single Family Dwelling District 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 November 16, 2023. Any written record of the comments received as of December 8, 2023, is attached. Comments received after this date will be distributed at the meeting.

## **ATTACHMENTS**

Application  
Letter from Mr. Boote  
Copy of the Public Hearing Notice

## **COMMENTS**

- 11/30/23 – Ken Boote called and wanted to discuss the zone change north of his property. Staff talked to him and his main concern was a home being built next to a loud business.
- 12/11/23 – Mr. Boote dropped off a letter voicing his concerns about the proposed zone change.