

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

Agenda

August 25, 2022

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

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of August 11, 2022
- IV. Special Order of Business
 - A. Election of Pro-Tem
- V. New Business
 - A. Public Hearing to Consider a Zone Change Request from “AA” Residential District to “A” Residential District and “B” Two, Three, & Four Family District
 - B. Preliminary Plat of Wheatland Village Addition
 - C. Public Hearing Land Use Map
- VI. Old Business
- VII. Correspondence
- VIII. Committee Updates
- IX. Off Agenda
- X. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

August 11, 2022

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

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

The first item of business was the Minutes of July 28, 2022.

Motion by Coleman, seconded by Williams.

To approve the minutes with corrections as noted by Coleman concerning page 2, the third paragraph from the bottom, the last sentence should read: but land use was never reviewed, and corrections to page 3, second paragraph last sentence should read feasible not feasibly.

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

Motion carried.

Under special order of business was the public hearing to consider a zone change request from “D” Light Commercial with Protective Overlay 3 to “BB” One and Two-Family District.

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

Motion by Adkins, and seconded by Coleman.

To open the public hearing.

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

Motion carried.

Aziere asked if any members of the planning commission had a conflict of interest in the case. There was none. Aziere asked if anyone had received written or electronic communications on this case. There was none. Aziere asked staff to present the staff report for the zone change.

Tardiff stated this was a zone change request for property located at Lot 1, Block A, Peachwood 9th addition. The property is currently zoned “D” Light Commercial with Protective Overlay 3 and was platted in August of 2002. This was one of the first protective overlays done by the city. The lot has been vacant for the last 20 years and has not sold as light commercial. Tardiff said the applicant purchased the property earlier this year and is requesting a zone change to “BB” One and Two Family Dwelling District, to build duplexes that will be sold to homeowners.

Tardiff stated that the public hearing notice was published on July 21, letters were mailed to area residents, and he had received two comments regarding this zone change.

On July 27, Mrs. Norris from Peachwood Early Learning Center located at 1401 W. Grand Ave. had called asking about the location of the zone change before she gave the letter to her boss. Tardiff informed her of the location was just north of 2nd Ave. and south of Casey’s.

On August 9, Mr. Reisch, residing at 246 Peachwood Drive emailed Tardiff the following: My family resides at 246 Peachwood Drive. We have lived here since the house was first built in 1992. We are opposed to the zoning change request from “D” Light Commercial with Protective Overlay to a Two-Family District. Our property already backs up to duplexes on Second Street. Adding more rental properties to the neighborhood is disappointing. Our experience over the years has been tenant’s constantly changing, acting up, damaging property, and these rental properties are not maintained as well as the single-family homes in the neighborhood. This proposed change will lower the value and appeal of the neighborhood. The citizens of our neighborhood have opposed this type of zoning change to this land in the past and it is more than a little frustrating that we have to go through this again. I would prefer that the zoning not change, but if it must I would consider a change to single family. Mark Reisch. We care about where we live!

Tardiff stated that although the request to change the zoning classification of this property does not align with the Meridian Corridor Study from 2011, due to the current housing trends as noted in the state housing study from 2021 it does meet current housing needs. The “BB District” would create a buffer between the Single Family Residential and future Light Commercial development if the property to the north is developed. There is also a section of “BB” zoning districts to the south along West 2nd Street. Based on the factual information we recommend approval of this zone change.

Aziere asked if any of the commissioners had questions for the staff.

Blood asked if they were taking the whole lot from the south side. Aziere mentioned there are 3 lots in this plat and they only have the south lot.

Williams asked if the properties would be for sale or rent. Tardiff stated the applicant had said he would rent then eventually sell them. Williams also asked if this was the same person that had requested a zone change earlier this year. Tardiff stated no this was not the same person.

Aziere had questions about how many access points would be allowed to service this plat and if there was a cross-lot agreement on the plat, he wanted it on record that if this platted opening on the center lot remains then he would be opposed to the other two openings based on what he is seeing on the existing plat.

Carter stated the property would have to be replatted and meet our subdivision regulations. Staff has concerns about the proposed layout. Aziere asked if there was a cross lot agreement on the plat because it was commercial before. Carter said she would have to review the plat but did not remember seeing one. Aziere said if they are going to have to replat it can be looked at then.

Williams asked if the entire section is currently commercial. Tardiff stated it is currently all light commercial with a protective overlay.

Aziere asked if Casey’s was zoned light commercial. Tardiff stated yes. Carter mentioned the protective overlay had been removed from some of the lots.

Aziere asked if there were any other questions for staff. There was none. Aziere asked if the applicant or their agent was present. They were not present.

Azeire asked if anyone from the public wished to speak. They have five minutes to speak. If they are presenting good, factual information, this time may be extended by vote.

Dustin Musgrove residing at 241 Peachwood Drive came forward and stated he is seconding what Mark Reisch said. He has talked to neighbors, and everyone is opposed or concerned about duplexes or multi-family going in. Neighbors prefer the light commercial area, but if it has to change, they would prefer single-family so that their property values do not decrease. Secondly, they have concerns about drainage issues. When it rains their back yards are already flooded to some extent. If more houses are added that drain in that ditch, they would like to see the drainage issue addressed so it does not flood their backyard more. Goals for the neighborhood are they would like to see the property stay as is, but if it goes forward they would like to see it changed to single-family instead of multi-family.

Aziere addressed the drainage issue stating whatever is developed will have a drainage plan whether it is commercial or residential. He stated that from a planning standpoint commercial is higher impact development, so a multi-family buffer between the two would make sense.

Aziere asked Carter what can go into a light commercial district without anyone going before planning. Carter stated restaurants, fast food restaurants, telecommunications stores, beauty parlors, or service centers that have higher density traffic than multi-family.

Aziere said hypothetically then looking at a back of a strip center or a Taco Bell and what comes with that, is not that great. So the back of someone's duplex would look better than the back of where trash is picked up from a strip center. Aziere asked Musgrove if they had discussed that. Musgrove said no as they were not sure what could go in there or what the wording of single and double family was. Aziere said single-family is just that. Aziere said currently the lot is too small to allow duplexes off Meridian since it does not make sense from a planning standpoint. What makes sense is the commercial we have it zoned now.

Musgrove stated they had concerns about access into the lot since traffic is already a nightmare during school hours. If you add another street traffic will be worse and its already terrible exiting Second street since its across from the bus barn and Freeman only allows one entrance. We have had one wreck already and it was a forty-five-minute wait due to the accident.

Aziere said that from a traffic standpoint, these ten duplexes would generate less traffic than a strip center would. Also, a strip center would offset traffic later in the day.

Adkins mentioned that anything that could go in there would be a lot of hard surface with no ground to absorb water so it would increase flooding issues. Aziere said this would all have to be taken care of as part of the drainage plan.

Aziere asked if anyone else from the public wished to speak. While waiting for a member of the public to fill out a speaker registration, Carter stated she reviewed the uses allowed with protective overlay 3. Permitted uses included offices, retail stores, accountant's offices, architects, engineers, similar office uses. Aziere asked about lighting requirements like full parking lot lighting. Carter said they would have to follow our landscaping plan and exterior lighting fixtures shall be shaded so that direct light is directed away from adjacent residential areas.

Aziere said they were ready for the next speaker.

Mark Reisch stated he has lived here since 1992. Aziere asked if he was the same person mentioned in the staff report and he stated yes. He said the overlay was the important part of getting the zone change before. The Casey's store has a brick front, and the dental office is nice. It is the appealing and why they

like the zoning in the area. We care about where we live and don't want to change the appeal of the neighborhood, and our families grew up here.

Carter stated that the protective overlay did not allow a drive-up window establishment.

Aziere asked if any other member of the public wished to speak. Hearing none, Aziere entertained a motion to close the public hearing.

Motion by Coleman, and seconded by Franken.

To close the public hearing.

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

Motion carried.

Aziere then opened the floor to Commissioner's comments regarding the eight guidelines.

Williams noted the access to the area looks like it only had one entrance. Aziere said the property was platted together and that the one opening would have shared access. If this is approved it would have to be addressed during the replat and the spacing from what we have been shown is not acceptable. What we are considering right now is the zone change itself and not the layout.

Franken said her main concern is the traffic flow and the protective overlay. Aziere said we might be stuck with some of the options for the opening until a replat occurs. Aziere stated there are drives in town are too close to an intersection. For developments coming before us now, we can make sure they are spaced out far enough and spaced out in the correct direction from offset streets.

Aziere believes we are not too far away from Meridian being widened in some form or fashion just because of the traffic and development moving in that direction. Aziere said the question is if we leave it as commercial will it be developed that way and is that the way we prefer it developed, or is this a good buffer between commercial and residential? It is a possible if we approve this we could see the other two lots before us for a zone change. We should consideration if we want a little bit of a zone change or the whole thing. Aziere isn't sure he would want a small residential development no matter what size or configuration coming directly off Meridian with no other access points. Seems like a potential traffic problem. It may be better for the city for development since the area has been vacant for so long.

Franken has heard that private housing is needed in the area. Williams stated we have another zone change coming up at the next meeting and asked if we should table this discussion. Aziere said this should stand on its own and because we have other developments that are similar coming before us should not affect our decision here.

If you think this is the right land use for this particular ground, you should vote that way, if you think it is not the right land use for this particular piece of ground, you should vote that way. Aziere thinks it is important enough and complex enough he isn't sure what he is going to do yet.

Blood said they would not be able to put five duplexes on the property without taking the middle lot. Aziere said it could go to a commercial lot and have a shared access agreement. Aziere said currently it cannot be laid out as is since there is no access to Meridian. Aziere does not want to approve this zone change if it makes the property undevelopable.

Adkins said they could vote against this, and then the applicant could come back and ask for this again with additional pieces of property. Aziere stated that was true. Carter stated the applicant currently does not own the other two lots.

Carter suggested they go through the eight factors and base it on the facts, so they would have a factual reason for saying no or yes. Williams asked if the council voted no, could the applicant come back again. Carter said the applicant could apply for a different type of zoning change. Carter said the council could override the planning's decision with a two-thirds of majority vote, they could send it back with questions, comments, or changes. Even if planning approves it council could override this with a two-thirds vote. The council makes the final decision. Williams asked if the decision is no, can the applicant come back and try again. Carter said they could file an appeal of why it was denied, and that is why we should go through the eight facts.

Aziere went back through and read the eight facts and staff's comments. On number 8, Aziere stated we could change that to two owners and the neighborhood representative.

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

Williams made a motion to decline the zone change request from "D" Light Commercial with Protective Overlay 3 to "BB" One and Two-Family District. Seconded by Coleman.

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

Aziere asked for the count. Carter said 4 No's, and 3 yes's. Aziere said this would convert to 4 yes's for the zone change.

Motion failed.

Carter commented that they had to have a separate motion to approve the zone change since the first motion failed.

Aziere commented we need to have another vote in the affirmative to approve the zone change.

Franken made the motion to approve the zone change request from "D" Light Commercial with Protective Overlay 3 to "BB" One and Two Family District. Seconded by Plummer.

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

Aziere asked for the count. Tardiff said 5 No's and 2 yes's

Motion failed.

Aziere asked if by Robert's Rule can you second a motion and then vote against it. Robert's Rule states that the person who seconds the motion has neither claim to the motion nor any obligation to agree with the motion. Plummer stated that was the confusion about Robert's Rule of Order to him, he thought it was just a vote so each person would just say yes or no. Aziere said he believes that is what it is saying so Plummer is correct.

Aziere said the motion is denied and that is our recommendation to Council.

There was no new business.

There was no old business.

There was no correspondence.

There was no committee updates.

There was no off-agenda items.

Motion by Coleman, Seconded by Adkins

To adjourn tonight's meeting

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

Motion carried.

The meeting adjourned at 6:41 PM



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A

Subject: Zone Change Request from “AA” to “A” & “B”
Case Number: ZON2022-02
Meeting Date: August 25, 2022
Presented By: Jonathan Tardiff, Planning and Zoning Administrator
Public Hearing: Required, to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	8/25/2022	Hold required public hearing. Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the City Council.
City Council	9/12/2022	Adopt the recommendation of the Planning Commission as presented, override the recommendation, or return the recommendation to the Planning Commission (1 st reading of ordinance).

AREA MAP

Area of application is highlighted below:



RECOMMENDED ACTION

Staff recommends approval of the zone change request.

BACKGROUND INFORMATION

The applicant has applied for a Zone Change from “AA” Single Family Dwelling District to “A” Single Family Dwelling District and “B” Two, Three, & Four Family Dwelling District.

Public hearing notices were mailed on August 4, 2022, to all owners of property located within 200 feet of the subject property to the north, east, and west, and 1000 feet of the subject property to the west. On August 4, 2022, a notice of a public hearing was published in the official newspaper of the City, The Times Sentinel.

Legal Considerations

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

1. **ZONING USES AND CHARACTER OF THE NEIGHBORHOOD:** *(Factual description of the application area and surrounding property as to existing zoning, land uses, general condition, age of structures, etc.).*
 - The subject property is vacant and currently being used for agricultural.
 - Adjacent properties are developed “A” Single Family and ‘D’ Light Commercial to the North. ‘A’ Single Family to the South. ‘A’ Single Family to the East. Agricultural to the West.
 - It is not uncommon for infill development to have “A” Single Family and B’ Two, Three, & Four Dwelling District.

2. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** *(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 “AA” Single Family District as it was recently annexed into the city.
 - The uses permitted in the “A” Single Family Dwelling District and “B” Two, Three, & Four Family Dwelling District are suitable for the site and are compatible with surrounding zoning and land uses.

3. **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 Dwellings.
- Staff does not foresee any detrimental impacts to nearby property if the request is granted. The property will be Single Family and Two, Three, & Four Family District, and has the same size, height, and setback regulations as the existing zoning.

4. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: *(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 in the process of being platted.
- The property was last sold in 2022.

5. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE AS COMPARED TO THE LOSS IN VALUE OR THE HARDSHIP IMPOSED UPON THE APPLICANT: *(The 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 "A" Single Family District and "B" Two, Three, & Four Family District zoning should not be significantly different than those associated with the existing "AA" Single Family Zoning as it is annexed into the City.

6. CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED COMPREHENSIVE PLAN: *(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 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 west of South Meridian Avenue, a two-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.)*

- The developer of County Lakes addition called and left a voice mail with the mayor opposing the zone change and development of the area. (See attached comments).

9. RECOMMENDATION OF STAFF: *(Should be based on the proceeding eight factors, adopted plans and policies, other technical reports (e.g. Capital Improvement Program, facility master plans, etc.) which speak to the topic, and staff's best professional judgment.)*
- Based off the proceeding eight factors staff recommends approval of the zone change request as requested.

Recommended Motion:

Approve the request to change the zoning classification of property west of S Meridian Ave from "AA" Single Family Dwelling District to "A" Single Family Dwelling District and "B" Two, Three, & Four 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 August 4, 2022. Any written record of the comments received as of August 24, 2022, are attached. Comments received after this date will be distributed at the meeting.

ATTACHMENTS

Application
Copy of the Public Hearing Notice

COMMENTS

- Responses from homeowners
 - 8/5/22 at approximately 9:15 am, Mr. Davis called wondering where the location of the property in question was located. He also wanted to know if the water tower would be able to handle this. He suggested that a map of the location should be attached to the letter when it goes out.
 - I informed him where the location of the property was and thanked him for the advice for making sure a map was attached with future notices. I did tell him I could provide a map if necessary and where it was located at on the webpage.
 - I informed him the water department was under the direction of public works if he wanted to contact them, but the city water supply will easily handle the new development.
 - 8/5/22 at approximately 9:50 am, Mrs. Hammond of Bridge Properties requested a map of the area of the proposed zone change. She mentioned having a buyer in the area that was interested in building duplexes.
 - I emailed her a map of the proposed zone change area.
 - 8/8/22 at approximately 8:03 am, Mr. Collins called about the location of the proposed zone change just southeast of his wife's property. He thought it was scheduled for the August 11 meeting.
 - I reviewed the ownership notification lists and found they had received notification for the August 25 public hearing.
 - I directed him to the cities webpage that has the planning commission information for public hearings.
 - I emailed him the information concerning the preliminary plat review, proposed drainage, proposed utility map of the property, and the proposed zone change area.
 - He also asked me to forward the information to his wife, Brenda Collins as she owns the property just outside city limits west of Freeman Elementary School.
 - 8/8/22 at approximately 12:20 pm., Mr. Kelsey called and left a voice mail opposing the development. He stated he is the developer of Country Lakes.
 - 8/10/22 Mr. Kelsey also called the mayor and left a message repeating his concerns on the development.
 - 8/9/22 at approximately 1:55 pm, Mrs. Clements called asking the location of the proposed zone change & what were they planning to build there.
 - I told her the property was located on the west side of Meridian Ave, north of the Country Lakes Addition, and south of Freeman Elementary School and the First Christian Church of Haysville.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 6:00 p.m., Thursday, August 25, 2022, in the Council Chambers at City Hall, 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider a zone change request from **“AA” Single Family District to “A” Single Family District and “B” Two, Three, and Four Family District** for property generally located at Meridian St and Grand Ave, legally described as: **The South ½ of the Northeast ¼, Section 11, Township 29 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; EXCEPT the East 1,040.04 feet of the North 660 feet thereof; and EXCEPT the South 658.75 feet of the East 1,367.87 feet thereof.**

All interested citizens and property owners of the City as well as other persons of interest are invited to attend the public hearing and participate in the same. Also, any such interested persons may express his or her opinion concerning the proposed case by delivering, either in person or by mail, a letter addressed to the City of Haysville, Attn. Planning Department, 200 W. Grand Ave, P.O. Box 404, Haysville, Kansas 67060 or email them to jtardiff@haysville-ks.com.
Written comments will be accepted up to 4:00 pm on the day of the meeting.

For additional information call 529-5900 or visit www.haysville-ks.com.

(to be published August 4 2022)



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

Zoning Application

THE RECEIPT OF MONIES DOES NOT CONSTITUTE APPROVAL OF APPLICATION

APPLICANT INFORMATION

Name of Applicant: Sky View at Block 49, LLC	Phone: (316) 650-7536
Mailing Address: 221 West Market	Email: emgilbert@gmail.com
City, State, ZIP Derby, KS 67037	
Name of Authorized Agent or Additional Applicant: PEC	Phone: (31) 262-2691
Mailing Address: 303 S Topeka	Email:
City, State, ZIP Wichita, KS 67202	

ZONING INFORMATION

The applicant(s) hereby request(s) rezoning of:	
Legally Described as Follows: See attached	
From Zone: AA	To Zone: A and B

SIGNATURE

Applicant:	Date: 7-18-22
Agent or Additional Applicant:	Date:

The Haysville Planning Commission may, in certain instances, recommend zoning or rezoning of property located within the city limits. The following items should accompany all requests:

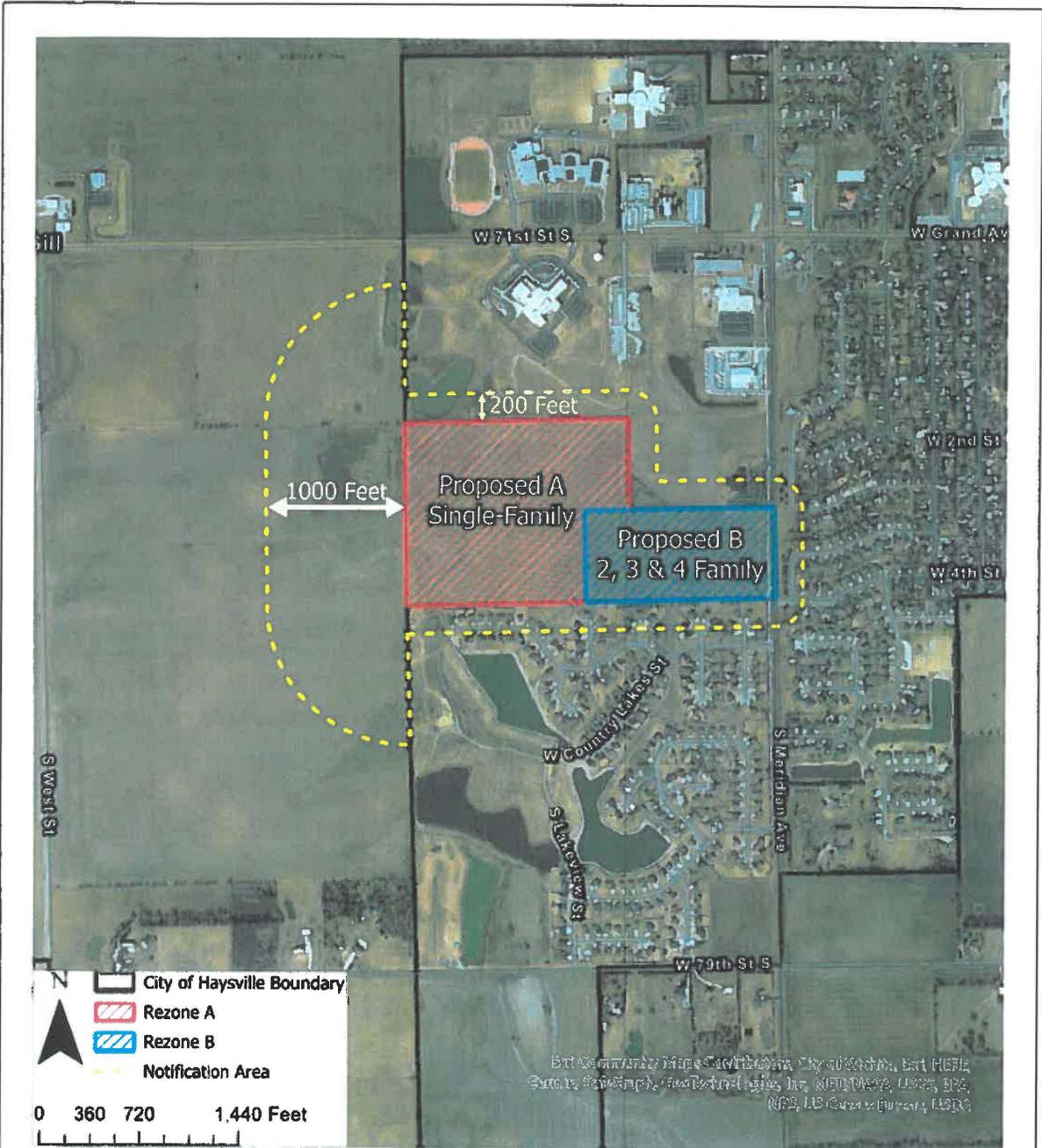
1. Legal description
2. Proof of ownership
3. Sketch of property
4. Certified (prepared by an abstract company) ownership list for all properties within 200 feet of subject property if all property is within the city limits or 1000 feet of subject property if all property is outside the city limits or a combination
5. Copy of restrictive covenants (if any)
6. Filing fee of \$200.00 and publication fee of \$75.00 paid to the City Clerk as set out in Article 7 of the Zoning Regulations of the City of Haysville

OFFICE USE ONLY

This application was received at the office of the Planning Commission at 10:45 (am/pm) on 7/25/22 20____. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of \$275.00.

Authorized Signature: Jonathan Toddiff

Title: Planning & Zoning Admin



Haysville Rezoning

July, 2022



Legal Description for Proposed "A" Zoning:

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Section 1, Township 29 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; EXCEPT the East 1,040.04 feet of the North 660 feet thereof; and EXCEPT the South 658.75 feet of the East 1,367.87 feet thereof.

Legal Description for Proposed "B" Zoning:

The South 658.75 feet of the East 1,367.87 feet of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Section 1, Township 29 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas, EXCEPT the East 60 feet thereof.

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

The S/2 of the NE/4, EXC the E 1,040.04' of the N 660' thereof, 1-29-1W Subject Property		Sky View at Block 49, LLC (Prior--Jon S. Wheat Trust) 205 W. 2 nd St. Wichita, KS 67202	
The S/2 of the NW/4, 1-29-1W AND The N/2 of the SW/4, 1-29-1W		John E. Dugan Family Partnership, LP 15810 W. 47 th St. Clearwater, KS 67026	1
Govt Lots 3 & 4, being the N/2 of the NW/4, 1-29-1W		Brenda M. Collins 17177 Elm Trail Drive Eureka, MO 63025	2
Lot 1, Blk A	Freeman School Addition	Board of Education Unified School District No. 261 1745 W. Grand Haysville, KS 67060	3
Lot 1, Blk A	First Christian Church of Haysville Addition	First Christian Church of Haysville, Inc. 7465 S. Meridian Haysville, KS 67060	4
Lot 20, Blk A	Southampton Estates Addition	Frederick S. & Jeanne M. Rudd 530 Shira Circle Haysville, KS 67060	5
Reserve B	Peachwood 2 nd Addition	City of Haysville PO Box 404 Haysville, KS 67060	.
Lot 11, Blk A	Peachwood 4 th Addition	Alvin & Junell Hearlson 1516 W. Loring St. Haysville, KS 67060	6
Lot 9, Blk B	"	Dorothy Fletcher 1517 W. Loring St. Haysville, KS 67060	7
Lot 1, Blk A, & That part of Lot 2, Blk A, begin at the SW corner, th. E 13.64'; th. NW 129.7'; th. S 130.81' to begin	Peachwood 7 th Addition	The James O. Higbee Trust 1522 W. Jubilee Haysville, KS 67060	8

Lot 1, Blk B	“	Michael W. & Charlotte J. Pokorney 1517 W. Jubilee Haysville, KS 67060	9
Lot 18, Blk B	“	Kimberly Jerrick & Kyle R. Payton 1516 W. 4 th St. Haysville, KS 67060	10
Lots 1 & 2, Blk C	“	Miguel A. Salmeron & Nhung T. Tran 1523 W. 4 th St. Haysville, KS 67060	11
That part of Reserve A lying in the NW/4 of Sect 6-29-1E AND That part of Reserve A lying in the SW/4 of Sect 6-29-1E AND That part of Reserve B lying in the NW/4 of Sect 6-29-1E	“	City of Haysville PO Box 404 Haysville, KS 67060	
Lot 1, Blk A	Country Lakes Addition	Thomas K. Goodlett & Christine M. McBrayer 558 S. Blue Stem Ct. Haysville, KS 67060	12
Lots 2 & 3, Blk A	“	Progressive Opportunities, LLC 4313 N. 119 th St. Maize, KS 67101	13
Lot 4, Blk A	“	Khanh P. Nguyen & Hadaza N. Amposta 551 S. Blue Stem Ct. Haysville, KS 67060	14
Lot 5, Blk A	“	Rickey C. De Jesus & Denise A. De Jesus 555 S. Blue Stem Ct. Haysville, KS 67060	15
Lot 6, Blk A	“	Pamela K. Sears 559 S. Blue Stem Ct. Haysville, KS 67060	16
Lot 7, Blk A	“	Linda J. Demain 568 S. Country Lakes Ct. Haysville, KS 67060	17

Lot 8, Blk A	“	Hector M. Marquez & Sonia Valeria Berumen- Mijares 564 S. Country Lakes Ct. Haysville, KS 67060
Lot 9, Blk A	“	Wayne R. Rowley, Jr. & Sheila Rowley 560 S. Country Lakes Ct. Haysville, KS 67060
Lot 10, Blk A	“	Christopher P. & Nora A. Wilson 561 S. Country Lakes Ct. Haysville, KS 67060
Lot 11, Blk A	“	Charlotte E. Gillham 563 S. Country Lakes Ct. Haysville, KS 67060
Lot 12, Blk A	“	Matthew & Tracie Helmers 567 S. Country Lakes Ct. Haysville, KS 67060
Lot 14, Blk A	“	Melody Watkins 574 S. Schoolhouse Circle Haysville, KS 67060
Lot 15, Blk A	“	Cassandra Joanne Shearhod 572 S. Schoolhouse Circle Haysville, KS 67060
Lot 16, Blk A	“	Andrea D. Henschel 8361 S. Hydraulic St. Haysville, KS 67060
Lot 17, Blk A	“	Jason Boyd Gill 575 S. Schoolhouse Circle Haysville, KS 67060
Lot 18, Blk A	“	Jay R. Dorsey, Jr. & Sherri K. Dorsey 579 S. Schoolhouse Circle Haysville, KS 67060
Lot 20, Blk A	“	Michael C. Steiner, Sr. & Lillie M. Steiner 584 S. Schoolhouse Ct. Haysville, KS 67060
Lot 21, Blk A	“	Anthony J. Schill-Sanchez & Melissa D. Sanchez 582 S. Schoolhouse Ct. Haysville, KS 67060

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Lot 22, Blk A	“	Angela Lynn Crafton 580 S. Schoolhouse Ct. Haysville, KS 67060	30
Lot 23, Blk A	“	Christopher & Katy Banks 583 S. Schoolhouse Ct. Haysville, KS 67060	31
Lot 24, Blk A	“	Justin A. Bruster 585 S. Schoolhouse Ct. Haysville, KS 67060	32
Lot 28, Blk A	“	Clinton D. & Maria Casper 2108 W. Schoolhouse St. Haysville, KS 67060	33
Lot 29, Blk A	“	Arthur Helvie 2112 W. Schoolhouse St. Haysville, KS 67060	34
Lot 30, Blk A	“	Darrel E. & Cynthia L. Finch 2116 W. Schoolhouse St. Haysville, KS 67060	35
Lot 31, Blk A	“	Michael & Lauren Davis 2120 W. Schoolhouse St. Haysville, KS 67060	36
Lot 32, Blk A	“	Dorothy J. Clements 2202 W. Schoolhouse St. Haysville, KS 67060	37
Lot 33, Blk A	“	Blane William Anderson & Melody Anderson 2206 W. Schoolhouse St. Haysville, KS 67060	38
Lot 34, Blk A	“	Trevor E. Grimstead & Jenna L. Leckliter 2210 W. Schoolhouse St. Haysville, KS 67060	39
Lot 35, Blk A	“	Justin Wesley Cooke & Ellen Ware Cooke 9350 E. Corporate Hills Dr., Unit 781129 Wichita, KS 67278	40
Lot 36, Blk A	“	Adam J. Edwards 2218 W. Schoolhouse St. Haysville, KS 67060	41
Lot 37, Blk A	“	William & Joy Hillhouse 2222 W. Schoolhouse St. Haysville, KS 67060	42

Lot 38, Blk A	“	Kathleen L. Iannone 2226 W. Schoolhouse St. Haysville, KS 67060	43
Lots 39 & 40, Blk A	“	Don Klausmeyer Construction, LLC 10008 W. York Wichita, KS 67215	44
Reserves J, K, & L	“	Country Lakes, LLC 716 N. 119 th St. Wichita, KS 67235	45

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 5th day of July, 2022, at 7:00 A.M.

Security 1st Title LLC

By: *Karen K Dye*
Licensed Abstractor

Note:

The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described lots. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Haysville.

RE:

The South Half of the Northeast Quarter of Section 1, Township 29 South, Range 1 West of the 6th P.M., in Sedgwick County, Kansas, LESS AND EXCEPT a tract of land in the Northeast Quarter of Section 1, Township 29 South, Range 1 West of the 6th P.M., more particularly described as follows: Beginning at the Northeast corner of the South Half of the Northeast Quarter; thence Southerly, on the East line of said Northeast Quarter on an assumed bearing of S00°16'42"W, a distance of 660.00 feet; thence S89°48'53"W, a distance of 1,040.04 feet; thence N00°16'42"E, a distance of 660.00 feet to a point on the North line of the South Half of the Northeast Quarter, said line being also the South line of "Freeman School Addition" to Haysville, Sedgwick County, Kansas; thence Easterly on said North line, N89°48'53"E, a distance of 1,040.04 feet to the point of beginning.

Order: 2534256

KJK

Check Date: 7/21/2022

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
220691-000 zone	7/19/2022	00065681	200.00			200.00
City of Haysville		TOTAL	200.00			200.00
Intrust Operating Account 2		000124				

Check Date: 7/21/2022

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
220691-000 zone	7/19/2022	00065681	200.00			200.00
City of Haysville		TOTAL	200.00			200.00
Intrust Operating Account 2		000124				



Haysville Planning Commission Staff Report

AGENDA ITEM: V-B

Subject: Preliminary Plat 2022-01 “Wheatland Village Addition”
Applicant/Agent: Mr. Eric Gilbert/ Mr. Charlie Brown
Request: The South ½ of the Northeast ¼, Section 11, Township 29 South, Range 1 West of the 6th Principal Meridian, Sedgwick County, Kansas; EXCEPT the East 1,040.04 feet of the North 660 feet thereof; and EXCEPT the South 658.75 feet of the East 1,367.87 feet thereof.
Site Size: 64.306 acres
Zoning: Residential
Location: ½ Mile South of Grand Ave., and West of South Meridian Ave.
Meeting Date: August 25, 2022
Presented By: Jonathan Tardiff, Planning and Zoning Administrator

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	8/25/2022	Recommendation for approval, approval with modifications, or denial of the proposal. This recommendation is forwarded to the Haysville City Council.
City Council Meeting		Preliminary Plat does not go before Council.

LOCATION

Area of application is highlighted below:



REQUEST

Preliminary Plat of “Wheatland Village Addition” located at, more commonly known as South of Grand Ave. and West of S. Meridian Ave.

The applicant owns the property and wants to build single family homes and duplexes.

In the Subdivision Regulations for Haysville, Kansas Article IX. Building Permits Section 1. Permits.

- No building permit, zoning certificate or occupancy certificate, except for the situations indicated shall be issued for a building or structure on any lot of any subdivision that is subject to the provisions of these regulations until a certified copy of the duly recorded or registered plat of subdivision has been filed with the official charged with issuing building permits and/or zoning certificates. No such permits or certificates shall be issued until there has been compliance with all of the provisions of these regulations, including but not limited to provisions of these regulations related to approval of plans and specifications for required improvements and the posting of bonds and establishment of escrows to secure the completion of such improvements.
- No occupancy certificate for the use of any structure or use within a subdivision approved for platting, replatting or lot splitting shall be issued until required utility facilities have been installed and made ready to service the property; roadways providing access to the subject lot or lots have been constructed or are in the course of construction; or guarantees have been provided to ensure the installation of such utilities and roadways.

The Property needs to be platted to build on, according to our Subdivision Regulations.

BACKGROUND INFORMATION

The property was last sold in 2022.

A request for services and consent to annex agreement form was filed with Sedgwick County’s Register of Deeds August 2, 2022.

The property zoning district changed from agriculture to “AA” residential upon annexation.

RECOMMENDED ACTION

The property conforms to Article IV. Section 19 and Article V. Section 3 of the Haysville Subdivision Regulations.

Staff recommends the applicant addresses issues listed in the comments before submittal of the final plat for approval.

ATTACHMENTS

Preliminary Plat of the Area
Drainage Concept Plan
Utility Layout Plan
Kansas Gas Map

COMMENTS

Response from Utility Companies on Preliminary Plat “Wheatland Village Addition.”

8/4/22 9:30 am, Sedgwick County PW emailed if the developer was requesting annexation.

- I replied yes and that it was filed with the Register of Deeds on August 2, 2022.

8/4/22 Haysville Public Works had the following questions in separate emails:

- Should it be Jubilee Circle as the Street ends in a cul-de-sac? A street normally has a cul-de-sac, off shoot would be a court.
- Do you know why this addition may not be using the existing SS on the west and south ends of the property?
- On the lots with the pipeline easement, is there enough space to even build a home on? Specifically on block 3, lots 21-24.
- I forwarded these comments PEC for them to review.

8/5/22 8:00 am, Kansas Gas has reviewed the preliminary plat and has no conflicts.

8/5/22 8:43 am, Sedgwick County Fire District 1

- Asked if Wheatland Dr. would have a future access connection. They mentioned that Section D107 of the 2018 IFC requires the following: *One-or-two-family dwelling residential developments. Developments of the one-or-two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3*
- I forwarded the email to PEC for them to review.

8/12/22 5pm, Sedgwick County Public Works emailed the following comments:

- County Stormwater requests a meeting with the agent/engineer to ensure downstream impact to Country Lakes is appropriately considered (especially that area discharging from Reserve A) before development of the drainage plan.
- County Public Works requests 300-400 ft. separation between the church driveway and the proposed Wheatland Dr.
- The applicant shall guarantee the closure of any driveway openings located in areas of complete access control.
- In the legal description “EXCEPT the East 60 feet thereof” should be removed, as that portion will be dedicated with the plat; legal description goes to the Section line.
- The proposed R/W line is dimensioned, but not displayed.
- On the final plat, the proposed 60’ R/W line should be bold.
- I forwarded the email to PEC for them to review.

Check Date: 7/21/2022

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
220691-000 pf zone	7/19/2022	00065680	75.00			75.00
City of Haysville		TOTAL	75.00			75.00
Intrust Operating Account 1		000124				

Check Date: 7/21/2022

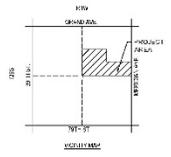
Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
220691-000 pf zone	7/19/2022	00065680	75.00			75.00
City of Haysville		TOTAL	75.00			75.00
Intrust Operating Account 1		000124				

WHEATLAND VILLAGE

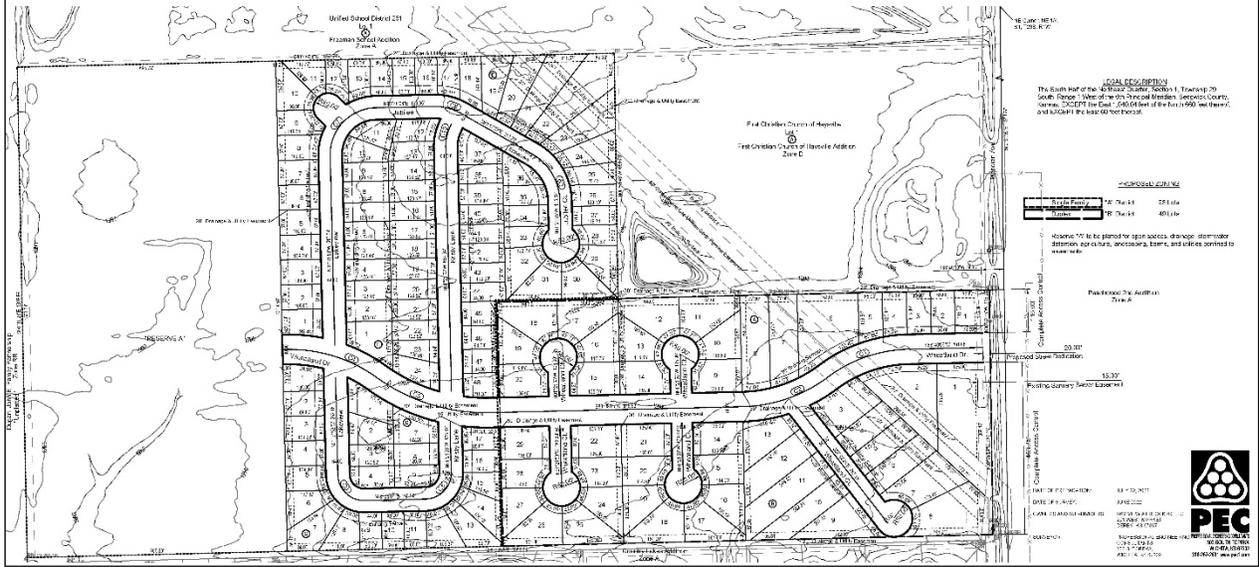
CITY OF HAYSVILLE, SEDGWICK COUNTY, KANSAS

PRELIMINARY PLAT

- 1.5' LEGEND
- FOUNDATION AS NOTED
- △ FOUNDATION AS NOTED
- SET OF FRAMEWORK FOR CAP
- IN MEASURED
- IN RECORDED
- IN PLATED



CL CURVE DATA									
CLAVE #	BL-14	BL-15	BL-16	BL-17	BL-18	BL-19	BL-20	BL-21	BL-22
01	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
02	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
03	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
04	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
05	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
06	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
07	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
08	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
09	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000
10	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000



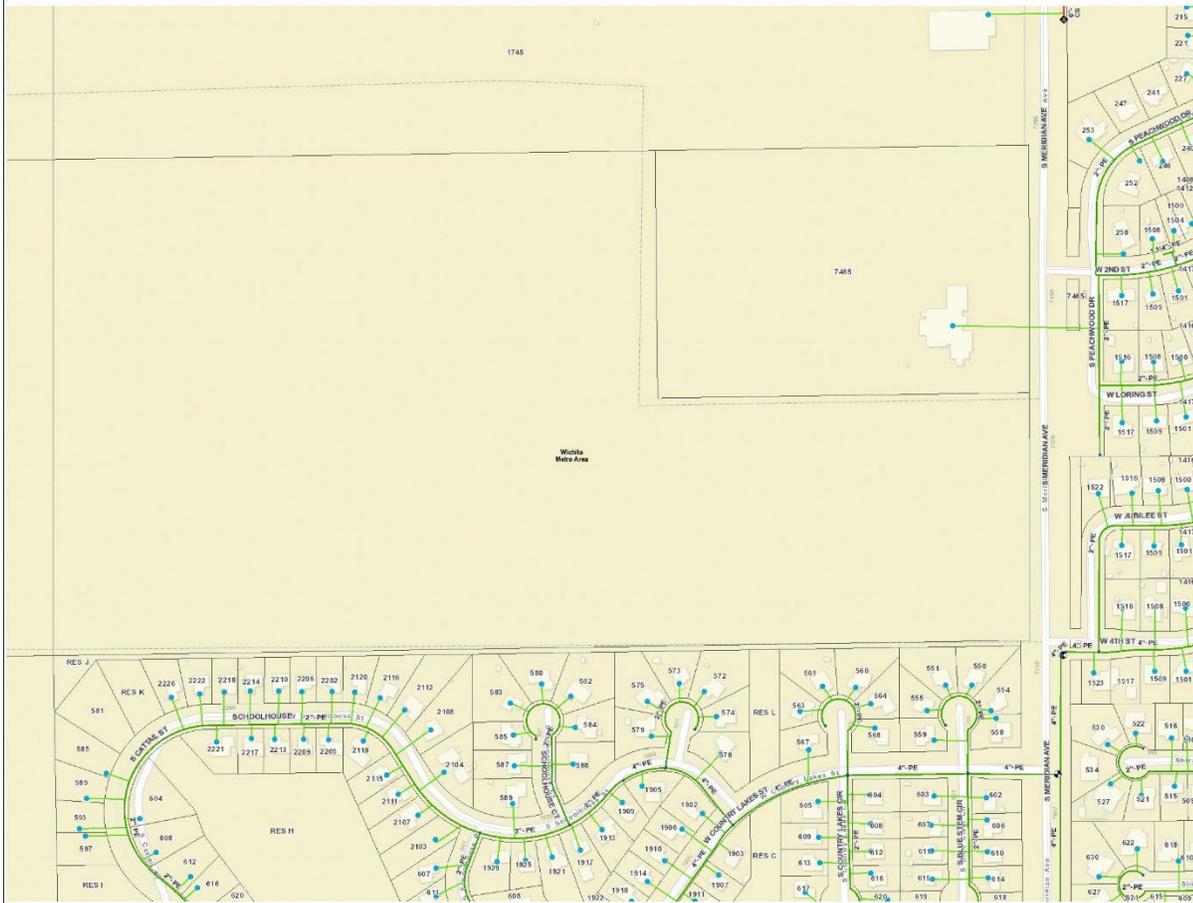
ALL RIGHTS RESERVED BY THE CITY OF HAYSVILLE, KANSAS. THIS PLAT IS THE PROPERTY OF THE CITY OF HAYSVILLE, KANSAS. NO PART OF THIS PLAT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE CITY OF HAYSVILLE, KANSAS.

The South half of the 46th Street, Section 1, Township 29 South, Range 16 West of the 6th Principal Meridian, Sedgewick County, Kansas, EXCEPT THE EAST 500 (66 feet of 8-1/2 inch 1950) and 500 (66 feet) lots located thereon.

1/4" = 100' SCALE
 1" = 100' SCALE
 1" = 100' SCALE

Planning & Zoning Department
 Planning & Zoning Department





- Legend**
- DESIGNER MARKERS
 - DESIGNER 170
 - DESIGNER 180
 - DESIGNER 190
 - DESIGNER 200
 - DESIGNER 210
 - DESIGNER 220
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 - DESIGNER 1000

276 7 3 188 88 319 21 9 1

Wheatland_Village_Plan_Schematic_Schematic

11/11/2010 10:00:00 AM

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Notes

1 - 0-257

MEMORANDUM

TO: Planning Commission

FROM: Jonathan Tardiff, Planning & Zoning Administrator

SUBJECT: Revisions to Land Use Map

DATE: August 25, 2022

Staff proposes the following revisions to the Land Use Map.

- Dorner Park should be changed to green to designate park land.
- Copper Tail Addition along Grand should be changed to yellow to designate residential.
- Country Lakes Park reserve should be change to green to designate park land.
- Property located south of 79th west of Meridian should be changed to yellow to designate residential.

RECOMMENDED MOTION:

- I move to approve the revisions to the Land Use Map as presented.

Attachments: Land Use Map

NOTICE OF PUBLIC HEARING

6 p.m., Thursday, August 25, 2022, in the Council Chambers at City Hall, 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider the Land Use Map. A copy of the proposed Land Use Map is available for inspection at the Haysville Municipal Building, 200 W. Grand, during normal business hours, and available online. Comments, both written and oral, will be heard by the Planning Commission at the time of the hearing. For additional information call 529-5900 or visit the City's website at www.haysville-ks.com.

(to be published August 4, 2022)