

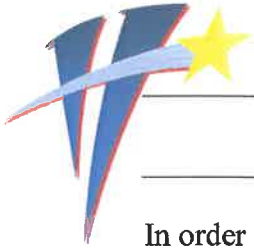
HAYSVILLE PLANNING COMMISSION

Agenda

February 25, 2021

7:00 p.m., Municipal Building, 200 W. Grand

- I. Call to Order**
- II. Roll Call**
- III. Presentation and Approval of Minutes**
 - A. Minutes of September 24, 2020**
- IV. Special Order of Business**
 - A. Public Hearing to Consider a Zone Change Request from “A” to “BB” - 328 N Ward Parkway (Vacant Lot)**
- V. New Business**
- VI. Old Business**
- VII. Correspondence and Informational Reading**
- VIII. Committee Updates**
- IX. Off Agenda**
- X. Adjournment**



Public Hearing Script

In order to create an opportunity for everyone to speak their opinions and present information, the Haysville Planning Commission follows a specific procedure. A copy is available by the door. Your attention to this procedure is appreciated.

- _____ I would entertain a motion to open the public hearing to consider a zone change request from “A” Single Family to “BB” One & Two Family for property generally known as 328 N Ward Parkway.
- _____ Motion, second, and question. We now formally open the public hearing.
- _____ Have any Commission Members had any outside contact regarding this project? If so, please indicate to whom you have spoken and the nature of the conversation, i.e., what items from the conversation might be relevant to this hearing.
- _____ Do any members of the Commission have a conflict of interest in this matter? If so, please disqualify yourself from further action on the Planning Commission for this case. You may choose to speak as a member of the public.
- _____ Has the city received any written or electronic communications on this matter? If so, please read or describe them.
- _____ Will staff please present the information regarding this case?
- _____ Do any Commissioners have any questions of staff?
- _____ Are the applicants or their agent present? Please step forward, state your name, and tell us why we should grant this.
- _____ Now is the time for any member of the public to speak. You have 5 minutes. If you are presenting good, factual information, this time may be extended by vote. Please state your name and address first.
- _____ Any questions of the public from the Commission?
- _____ I would entertain a motion to close the public hearing for Commission action.
- _____ The floor is now open to Commission Members' deliberation and comments. The following eight considerations and their applicability to this zone change request.

CONTINUED ON NEXT PAGE



1. The 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 structure, etc.
2. The 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 which might be appropriate for this property?
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, etc.)
4. Length of time subject property has remained vacant as zoned: Factual information, but its importance may be somewhat subjective. A property might 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, speculation, lack of available services or other development problems.
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.
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?
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.
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.

_____ Based on the discussion and application of the previous 8 criteria, I would entertain a motion to (adopt/adopt with revisions/deny) the zone change request.

Sample Motion: I move that the Planning Commission (adopts/adopts with revisions/denies) the zone change request from "A" Single Family to "BB" One & Two Family for Reserve A, Paradise Valley Addition of Haysville, Sedgwick County, Kansas.
(If any changes were made through the hearing process, please make sure to include those changes in the motion.)

CONTINUED ON NEXT PAGE



_____ A motion has been made to (adopt/adopt with revisions/deny) the zone change request. This motion has been made and seconded. Are there any questions. Those in Favor. Those opposed.

Commission Member Votes

DATE

Member	Yes	No	Abstain
Aziere			
Coleman			
Franken			
Hatcher			
Meyer			
Plummer			
Wethington			
Williams			



Haysville Planning Commission Staff Report

AGENDA ITEM: IV-A

Subject: Zone Change Request from “A” to “BB”
Case Number: ZON2020-01
Meeting Date: February 25, 2021
Presented By: Georgie Carter, Deputy Administrative Officer
Public Hearing: Required, to be held by Planning Commission

ANTICIPATED MEETING SCHEDULE

<i>Body</i>	<i>Meeting Date</i>	<i>Action</i>
Planning Commission	2/25/2021	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	3/22/2021	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).
City Council	4/12/2021	Approval, approval with modifications, or denial of final reading of text amendment ordinance (if 1 st reading is approved).

AREA MAP

Area of application is highlighted in yellow below:



RECOMMENDED ACTION

Approve the proposed zone change and forward a recommendation of approval to City Council.

BACKGROUND INFORMATION

The property was platted as part of the Open Door Church addition in 1975 and a single family residential home was built sometime in the late 70' to early 80'. The structure caught fire in the early 2000's and was demolished around 2008-2009. The property was most recently sold in 2020.

On January 8, 2021, the applicant submitted an application for a Zone Change from "A" Single Family to "BB" One and Two Family in order to construct one duplex.

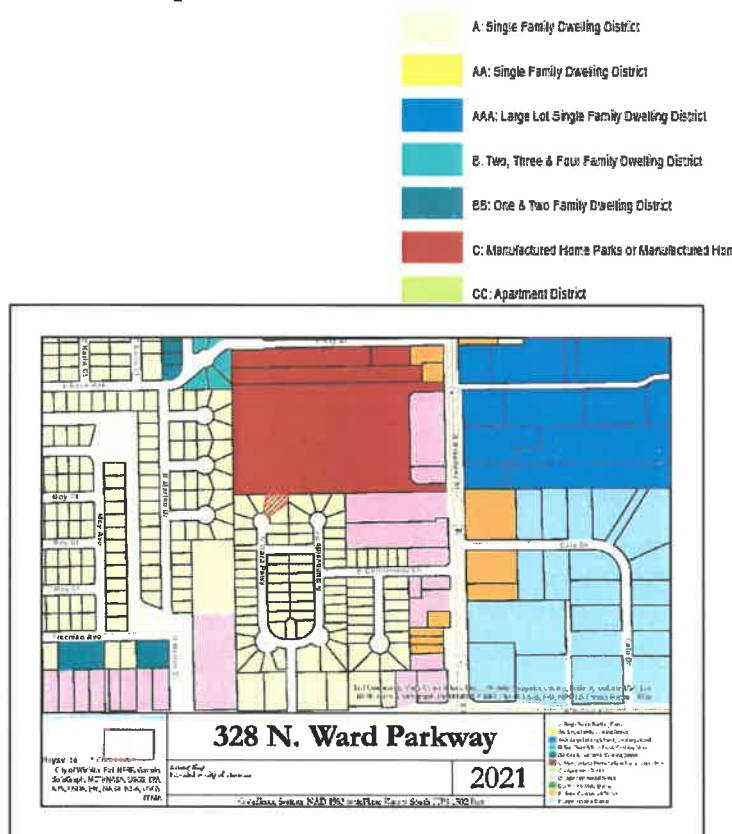
Public hearing notices were mailed on February 8, 2021 to all owners of property located within 200 feet of the subject property. On January 28, 2021, notice of a public hearing was published in the official newspaper of the City, The Times Sentinel.

Legal Considerations

Findings of Fact: Section 700B of the Zoning Regulations provides specific matters for 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 a vacant lot.
- Adjacent properties are zoned for “A” Single-Family and “C” manufactured homes. To the west, south and east are single-family residences that were constructed in the 1970’s and 1980’s. The property to the north is developed manufactured home park.
- It is not uncommon for this area to have ‘BB’ One & Two Family as indicated on the map below.



2. **SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** *(How is the property currently zoned and what uses are allowed on the property? Are these uses suitable given surrounding zoning and site criteria? Are the current allowed uses the only ones that might be appropriate for this property?)*

- The property is currently zoned “A” Single Family Residential. “A” is limited to single-family detached homes, accessory uses, and parks. The “A” district also permits conditional uses for parks, community buildings owned and operated by the city, churches, public schools, libraries, golf courses, and development of natural resources and extraction of raw materials.
- The uses permitted in the “A” district are suitable for the subject site and are

compatible with surrounding zoning and land uses. However, this site as well as the surrounding zones and land uses would remain compatible with the “BB” district.

3. EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL

DETRIMENTALLY AFFECT NEARBY PROPERTY: *(Can the uses allowed in the requested district be good neighbors to existing development? This is a subjective question. The focus should be on facts, not fears, and should be based on issues that zoning can address (e.g. allowed uses, minimum lot size, height, setbacks, traffic generation, landscaping and screening, use limitations, etc.))*

- The property is currently surrounded by single-family residential lots and a manufactured home park with the exception of a few areas in this general vicinity that are one & two family residential lots.
- Staff does not foresee any detrimental impacts to nearby property if the request is granted. The property will remain residential and has the same size, height, and setback regulations as the existing zoning.

4. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:

(Factual information, but its importance may be somewhat subjective. A property may be vacant because the current zoning is unsuitable, but there may be other reasons not related to zoning. Some examples might be a large availability of property of the same zoning district, financing problems, land speculation, fragmented ownership, lack of available public services, or other development problems.)

- The property was platted as part of the Open Door Church addition in 1975 and a single family residential home was built sometime in the late 70’s to early 80’s.
- The property has been sold multiple times, records indicate ownership changes in 1977, 1979, 1981, 1991, 2012 and 2020.
- The structure caught fire in the early 2000’s and was demolished around 2008-2009.
- In 2010 and 2014 the City had to abate nuisance violations.

5. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE AS COMPARED TO THE LOSS IN VALUE OR THE HARDSHIP IMPOSED UPON THE APPLICANT:

(The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner’s right to use and obtain value from their property and the City’s responsibility to its citizens should be weighed.)

- The health, safety and welfare matters associated with the proposed “BB” One and Two Family zoning should not be significantly different than those associated with the existing “A” Single Family Zoning.

6. CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED COMPREHENSIVE PLAN: *(Does the request agree with the adopted plan recommendations? If not, is the plan out-of-date or are there mitigating circumstances which speak to the nonconformity?)*
 - Haysville’s Land Use Plan identifies the property as residential.
 - The Comprehensive Plan provides the following goal for Housing.
 - Provide a variety of housing choices for current and future populations.
7. IMPACT OF THE PROPOSED DEVELOPMENT ON COMMUNITY FACILITIES: *(Are water and sewer available for extension? How are roads impacted? Can other community facilities (e.g. police, fire, parks, libraries, schools) handle the increased development? Should be based on factual information referencing standards used to make the determination.)*
 - Municipal water and sewer is available to the property
 - Municipal services such as police and fire protection are already provided to the area, and no additional burden is anticipated that cannot be accommodated with existing resources.
8. OPPOSITION OR SUPPORT OF NEIGHBORHOOD RESIDENTS: *(This is just one of the factors to be considered and by itself is not sufficient reason to approve or deny a request.)*
 - One property owners has indicated their opposition.
9. RECOMMENDATION OF STAFF: *(Should be based on the proceeding eight factors, adopted plans and policies, other technical reports (e.g. Capital Improvement Program, facility master plans, etc.) which speak to the topic, and staff’s best professional judgement.)*
 - Staff is supportive of the proposed zone change based on the proceeding factors.

Recommended Motion:

Approve the request to change the zoning classification of 328 N. Ward Parkway from “A” Single-Family Residential to “BB” One & Two Family Residential 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 January 28, 2021. A written record of the comments received as of February 19, 2021 are attached. Comments received after this date will be distributed at the meeting.

ATTACHMENTS

Proposed Site Plan and Blueprint of Proposed Structures
Copy of the Public Hearing Notice
Public Comments

COMMENTS

1. On January 1, 2021 at approximately 8:47 a.m., Linda West called and stated she opposed the change for the following reasons:
 - Basement was left in the ground from previous structure, this was not disclosed to the buyer.
 - Decrease the value of her property.
 - February 8, 2021- She emailed the attached letter.

Georgie Carter
Mayor, Bruce Armstrong
Steve Crum

RE: Re-zoning
N. Ward Parkway

I received a letter from the City of Haysville wanting to re-zone from single family dwelling to one- & two-family dwelling. The property in question is located on the northeast corner of the cul-de-sac of N. Ward Parkway. As the owner located at 335 N. Ward Parkway next to the property for re-zoning. I strongly object to the re-zoning of this property. Re-zoning one property in the neighborhood is called spot zoning and possibly illegal.

I don't see any benefits for the city with this change in zoning. However, I do see my property along with others in the neighborhood being down-zoning, which is decreasing the value of our property due to irresponsible tenants and landlords.

There is no incentive for tenants to maintain the property to the level that owners who actually live in the property do. When homes get run down the whole neighborhood suffers.

Landlords and tenants are not exempt from being irresponsible as we all know. Deferred Maintenance, such as leaking roofs, water pipes leaking causing black mold, unsightly yards, damaged siding, roach infestation and etc. Dealing with one family that doesn't take care of the property is better than dealing with multiply families, where nothing will get done.

One of the biggest investments we make is in the home we purchase. When I made the decision to buy my house one of the reasons was the neighbor was already established with no specials. Another reason it was all zoned for single family residents. No mobile homes or duplexes were present. I don't feel the city should have the right to change the zoning after everyone has already purchased their property. A decision I may not have a vote in. I have spent time and money improving my house and property.

The property should stay as a single-family dwelling as it is now, no changes should be allowed after the fact unless all residents in the neighborhood agree and, in this case, I do not agree to the change in zoning.

I don't know how many of the Council members know about this property, you are wanting to change so I will give you in sequence order as to how this property in question became vacant.

1. The owner at the time I purchased my house, was a single lady who rarely stayed at the house. She had many animals along with her many treasures.

2. She started a fire for her many cats and then left the house. The house caught fire and burned beyond repair.

3. She couldn't afford nor did she have insurance to remove what was left of the house, which became a hazard.

4. City paid for the removal and put it on the tax role.

a. The contractor hired by the city only removed what he couldn't bury underneath the dirt.

5. Present owner purchased the house at the tax sale.

6. Present owner is Not disclosing this information to potential buyers. I believe this is against the law.

Whoever purchases this property will need to properly remove the debris and haul dirt in before building on the property? An extra cost potential buyer should know about.

In closing, I strongly oppose the zoning change, it's a risk I'm not wanting and shouldn't be forced to take.

Sincerely



Linda West
335 N. Ward Parkway
Haysville, Ks 67060
l_west@cox.net
316-708-2268

Affidavit of Publication

Michelle R. Leidy-Franklin
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk at

Times-Sentinel Newspapers, LLC State of Kansas

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in Sedgwick
County, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been published
At least weekly 50 times a year, has been so published
Continuously and uninterruptedly in said county and state
For a period of more than five years prior to the first
Publication of said notice and has been admitted to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire Issue of said newspaper.

First Publication was made
On the 28th Day of Jan, 2021
Second Publication was made
On the _____ Day of _____, 2021
Third Publication was made
On the _____ Day of _____, 2021

Total Publication Fee \$ 0.00

Michelle R. Leidy-Franklin

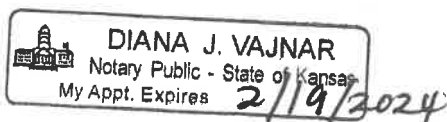
Subscribed and sworn to before me this

28 Day of Jan, 2021

Diana Vajnar

Notary Public

My Commission expires on 2/19/2024



PUBLIC NOTICE

First Published in The TSnews January 28, 2021 (10)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 7 p.m., Thursday, January 28, 2021, in the Council Chambers at City Hall, 200 W. Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider a zone change request from "A" Single Family Residential to "BB" One and Two Family Residential for property generally described as the vacant lot located on the northeast corner of the cul-de-sac of N. Wagon Parkway legally described as: Lot 6, Open Door Church, Haysville, Sedgwick County, Kansas.

The Commission will hear comments, both written and verbal, at the time of the hearing. For additional information call 5900 or visit www.haysville-ks.com.



328 N. Ward Parkway

2021

City of Haysville
Utility Information Provided By Public Works Department

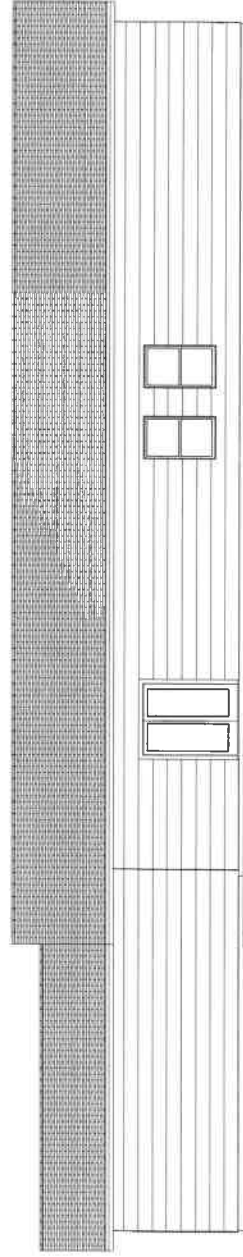
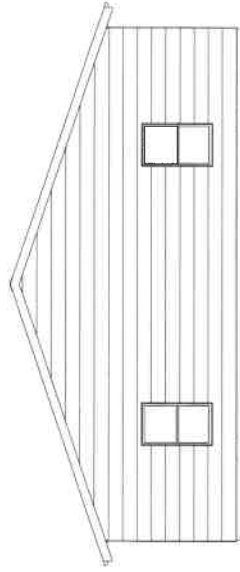
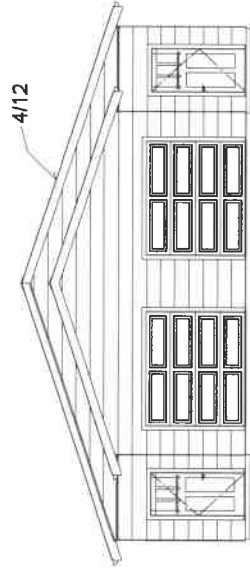
Coordinate System: NAD 1983 StatePlane Kansas South FIPS 1502 Feet



E Grand Ave

City of Wichita, Esri, HERE, Garmin,
SafeGraph, METI/NASA, USGS, EPA,
NPS, USDA, Esri, NASA, NGA, USGS,
FEMA

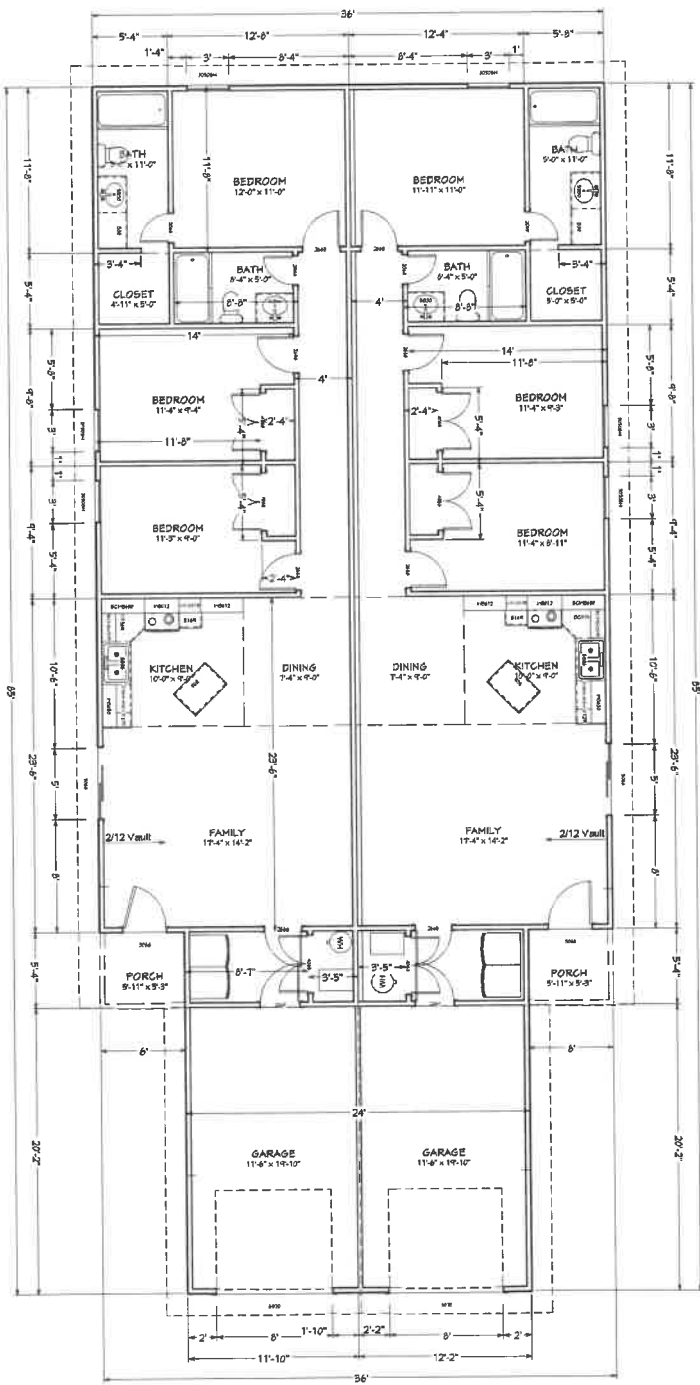




1/4" = 1' Scale

St Clair Duplex Plan
 3 Bedroom 2 Bathroom Per Dwelling
 1117 SqFt Per Dwelling

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 3 Bedroom 2 Bathroom Per Dwelling
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