

Haysville Planning Commission

Minutes

January 12, 2006

Those members present were: Bob Wethington, Clem Dickerson, Pat Patnaude, Vern Lippoldt, Don Schneider, Pamela Grether, Janet Parton, and Mike Kanaga.

The Haysville Planning Commission Meeting was called to order by Bob Wethington, Chairperson, at 7:00 p.m. in the Council Chambers of the Haysville Municipal Building, 200 West Grand Avenue.

The first item of business was the Minutes of December 8, 2005.

Wethington advised the Minutes of December 8, 2005 were not available and said the Planning Commission had before them a preliminary copy to lead them back to their discussion of the Sign Ordinance.

Under Special Order of Business was a continuation of a Public Hearing to Consider General Revisions to the Zoning Ordinance Re: Sign Regulations (Continued from 12-08-05). Wethington re-opened the Public Hearing and asked if there was anyone present that wished to speak to the Commission. There was nobody. Wethington asked if there were any Commissioner comments. Lippoldt advised he had spoken to Mr. Journey about annual license fees. Dickerson asked what the schedule was for the item to go back to Council. Wethington said the Council was asked not to enforce the Sign Ordinance until the Planning Commission made recommendations. Wethington stated he did not think the matter should be left open for an indefinite period of time, but there had not been a specified limit. Kanaga asked if the Planning Commission had an input on the fee schedules or was that outside of the Commission's influence. Wethington advised the Commission could make a recommendation to the Council but there was no requirement for them to follow it. Schneider reminded everyone they had discussed the appropriateness of the fee costs at the last meeting. Schneider stated that with the construction of some signs, what was required to look at the plans, and the inspection of the signs, the fees would barely cover the cost. Schneider said that it would seem like some citizens were being penalized and he would recommend different fees. Dickerson said he did not think the fees for a permanent sign was out of line. There was a discussion on what the definition of a portable sign was. Lippoldt said portable signs were items that needed to be used for advertising and he did not think businesses should be deprived of using them. Dickerson said there needed to be a definition of promotional retail signs. There was a discussion about portable signs, temporary signs, and real estates signs. Wethington asked Code Enforcement Officer Cale Topinka what had to be done to inspect a portable sign. It was suggested to have phone numbers and number stamps on each sign so the owner could be contacted if needed. Topinka advised there were temporary sign stickers and permanent sign stickers but the City had not enforced that until the Planning Commission had made their recommendations. Topinka explained portable signs needed a permit and were inspected for easements and City or State rights-of-way.

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Pamela Grether arrived at 7:18 p.m.

Schneiter stated there were portable signs around town that were very well maintained and he had no complaints about those. There was a discussion on having limits for the amount of signs a business could have, rotation of signs, promotional signs, time limits of signs, garage sale signs, impounding signs, licenses for signs, and temporary signs. Topinka advised he would have to talk with the City Attorney about the liability of the City for impounding signs. Schneiter asked what would happen if a sign had been blown down and the City could not identify the owner. Schneiter wanted to know if the sign could be impounded. Carol Neugent told the Commission it would be unusual for the City to remove a sign because that would be considered a civil issue. Neugent advised the City would have to have the appropriate facilities to store impounded signs and the City Attorney would need to instruct them on the correct process. There was a discussion about having a contact number on signs in case signs were in violation and needed to be removed. The Commission discussed the definition of portable signs and ways to properly identify the owner of the sign. Schneiter advised he would like to see portable signs have an identification plate on it, a contact person, and have a possible method of removal. Schneiter gave an example of a sign falling on another person's property and what would that person be able to do with the sign if there were no way of knowing who it belonged to. Neugent advised the City would be contacted. There was another discussion on the definition of a portable sign and the verbiage that needed to be in the Sign Ordinance. It was also discussed about the fees for permanent and portable signs. Promotional signs and the use of banners were discussed. Ted Clubb told the Commission how the promotional signs worked for his business. It was discussed that a business name should not be on a permanent sign, a temporary sign, a promotional sign, or a banner. There was a discussion on garage sale signs and the hazard they created when posted on Grand Avenue/Turkle. Schneiter suggested a place to post garage sales so citizens could pull off the road to write down addresses and not be in the way of traffic. Schneiter advised the hazard needed to be eliminated but give the people a way of getting the information they needed. Schneiter said to strike No. 2 on page 4 about the vision triangle. Schneiter advised it was vague and left too much interpretation. Wethington reminded the Commission that last month they had discussed the blight definition on page 5. Schneiter advised the blight definition was vague and left too much interpretation and it would make it difficult for someone to enforce the Ordinance. There was a discussion on blights and it was stated there needed to be a violation section and a penalty section in the Ordinance. Schneiter stated there needed to be a time frame added to the Ordinance for sign owners to comply with the disrepair, unsafe, or un-kept signs to be fixed. Lippoldt advised the Commission needed a definition of blights, needed to know if they could impound signs, and they needed to set up license fees for signs. Schneiter stated he disagreed with the off-site advertising of signs on page 5 because he felt a business should be allowed to advertise their business. Schneiter stated the Commission needed to discuss what would be appropriate for the off-site signs and asked if that section should be struck from the Ordinance all together. Schneiter advised that might "open up another can of worms" for light commercial zoning. Schneiter explained if a business was in light commercial zoning, they could only advertise off-site for light commercial and that would eliminate for instance the tattoo parlors and escort businesses in the heavy industrial zoning from trying to come into the light commercial zoning and advertising their business. It was asked about painted window signs. It was stated the window signs were exempt on page 7 No. 10.

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Schneider said those concerns needed to be addressed. There was a discussion about putting restrictions on the light zoning off-site signs. Schneider asked if they needed to have a Public Hearing on the matter. Wethington asked Neugent if the Commission needed to have a public hearing on the matter. Neugent advised the Commission they were in a Public Hearing at that time. Neugent explained that since the changes the Commission wanted to make to the Ordinance were more than just a line or two, she needed to talk with the City Attorney to see if it needed to be re-heard. Wethington advised the Commission's purpose that night for the Public Hearing was to give recommendation to Council. Neugent asked if the hearing had been advertised as a general revision. Wethington said that was what he had introduced. Wethington advised it would have to be run by the City Attorney to see if they had gone too far. Schneider asked if there was anything else they needed to talk about or should everything be clarified and move on with the meeting. Dickerson asked if they needed to add a new definition on promotional retail signs. It was asked if the word "retail" should be added to the promotional signs. Schneider stated that would be a classification of the sign, a functional sign as opposed to a structural sign. Parton said the definition of a promotional sign was that it would promote an event or sale and would be exempt from the permit requirements. Parton said a temporary sign would be defined as business related that promoted a new business or promotion that would be allowed for up to six (6) months. Schneider advised the temporary signs definition needed to be revised on page 2 and add Item 8 for the promotional retail signs on page 1. There was a discussion on portable sign definition and it was stated to add "originally" before designed to be transported. Schneider advised that on page 2 No. 4, the words "that do not exceed 20 square feet in area" should be eliminated. Schneider advised that on page 4 paragraph 2 should be deleted. Schneider stated page 5 Item L needs to have a better definition of blights. Parton stated that on page 6 under exemptions, promotional signs needed to be added. There was a discussion on having a penalty section that would address everything. Parton advised there should be one penalty section in the Ordinance that would state what the penalty was and the consequences if someone did not comply in the allotted time frame of thirty days. Schneider advised there would need to be more time allowed if there were some major structural projects that would be costly. Schneider stated there needed to be a plan and time frame to complete it. Topinka told the Commission the nuisance abatements had so many days to fix the problem and then the property owner received a summons for a notice to appear in the court. There was a discussion about putting a 30 day time frame to correct a problem. It was stated there needed to be a process of correcting a problem in a timely manner with a plan in place. It was decided to strike the 75% from the off premises real estate signs section. There was a discussion on multiple residential signs and it was stated they needed to limit the number of signs on one lot. Parton advised that on page 10 section 3 the Ordinance already stated there could only be one sign per zoning lot. Wethington stated that it appeared the Commission had everything they needed on the changes except the definition of blight. Lippoldt reminded the Commission they also needed to know what their rights were for impounding a sign on private property. Schneider asked if they needed to get with the City Attorney to proceed. Neugent said she would check with the Attorney on all the changes and recommendations the Commission had made. Neugent said she would check to see if there were enough changes to have to be republished.

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Wethington closed the public comment portion of the meeting and requested the Commission table the general revisions to the Zoning Ordinance until they have the questions answered by the City Attorney. Neugent advised the Commission they needed to continue the Public Hearing.

Motion by Schneiter – Second by Parton

I move we continue this Public Hearing on the General Revisions to the Zoning Ordinance for Sign Regulations until January 26, 2006.

Wethington yea, Lippoldt yea, Schneiter yea, Parton yea, Grether yea, Kanaga yea, Dickerson yea, Patnaude yea.

Motion declared carried.

Under Special Order of Business Wethington presented the Public Hearing to Consider a General Revision to the Zoning Ordinance – “AA” Single Family to “A” Single Family (property generally located north of Grand and west of Meridian). Wethington read the Public Hearing Script. Wethington asked the Commission if they had any outside contact regarding the case. The Commission stated they did not. Wethington asked if the Commission had a conflict of interest in the case. They did not. Wethington asked if the Planning Commission Secretary had received any written or electronic communication on the matter. Neugent advised the Commission Angie Millspaugh had left a note for her stating that a Brenda Love-Collins and her husband Scott had spoken to her. Neugent said the Collins concern was how their property would be affected west of Freeman. Wethington asked for the staff report. Neugent stated there were a couple of corrections. Neugent explained the corrections on the zoning and the annexing Ordinance. Neugent stated the property had not been platted. Wethington asked if the applicant or his agent were present. School Superintendent John Burke addressed the Commission and said he was there to represent the School Board. Burke stated the architect was there with him also and they were moving forward with the construction plans. Wethington asked if there was anyone present that would like to speak on the matter. There was nobody. There was a discussion about the projection of impact of traffic for Meridian and Grand Avenue. The Commission was concerned about the overcrowding that would occur and wanted to know what would be done to correct the problem of traffic, trash, and the safety of the children. Wethington closed the Public Hearing and asked for Commissioner’s comments. It was stated the process had started to plat the property. Schneiter wanted to know what the school would do if the Commission turned down the request. Burke explained the school would have to find another 43 acre lot to build the schools. Burke advised the bonds had already been sold for the schools and there were limits and terms to go ahead and build the schools. Wethington stated the change in zoning would comply with the adopted comprehensive plan but there would have to be some sewer improvements. Wethington asked if there was any additional appropriate information. Schneiter was concerned about the traffic flow and wanted to know if the road would be widened when the Schools were built. There was a discussion about the bus and car traffic. Burke suggested having different dismissal times for the school to help with the flow of traffic. Mid Kansas Engineering Consultant Jeff Cartwright addressed the Commission and said they were going through the designing process and the platting process would start soon. Wethington asked for a motion to approve or deny the zone change request from “AA” Single Family to “A” Single Family for the property located north of Grand and west of Meridian.

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Motion by Dickerson – Second by Kanaga

I make a motion that we approve the zoning change.

Wethington yea, Lippoldt yea, Schneiter nay, Parton yea, Grether yea, Kanaga yea, Dickerson yea, Patnaude yea.

Motion declared carried.

Under Special Order of Business presented the Public Hearing to Consider a Conditional Use Permit to Allow a Public School (property generally located north of Grand and west of Meridian). Wethington read the opening remarks and formally opened the Public Hearing. Wethington asked if any members of the Planning Commission had any outside contacts regarding the case. They did not. Wethington asked if any members of the Commission had a conflict of interest regarding the case. They did not. Wethington asked if the Planning Commission Secretary had received any written or electronic communication on the matter. Neugent stated that the contact information would be a repeat from the zoning issue. Neugent stated Brenda Love-Collins and her husband Scott had made contact with Planning and Community Relations Coordinator Angela Millspaugh and their concern was how their property would be affected. Wethington asked for the staff report. Neugent stated the owner/applicant was USD 261 and the request was for a conditional use permit to allow the operation of 2 public schools. Neugent advised the current zoning was “AA” Single Family and a recommendation for “A” was in place. Neugent stated the land was currently agricultural land, which was approximately 55 acres that was not addressed. Neugent stated the actual location was north of Grand, east of West Street, west of Meridian, and south of the Wichita Floodway. Neugent stated USD 261 had acquired the land to construct a middle school and an elementary school. Neugent stated an Ordinance annexing the property had been approved on January 9, 2006 and the Ordinance will take effect upon publication on the January 13, 2006 addition of the Haysville Times. Neugent advised the property was not platted. Neugent stated the adjoining property to the north had been ruled as residential and vacant agricultural. Neugent said to the south “A” Single Family, the USD261 School Administration Building, Freeman School, and St. Cecelia School, to the east “A” Single Family, St. Cecelia School and residential “D” Light Commercial, which was vacant, to the west rural residential and vacant agricultural. Neugent stated Meridian and Grand are both 2 lane arterial roads and water was available to the site. Neugent stated that improvements were needed to be made to the City’s sewer system to provide a sewer system to the site. Neugent stated the land use plan adopted in 2004 indicates the land as residential. Wethington asked the applicant to step forward and state why the Commission should grant the conditional use permit. Burke told the Commission he was there representing the Board of Education and they needed to move forward with the building process to begin construction. Wethington asked for members of the public to speak to the Commission on the matter. There was nobody. Wethington asked if the applicant or member of the public wished to rebut anything. There was nobody that wanted to rebut anything. Wethington closed the public comment portion of the public hearing. There was a discussion on the traffic flow. Neugent told the Commission the City had started doing a traffic count on the four main intersections in town. Parton asked if the City had thought about what would happen to the traffic flow when they annexed the land for the schools. Neugent said the comment had been made that it would dramatically affect the traffic and if anything had been discussed, she had not heard about it. Schneiter wanted to know how the City would deal with the problem and said the Commission

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needed some information on the matter. Schneiter asked if the problem would be solved by widening the streets, adding traffic signals, or the staggered release of students from school. Schneiter said there two lanes streets and there would be four schools in that small area and the problem needed to be addressed. Neugent advised the County had begun the design on Meridian to widen the street and Commissioner Norton was aware of what was going on in Haysville. Neugent said the City had conversations to make sure that in all the processes of the County that they understood what could go on and how it could affect their design and how it would affect if the City needed to go to a "full blown" signalized intersection. Neugent said the City has had basic conversations with the County. Schneiter wanted to know the size of the elementary school and the middle school. Schneiter wanted to know how many students would be transported by vehicle and how many would walk to school. Burke advised the enrollment of the elementary school would be 500 or less and the middle school enrollment would be less than 600. Burke said he could not say how many students would be transferred by bus. Burke informed the Commission the opening date for the elementary school is set for August 2007 and the middle school opening date is set for August 2008. There was a discussion on the safety of the students. It was stated the school had to provide transportation for students 2 ½ miles away and most of the students would be walking to school and the Commission said their main concern was getting the students to school safely. Neugent explained that one of the difficulties with the application was the fact the property was not platted and that was in process. Neugent advised that many of the discussions that the City would have in the future during the platting would be about the petitions for improvements for new roads, etc. Neugent said the people had voted they wanted the new facilities and the City was trying to do their part to help the school get their money from the State and when the time came, they could get the building permits. Neugent said she was not arguing for or against but things were being done differently than usual. Neugent advised the Council had not had in-depth discussions on the matter but they intended to have certain discussions as the plat comes through. Wethington suggested including information to City Council that the schools would have an impact on the intersection of Meridian and Grand should the Commission choose to recommend approval of the matter. Schneiter said he knew the project needed to move forward but there was so much information the Commission did not have on street improvements and who would pay for them and so on. Schneiter advised he did not think that 71st Street and Meridian could be kept as it was and be safe and there would be several citizens concerned about the matter also. Schneiter stated they all needed to look out for the safety and welfare of the community. Schneiter wanted to know if they should let the schools be built and worry about the conditions later, or should they establish the conditions now. Dickerson stated they had no information on traffic studies or how many children would walk to school or use the bus and the only way to address the situation would be to put conditions on the platting. There was a discussion if the City or the school would be responsible for the safety of the children. It was stated the bond issue had been passed to build the schools but it had not been planned out good. Neugent stated that Burke had indicated the bids for the schools would not be back until sometime in March and they would not need to pull a building permit until that time. Neugent advised there was still time to have discussions on the matter. It was asked when the plat would be ready for the property and Neugent advised the process had already begun for the plat. Wethington said the City Council needed to be involved with the traffic problem. Neugent advised the School District and City both realized they needed to have conversations concerning the issue. Schneiter said he thought the Commission needed to

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continue the hearing so they could apply the conditions on the matter. Burke said the answers would come with everybody working together and said the school was also concerned with the safety of the children.

Motion by Schneiter

I would move that we continue this public hearing until we have some more facts as far as predicted student population, traffic, how the required improvements would be shared, and have discussions with the County Commissioner and how the issue would be dealt with before construction. I move we continue this hearing for at least a month until February 9, 2006.

There was a discussion on why the new schools were not being built on the east side of town. Burke explained the availability, affordability, size of the property, drainage, and utilities were the main factors on the location of where the schools would be built.

Parton said she would like to second Schneiter's motion and she would like the City Council and Sedgwick County to be present at the next meeting to let the Commission know what steps needed to be taken. Schneiter advised there were many things that needed to be discussed such as speed limits to expenses. Dickerson asked Schneiter what he wanted done at the next meeting. Schneiter said he would like to see a projection on the impact on the traffic on 71st Street and Meridian and what the count was at Rex School so they could get an idea of the traffic flow. Wethington asked for the vote.

Wethington yea, Lippoldt yea, Schneiter yea, Parton yea, Grether yea, Kanaga yea, Dickerson yea, Patnaude yea.

Motion declared carried.

Schneiter asked to take a recess. Wethington stated it was 9:52 p.m. and stated the Commission would take a recess until 10:00 p.m.

Wethington called the Planning Commission meeting back to order at 10:00 p.m.

Under New Business Wethington presented the Consideration of Revisions to Final Plat of Hiser First Addition to Sedgwick County, Kansas.

It was stated the Commission had not heard back from the Sedgwick County Fire Department on the final plat of the Hiser First Addition to Sedgwick County, Kansas. Neugent reported the revision on the original plat which had been approved in April had some changes made. Neugent advised the letter from the Fire Department was supposed to be delivered that day but she had not seen it. Schneiter advised Hiser had done what the Commission had recommended and wanted to know if they had to wait on the letter from the Fire Department. Dickerson stated even though the road had been widened, they still needed the Fire Department's approval. Schneiter said he did not feel the matter should be held up because of waiting on the Fire Department's approval.

Motion by Schneiter – Second by Kanaga

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I move we table this until we see the letter from the Fire Department.

Wethington yea, Lippoldt yea, Schneiter yea, Parton yea, Grether yea, Kanaga yea, Dickerson yea, Patnaude yea.

Motion declared carried.

Under New Business Wethington presented Establish Workshop Date to Discuss Haysville Comprehensive Plan. (Workshop is currently scheduled to follow this meeting). Wethington stated they needed to establish another date because they would not have the workshop that evening.

Motion by Parton – Second by Kanaga

I make a motion that we set the workshop for the Comprehensive Plan after the next meeting on January 26, 2006.

Wethington yea, Lippoldt yea, Schneiter yea, Parton yea, Grether yea, Kanaga yea, Dickerson yea, Patnaude yea.

Motion declared carried.

Under Old Business Wethington presented the Review of the Zoning Ordinance. Wethington advised the Zoning Ordinance would not be reviewed that evening.

Under Correspondence and Informational Reading Wethington presented A. Wichita-Sedgwick County Metropolitan Area Planning Department Metro Planning News; B. Rocky Mountain Land Use Institute 15th Annual Land Use Conference, March 9 & 10, 2006; C. 2006 Watershed Restoration & Protection Strategy Conference, January 26, 2006; D. Transportation Safety Conference, Safety News You Can Use, May 23-24 2006; E. Planning Commissioner Training Made Easy, Audio/Web Conference Training Series, January 18, 2006 & March 22, 2006.

Under Off Agenda Wethington stated there was nothing to discuss.

Wethington asked for a motion to adjourn.

Motion by Patnaude – Second by Parton

I move we adjourn.

Wethington yea, Lippoldt yea, Schneiter yea, Parton yea, Grether yea, Kanaga yea, Dickerson yea, Patnaude yea.

Motion declared carried.

The Planning Commission meeting adjourned at 10:10 p.m.