HAYSVILLE PLANNING COMMISSION

AGENDA

MAY 22, 2014

7:00 P.M., MUNICIPAL BUILDING, 200 W. GRAND

I. Call to Order

II. Minutes

A. *Minutes of April 24, 2014*

III. New Business

A. *Consideration of MAPD Case CON2014-18 – 1706 Tiara Pines Drive, Derby, Sedgwick County, Kansas*

B. *Public Hearing for a Conditional Use of 301 N. Main St., Haysville, Sedgwick County, Kansas*

C. *Public Hearing for a Conditional Use of 400 79th St. South, Haysville, Sedgwick County, Kansas*

D. *Public Hearing for the Land Use Map of Haysville, Sedgwick County, Kansas*

IV. Old Business

V. Correspondence and Informational Reading

VI. Committee Updates

VII. Off Agenda

VIII. Adjournment

Haysville Planning Commission
Minutes
April 24, 2014

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 7:01 p.m. in the Council Chambers, located in the Haysville Municipal Building, 200 West Grand Avenue.

Those members present were: Tim Aziere, Debbie Coleman, Bill Hancock, Joe Holub, Richard Meyer, Ron Page, Clay Randel, and Bob Wethington.

Chairperson Tim Aziere presented for approval the Minutes of March 27, 2014.

Motion by Wethington - Second by Coleman
I move to approve the minutes as presented.
Aziere yea, Coleman yea, Hancock abstain, Holub abstain, Meyer yea, Page yea, Randel yea, and Wethington yea.
Motion declared carried.

Under New Business Chairperson Tim Aziere presented Set a Public Hearing for the Land Use Map.

Chairperson Tim Aziere asked Secretary McHatton to present his report. McHatton stated that the Commission had several workshops to finalize the map, and the hearing was for the public to comment before giving its recommendation to Council. There were no Commissioner comments. A consensus was reached to schedule a hearing date for May 22, 2014.

Motion by Wethington - Second by Page
I move to set a hearing date for May 22, 2014, for consideration of the Land Use Map, for Haysville, Sedgwick County, Kansas.
Aziere yea, Coleman yea, Hancock yea, Holub yea, Meyer yea, Page yea, Randel yea, and Wethington yea.
Motion declared carried.

Chairperson Tim Aziere presented Set a Public Hearing for a Conditional Use of 400 W. 79th St. South, Haysville, Sedgwick County, Kansas.

Chairperson Tim Aziere asked Secretary McHatton to present his report. McHatton displayed an image of the property. He said the City was requesting under a conditional use permit, to dredge the pond and sell the sand and fill dirt. He said the property was in the "AA" Single Family zoning district, and the following conditional use was listed: Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil etc.. Holub asked if the dredging was going to be performed by Public

Works. McHatton stated that the City looked to subcontract it out, and would have minimal involvement with the dredging itself. Chairperson Tim Aziere, asked how large the pond would be after completion. McHatton said the proposed project would extend the pond North, making it almost 10 acres. He also noted the area was in a flood zone which made it an ideal area for a park, and other recreational amenities. He said it would also serve as an emergency retention pond, and assist with drainage to the surrounding area. There were no further Commissioner comments. A consensus was reached to schedule a hearing date for May 22, 2014.

Motion by Wethington - Second by Hancock
I move to set a hearing date for May 22, 2014, for consideration of a conditional use permit, for 400 W. 79th St. South, Haysville, Sedgwick County, Kansas.
Aziere yea, Coleman yea, Hancock yea, Holub yea, Meyer yea, Page yea, Randel yea, and Wethington yea.
Motion declared carried.

There was nothing under Old Business.

There was nothing under Correspondence and Informational Reading.

Chairperson Tim Aziere asked if there were any Committee updates.

Bob Wethington said the work on the Main St. and Grand Ave. fountain was almost ready to begin. He noted that it would have several light displays, and musical accompaniment.

Chairperson Tim Aziere asked for any Off Agenda items. Secretary McHatton stated there was another conditional use permit request. Chairperson Tim Aziere asked Secretary McHatton to present the item.

Secretary McHatton presented a request for a conditional use permit for 301 N. Main St.. He said the property was located in the "D" Light Commercial zoning district, and the following conditional use was listed: Automobile repair shop. He said the Commission would look at public safety criteria, and similar areas where this use was being performed in the same zoning district. He noted that Doug's Automotive, and Trudo's Automotive were conducting automotive repair in the "D" Light Commercial zoning district. There were no Commissioner comments. A consensus was reached to schedule a hearing date for May 22, 2014.

Motion by Wethington - Second by Hancock
I move to set a hearing date for May 22, 2014, for consideration of a conditional use permit, for 301 N. Main St., Haysville, Sedgwick County, Kansas.
Aziere yea, Coleman yea, Hancock yea, Holub yea, Meyer yea, Page yea, Randel yea, and Wethington yea.
Motion declared carried.

Chairperson Tim Aziere presented for approval Adjournment.

Motion by Parton - Second by Wethington
I would move to adjourn.
Aziere yea, Coleman yea, Hancock yea, Holub yea, Meyer yea, Page yea, Randel yea, and Wethington yea.
Motion declared carried.

The meeting of the Haysville Planning Commission adjourned at 7:20pm.

NOTICE OF PUBLIC HEARING, METROPOLITAN AREA PLANNING COMMISSION
Wichita City Hall, 10th Floor, 455 N. Main St., Wichita, Kansas 67202-1688
316-268-4421 (T)

This letter serves to notify you that an application has been made to change zoning or land use regulations controlling land located in your general area. See map at the end of this notice for the specific property affected by this application. State law requires the Metropolitan Area Planning Department to send you NOTICE OF PUBLIC HEARING to allow you an opportunity to comment on the application. You are advised that a PUBLIC HEARING to consider this request is to be held before the Metropolitan Area Planning Commission (MAPC) on the following date, time and location:

Thursday, June 5, 2014 at 1:30 PM
In the Planning Department Conference Room, Wichita City Hall, 10th Floor
455 N. Main St., Wichita, Kansas 67202-1688

If you have questions, comments or concerns regarding this application prior to the public hearing, you may call the Planning Department staff member, **Bill Longnecker**, assigned to this case at 316-268-4421

NOTE: The Haysville Planning Commission will consider this case at their meeting to be held at 7:00 p.m., Thursday, May 22, 2014 at the Haysville City Hall, 200 W. Grand, Haysville, KS. Additional information regarding the meeting may be obtained by calling Haysville City Hall at 316-529-5900 or zmchatton@haysville-ks.com.

As an owner or occupant of property in the area, you have the right to appear at the MAPC public hearing to express your views regarding this application. You have no obligation to appear at the public hearing. You must contact MAPD Graphics staff (268-4464) by 10 a.m. if you have any written or visual materials you wish to present at the MAPC public hearing. Please note these materials will be retained as part of the official record by the MAPC Secretary. The application deals with the case listed below:

CASE NO:	CON2014-00018
REQUEST AND GENERAL LOCATION:	County Conditional Use request for a temporary accessory apartment (for medical reasons) on SF-20 Single-family Residential zoned property generally located two blocks west of Broadway Avenue, midway between 79th and 87th Streets South, on the northwest corner of Nicole and Katherine Streets.
APPLICANT:	Michael Tracy, 1706 Tiara Pines Drive, Derby, KS 67037 PH: 316-644-4987
LEGAL DESCRIPTION:	A complete legal description is available for public inspection at the Metropolitan Area Planning Department, Wichita City Hall - 10th Floor

Written comments may be mailed to the address at the top of the page, FAX'd to 316-268-4390 or e-mailed to mcrockett@wichita.gov, the day prior to the public hearing. If you so choose, you may file a written protest petition in the office of the Wichita City Clerk, 455 N. Main St., 13th Floor. Protest petitions may require the governing body to send the case back to the MAPC for further consideration, or may force a supermajority vote of the governing body to override the protests. Protest petitions may be filed anytime up to and including the 14th day after the MAPC public hearing. Copies of the protest petitions are available at the Planning Department, 10th Floor, Wichita City Hall, Wichita, KS 67202-1688, 316-268-4421, or online at www.wichita.gov.

If a development plan was required with this application, the plan is on file in the Planning Department and is available for public inspection.

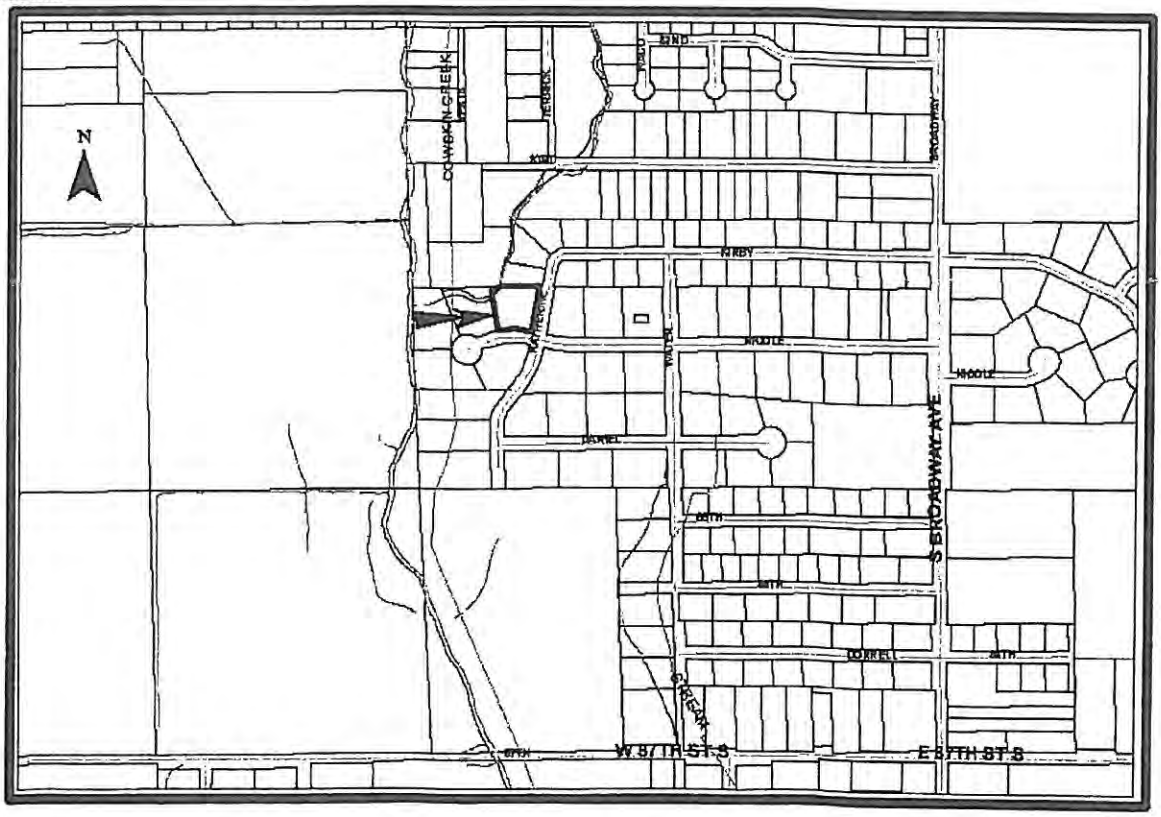
In some cases, such as a Conditional Use or an amendment to a Community Unit Plan, the MAPC may have final approval authority unless the case is appealed or protested; otherwise (for zone changes and creation of Community Unit Plans) the MAPC is making a recommendation to the governing body who has final approval authority. Factors used by the MAPC in deciding what recommendation to make include: neighborhood support or opposition; character of the neighborhood; existing zoning and land use of nearby properties; the suitability of the application area for the uses for which it is currently zoned; detrimental impact, if any, on adjoining properties; conformance with adopted zoning policies or plans; and impact on community facilities.

Listed below are the various zoning districts. The "RR" Rural Residential district is the most restrictive. In ascending order the districts that follow allow increasingly more intensive uses until the "GI" General Industrial district, which is the least restrictive and allows the most intensive land uses by-right.

ZONING DISTRICTS

MOST RESTRICTIVE	RR	Rural Residential		CBD	Central Business District
	SF-20	Single-Family		IP	Industrial Park
	SF-10	Single-Family		LI	Limited Industrial
	SF-5	Single-Family	**LEAST RESTRICTIVE**	GI	General Industrial
	TF-3	Two-Family	**SPECIAL DISTRICTS**	A.F.B	Air Force Base District
	MF-18	Multi-Family		P.U.D.	Planned Unit Development
	MF-29	Multi-Family		C.U.P.	Community Unit Plan
	B	Multi-Family		U	University District
	MH	Manufactured Housing		OT-O	Old Town Overlay
	NO	Neighborhood Office		A-O	Airport Overlay
	GO	General Office		P-O	Protective Overlay
	NR	Neighborhood Retail		H-O	Historic Landmark Overlay
	LC	Limited Commercial		DO-O	Delano Neighborhood Overlay
	OW	Office Warehouse		AFBP-O	Air Force Base Protective Overlay District
	GC	General Commercial			
	IP-A	Industrial Park/Airport		CP-O	Corridor Preservation Plan

A detailed interpretation of the uses allowed in each zoning district may be obtained from the Planning Department. The Metropolitan Area Planning Commission may grant a more restrictive zoning district than requested.



WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. _____

STAFF REPORT

MAPC June 5, 2014
Haysville May 22, 2014

CASE NUMBER: CON2014-00018

APPLICANT/OWNER: Michael Tracy (applicant/owner)

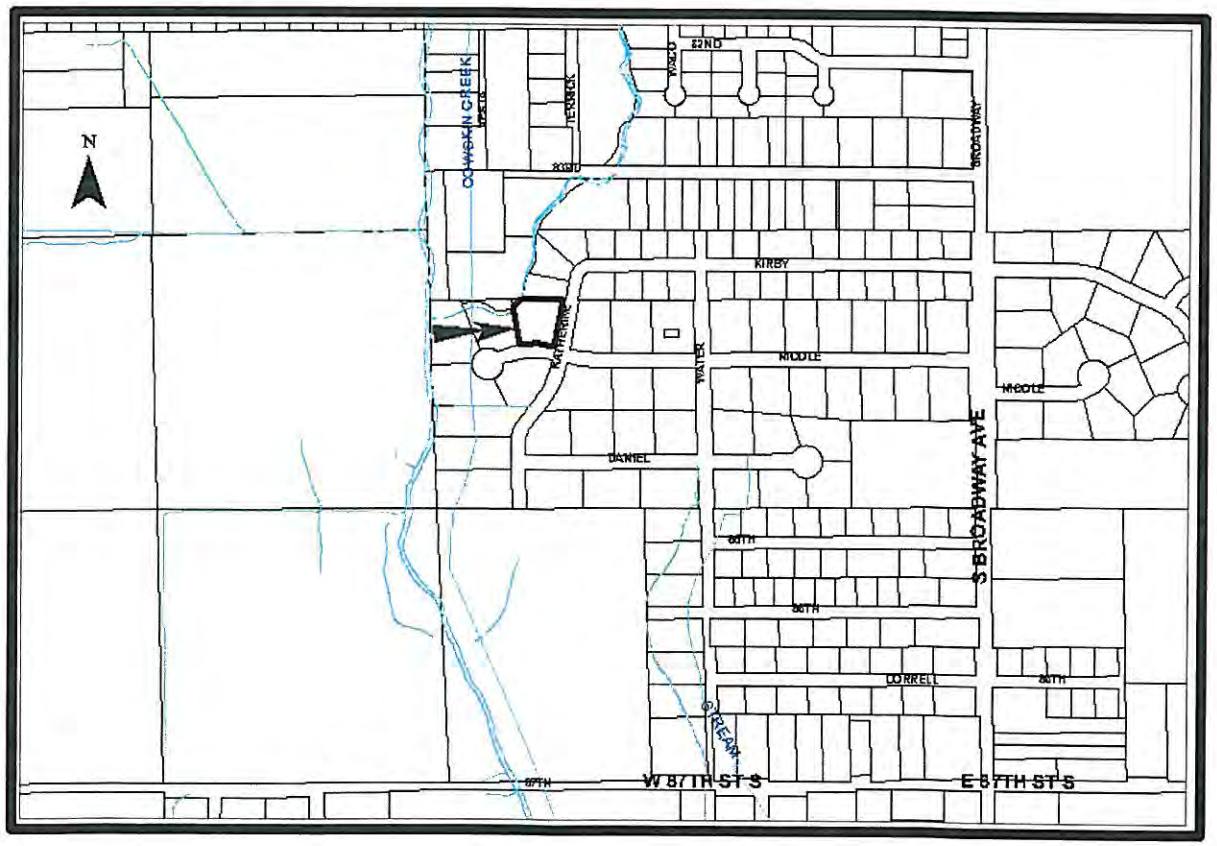
REQUEST: Conditional Use request for a temporary manufactured home/accessory apartment

CURRENT ZONING: SF-20 Single-Family Residential

SITE SIZE: Approximately 1.53-acres

LOCATION: Generally located two blocks west of Broadway Avenue, midway between 79th and 87th Streets South, on the northwest corner of Nicole and Katherine Streets (BoCC #2)

PROPOSED USE: Temporary accessory apartment for elderly family member with medical needs



BACKGROUND: The applicant is requesting a Conditional Use for a temporary manufactured home/accessory apartment (temporary accessory apartment), specifically a single-wide manufactured home, to assist with the care of elderly family members with medical needs. The applicant has provided an attached letter from a physician testifying to the medical needs of the applicant's brother who will be occupying the temporary accessory apartment; Exhibit A. The applicant has also provided an attached statement giving his reason for requesting the temporary accessory apartment in regards to the health of the brother ('disabled family member') and his mother; Exhibit B. The platted 1.53-acre SF-20 Single-Family Residential (SF-20) zoned subject site is located south of 83rd Street South, two blocks west of Broadway Avenue, on the northwest corner of Nicole and Katherine Streets. The Sedgwick County site is located within Haysville's Zoning Area of Influence.

Per the Unified Zoning Code (UZC, Sec.III-D.6.l.(3)), the placement of an accessory manufactured home on a residentially zoned lot located within the unincorporated portion of Sedgwick County may be permitted on a temporary basis, as a Conditional Use in accordance with the UZC, Sec.V-D (required review procedures for a Conditional Use), subject to the following conditions and requirements.

(a) The location of the manufactured home shall conform to all Setback requirements of the zoning district in which located.

(b) The lot area for the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum lot area shall be determined by the County Health Department.

(c) The unit shall comply with all of the standards of the UZC, Secs.III-D.6.l(1) and III-D.6.l(2); manufactured homes in the County, Standards and Exceptions.

(d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use.

(e) The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.

The applicant owns the subject site as well as the abutting north property; Lot 1, Block F, Cain Orchard 2nd Addition and Lot 17, Kirby Addition. The applicant's mother lives on the abutting north property. In 2013 a garage was built on the subject site. Common ownership of the above abutting lots allowed the construction of the garage on the subject site as an accessory structure to the single-family residence located on the abutting north property. The common ownership allows the consideration of the Conditional Use request. The applicant's site plan is an aerial with the footprint of a 'single wide' manufactured home of undetermined size.

The County subject site is located in an SF-20 zoned single-family residential neighborhood with lots ranging from -/+ a half-acre to an acre and a half. It is not unusual to see small stables with horses in the neighborhood. The immediate single-family residential neighborhood is developed with a mix of predominately residential designed manufactured homes and stick frame houses (built late 1940s-1960s). All the abutting and closest adjacent properties are developed with residential designed manufactured homes. RR Rural Residential zoned agricultural lands are located approximately 390 feet west and 2,000 feet east (across Broadway Avenue) of the subject site.

CASE HISTORY: The subject site, developed with a garage, is Lot 1, Block F, Cain Orchard 2nd Addition. The Cain Orchard 2nd Addition was recorded with the Sedgwick County Register of Deeds March 8, 1982. The abutting north property, developed with a residential designed manufactured home, is Lot 17, Kirby Addition. The Kirby Addition was recorded with the Sedgwick County Register of Deeds July 21, 1955.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20	Single-family residences
SOUTH: SF-20	Single-family residences

WEST: SF-20	Single-family residences
EAST: SF-20	Single-family residences

PUBLIC SERVICES: Nicole and Katherine Streets are dirt and gravel residential streets. The nearest access to a paved road is Broadway Avenue, located approximately 1,920 feet east of the subject site. Broadway Avenue is a two-lane arterial at this location. The single-family residence located on the abutting north property is served by a lagoon for sewage and a well for water; it is outside of all Rural Water Districts. All other utilities are available.

CONFORMANCE TO PLANS/POLICIES: The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the SF-20 zoned site as being in the Haysville (Small City) 2030 Urban Growth Area. The Small City Urban Growth Area indicates the reasonable direction of the small cities' growth. The site's SF-20 zoning is a reflection of much of the existing single-family residential development that was in place prior to the 1984 establishment of County wide zoning. The SF-20 zoning district allows single-family residential use. A Conditional Use application/request is required for consideration of a temporary accessory apartment in the SF-20 zoning district. A Conditional Use for a temporary accessory apartment in the SF-20 zoning district has supplemental conditions that are required.

The August 2012, "Haysville Comprehensive Plan's Land Use Plan Map" shows the site as "Residential." There is no specific language defining Residential in the Haysville Comprehensive Plan, although there is a page identifying suburban development in Haysville's Planning Area. Suburban development is referenced as platted lots or tracts ranging in size from one (1) to 20-acres and notes their potential impact on future urban growth patterns and the possibility of removing prime agricultural land. The proposed temporary accessory apartment would not seem to be in conflict with the Haysville's Residential category. The site and the area around it are located within a FEMA Flood Zone.

The site is located within the Haysville's Zoning Area of Influence and as such the Haysville Planning Commission will consider CON2014-00018 at prior to the June 5, 2014 MAPC meeting; UZC,Sec.V-B.4.d. If the Haysville Planning Commission recommends denial before the June 5, 2014, MAPC meeting and the MAPC recommends approval, CON2014-00018 will proceed to the Sedgwick County Board of County Commissioners (BoCC/Governing Body) for final action; UZC, Sec.V-D.6. It takes a unanimous vote of all of the BoCC members to overturn the small city's recommendation of denial; UZC, Sec.V-D.9. If the Haysville Planning Commission recommends approval and the MAPC recommends denial of the request, the applicant may appeal the MAPC's denial to the BoCC. A two-thirds majority of the BoCC is required to overturn the MAPC's recommendation.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

(1) The temporary accessory apartment (a single-wide manufactured home located on Lot 1, Block F, Cain Orchard 2nd Addition) shall remain accessory to and under the same ownership as the principal single-family residence (located on Lot 17, Kirby Addition) and the ownership shall not be divided or sold as a condominium. Provided a covenant, with original signatures, binding and tying Lot 1, Block F, Cain Orchard 2nd Addition and Lot 17, Kirby Addition until they are replatted as one lot or the temporary accessory apartment is removed. This must be provided to Panning for recording with the Sedgwick County Register of Deeds.

(2) The temporary accessory apartment shall remain on the site (Lot 1, Block F, Cain Orchard 2nd Addition) as an accessory dwelling for the applicant's brother, Charles Tracy, as long as he resides in it. The applicant shall report to the Metropolitan Area Building and Construction Department (MABCD) on a yearly basis, every January, the status of the occupancy of this manufactured home. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a

basis for the Conditional Use.

(3) The water and sewer service provided to the temporary accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system (located on Lot 17, Kirby Addition) prior to the hook up of the proposed temporary accessory apartment (located on Lot 1, Block F, Cain Orchard 2nd Addition).

(4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the temporary accessory apartment within the FEMA Flood Zone.

(5) Development and maintenance of the site shall be in conformance with the approved site plan.

(6) If the temporary accessory apartment is not in place within six (6) months of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

(1) **The zoning, uses and character of the neighborhood**: The County subject site is located in an SF-20 zoned single-family residential neighborhood with lots ranging from -/+ a half-acre to an acre and a half. It is not unusual to see small stables with horses in the neighborhood. The immediate single-family residential neighborhood is developed with a mix of predominately residential designed manufactured homes and stick frame houses (built late 1940s-1960s). All the abutting and closest adjacent properties are developed with residential designed manufactured homes. RR Rural Residential zoned agricultural lands are located approximately 390 feet west and 2,000 feet east (across Broadway Avenue) of the subject site.

(2) **The suitability of the subject property for the uses to which it has been restricted**: The vacant subject site is currently zoned SF-20. The SF-20 zoning permits a single-family residence. The proposed temporary manufactured home/accessory apartment requires approval of a Conditional Use

(3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** This appears to be the first request for a temporary manufactured home/accessory apartment in this neighborhood. The proposed temporary manufactured home/accessory apartment is a single-wide manufactured home, of an undermined size. The proposed temporary manufactured home/accessory apartment will not be on the same lot as the principle residence, as required by the UZC; Lot 1, Block F, Cain Orchard 2nd Addition and Lot 17, Kirby Addition. However, County Law has opinioned that the applicants ownership of both of the lots, allows the consideration of the Conditional Use request. The UZC requires that water sewer for the proposed temporary manufactured home/accessory apartment on the same line as the principle residence, which makes it harder to sell the temporary manufactured home/accessory apartment as a separate unit. Staff's recommendation of the applicant providing a covenant, with original signatures, binding and tying Lot 1, Block F, Cain Orchard 2nd Addition and Lot 17, Kirby Addition until they are replatted as one lot or the temporary manufactured home/accessory apartment is removed, further insures the that the two living units remain under one ownership.

(4) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant**: Denial of the request could impose a hardship on the owner of

the properties in regards to helping provide medical care for elderly family members suffering from declining health.

(5) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the SF-20 zoned site as being in the Haysville (Small City) 2030 Urban Growth Area. The Small City Urban Growth Area indicates the reasonable direction of the small cities' growth. The site's SF-20 zoning is a reflection of much of the existing single-family residential development that was in place prior to the 1984 establishment of County wide zoning. The SF-20 zoning district allows single-family residential use. A Conditional Use application/request is required for consideration of a temporary accessory apartment in the SF-20 zoning district. A Conditional Use for a temporary accessory apartment in the SF-20 zoning district has supplemental conditions that are required.

The August 2012, "Haysville Comprehensive Plan's Land Use Plan Map" shows the site as "Residential." There is no specific language defining Residential in the Haysville Comprehensive Plan, although there is a page identifying suburban development in Haysville's Planning Area. Suburban development is referenced as platted lots or tracts ranging in size from one (1) to 20-acres and notes their potential impact on future urban growth patterns and the possibility of removing prime agricultural land. The proposed temporary accessory apartment would not seem to be in conflict with the Haysville's Residential category. The site and the area around it are located within a FEMA Flood Zone.

The site is located within the Haysville's Zoning Area of Influence and as such the Haysville Planning Commission will consider CON2014-00018 at prior to the June 5, 2014 MAPC meeting; UZC,Sec.V-B.4.d

(6) **Impact of the proposed development on community facilities:** Community facilities are the public streets in the neighborhood, police and fire services, none of which will be noticeably impacted by another residence being built on the site. There is no public water or sewer service available to the neighborhood.

Wichita-Sedgwick County
Metropolitan Area Planning Department
455 N. Main, 10th Floor City Hall
Wichita, KS 67202-1688
PHONE: 316-268-4421
FAX: 316-268-4390

facsimile transmittal.....

To: Zach **Fax:** 529-5925

Firm/Agency: **Phone:**

From: Bill Longnecker **Date:**

RE: **Pages:**

Including cover page

CC:

NOTE(S): Exhibits for Con2014-18 Reports

CON2014-18

Exhibit-A

Haysville Family MedCenter

Heba S. Ferguson, MD
Craig R. Parman, MD
Del G. Rey, MD

7107 S. Meridian • Haysville, KS 67060 • Tel 316-858-4165 • Fax 316-858-4169

March 12, 2014

Re: Charles Tracy
DOB: 06-29-49

To Whom It May Concern:

Charles Tracy is a patient of Dr. Reys who was seen by me today. He has multiple disabilities including bilateral hand weakness after thumb amputations, coronary artery disease and poorly controlled diabetes.

Currently, he lives on the west side of town and does not have close access to his primary care physician. This I think does play a roll in his poorly controlled diabetes. The plan is to put a mobile home on his brother's property where he can live and be watched closely by his brother and hopefully get better healthcare by being a closer proximity to Dr. Del Rey. Please give some consideration to this housing permit to go through.

Respectfully,

Craig R. Parman, MD

05/15/2014 16:55 316-268-4390 PLANNING DEPT WICHIT PAGE 02/03

Planning Commission
City of Haysville, Kansas

CON2014-18 Exhibit B

Conditional Use Application

I. Name of Applicant Michael Tracy

Mailing Address 1706 Tiara Pines Drive, Derby, KS 67037

Phone Number *(home/cell)* 316-644-4987 *(work)* _____

Name of Authorized Agent _____

Mailing Address _____ Phone _____

Relationship of applicant to property is that of: Owner☒ Tenant☐
Lessee☐ Other ☐

All Owners of all property requested to be considered in this application must be listed in this item. (Use separate sheet if necessary for name of additional applicants.)

II. The applicant proposes to establish a Conditional use for a single wide manufactured home in Residential area (use)

for property located at ~~220~~ 300 W. Nicole Court, Haysville, KS 67060

presently zoned as Residential

and legally described as Lot 1 Exc Beg 210 Ft W NE Cor SW 49.10 Ft to W Li Nly 33.26 Ft to NW Cor E to Beg Block F Cain Orchard 2nd Add

(If appropriate, metes and bounds descriptions may be provided in the space above or on an attached sheet.)

III. I request this conditional use permit for the following reasons: To house an elderly disabled Family member and a caregiver for him and my mother next door who was diagnosed with Alzheimers

Affidavit of Publication

Victoria Vinciguerra
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 1 Day of May, 2014
Second Publication was made
On the _____ Day of _____, 20___
Third Publication was made
On the _____ Day of _____, 20___

Total Publication Fee $ 28.00

Victoria Vinciguerra

Subscribed and sworn to before me this

5th Day of May, 2014

Evelyn J. Mize

Notary Public

My Commission expires on 11/23/2017

EVELYN J. MIZE
Notary Public - State of Kansas
My Appt. Expires 11/23/2017

This affidavit was incorrect, and I have requested a corrected version.

- Zach McHatton

PUBLIC NOTICE

First Published in the Haysville Sun-Times May 1, 2014

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 7 p.m., Thursday, May 22, 2014, 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.

Planning Commission
City of Haysville, Kansas

Conditional Use Application

I. Name of Applicant Jeremy Graham

Mailing Address 10901 Wilmer Dr Mulvane 67110

Phone Number (*home/cell*) 316570-7208 (*work*) _____

Name of Authorized Agent _____

Mailing Address _____ Phone _____

Relationship of applicant to property is that of: Owner ☐ Tenant ☐
Lessee ☒ Other ☐

All Owners of all property requested to be considered in this application must be listed in this item. (Use separate sheet if necessary for name of additional applicants.)

II. The applicant proposes to establish a auto mechanic business (use)

for property located at 301 n main Haysville 67060

presently zoned as Light commercial

and legally described as 301 n. main Haysville 67060

(If appropriate, metes and bounds descriptions may be provided in the space above or on an attached sheet.)

III. I request this conditional use permit for the following reasons:

IV. I(WE), THE APPLICANT(S), ASKNOWLEDGE RECEIPT OF THE INSTRUCTION SHEET EXPLAINING THE METHOD OF SUBMITTING THIS APPLICATION. I (WE) REALIZE FILLED IN; IS ACCOMPANIED BY A CURRENT ABSTRACTOR'S CERTIFICATED LIST AS REQUIRED IN THE INSTRUCTION SHEET; AND IS ACCOMPANIED BY THE APPROPRIATE FEE. I (WE) FURTHER CERTIFY THAT THE ABOVE AND FOREGOING INGORMATION IS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE. I (WE) ACKNOWLEDGE THAT THE GOVERNING BODY SHALL HAVE AUTHORITY TO IMPOSE SUCH CONDITIONS AS IT DEEMS NECESSARY IN ORDER TO SERVE THE PUBLIC INTEREST AND WELFARE.

NOTE: AT LEAST ONE OWNER MUST SIGN THIS APPLICATION. OTHER OWNERS MAY BE REPRESENTED BY AN AGENT OR AGENTS.

Applicant _____
(Signature)
4-23-14
(Date)

Applicant _____
(Signature)
_____
(Date)

Agent _____
(Signature)
_____
(Date)

Agent _____
(Signature)
_____
(Date)

Office Use Only:
This application was received at the office of the Planning Commission at _____ (am/pm) on _____, 20___. It has been checked and found to be correct and accompanied by required documents and the appropriate fee of $275.00.

_____ _____
Authorized Signature Title

4/11

STAFF REPORT

Case #:	CON-2014-002
Applicant:	Jeremy Graham
Request:	Conditional Use Permit for an automobile repair shop
Current Zoning:	"D" Light Commercial
Location:	301 N. Main St.
Legal:	E 120 FT RES C, Hillcrest Addition
Current Use:	Vacant Building, HVAC repair, automobile repair
Site Size:	0.3719 Acres
Background:	The applicant is requesting a conditional use permit for said property located in the "D" Light Commercial zoning district. While not listed in allowable uses, automobile repair shop is listed under conditional uses. Current locations similar to the request are: Doug's Automotive and Trudo's Automotive. Both operations are automobile repair shops, located in the "D" Light Commercial zoning district.
Adjacent Zoning / Land use:	North – "D" Light Commercial – True Value Complex South – "AAA" Single Family – Westar Substation East – "D" Light Commercial – Emprise Bank West – "D" Light Commercial – China Café
Public Services:	Water, Wastewater, Gas, and Electricity are available in the area.
Conformance to Plans:	The Land Use Plan identifies this property as being Commercial.

1. Parking space and loading space to be provided equal to two spaces per each employee.

J. Hours.

1. Monday-Saturday...7 a.m. to 10 p.m.

412 COMMERCIAL; "D" LIGHT COMMERCIAL DISTRICT REGULATIONS.

A. Uses listed as permitted in the "D" Light Commercial District shall be permitted provided that they comply with the following regulations:

1. There shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises; and

2. Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes; and

3. All articles for sale, rent, display , storage or hire, must be kept within an enclosed building except:

a. Items specifically allowed by a permitted use;

b. Vending machines and newspaper stands may be displayed outside permanently; and

c. Merchandise that is for sale may be displayed in areas immediately adjacent to the building provided that:

i. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained appropriate approval for such use from the governing body;

ii. No portion of the display shall obstruct handicapped accessibility or impede pedestrian movement;

iii. No required off-street parking space or loading area will be utilized for display, storage or dispensing;

iv. No food or drink may be displayed outside the building except in accordance with the standards of the Wichita-Sedgwick County department of public health;

v. Christmas tree and associated sales may be conducted on property zoned "D" Light Commercial even though no building shall exist.

B. The following regulations shall apply in all "D" Districts:

1. Uses permitted:

a. Any use listed as a permitted use in the "OC" Office Commercial, except that such uses must comply with the regulations of that district.

b. Animal Hospitals, not including kenneling as a primary use.

c. Animal services including small animal grooming

d. Art and antique shops.

e. Automatic Teller Machine.

f. Automobile service center stations and related parts and accessory sales with outside storage of recyclable materials as follows:

i. Liquids, not to exceed one 300-gallon drum;

ii. Tires, to be stored in a container not to exceed 100 cu.ft. located at least 18" off the ground; and

iii. scrap metal, to be in a container not to exceed 100 cu.ft.

g. Bakery goods shops.

h. Banking services.

i. Barber shop or beauty parlor, including services for hair, nails, and tanning.

j. Blueprinting or Photostatting.

k. Book or stationary store.

l. Business, music, dance, or commercial schools.

m. Camera shops.

n. Carwash.

o. Catering shops.

p. Cigar store.

q. Clinic, medical or dental for human treatment

r. Clothes cleaning agency, pressing establishment or dry cleaning establishments using non-flammable agents, employing not more than two persons engaged in dry cleaning work.

s. Computer sales and repair services.

t. Confectionary stores.

u. Convenience store.

v. Custom dressmaking or millinery.

w. Dairy stores.

x. Decorating shop.

y. Drapery shop.

z. Drug store.

aa. Dry goods and notions.

ab. Entertainment, indoor

ac Feed, seed and commercial fertilizer sales.

ad Floor coverings and rug store.

ae Florist and gift shop.

af Frozen food lockers--no slaughtering.

ag Furniture store.

ah Furrier store.

ai Grocery, food or vegetable stores.

aj Hardware, plumbing, electrical or appliance store.

ak Health club or spa.

al Heating, air conditioning, and plumbing services offices, provided no more than 50% of the floor area is dedicated to a showroom for products offered. Fabrication and manufacturing is prohibited.

am Hobby shop.

an Hospitals and Sanitariums

ao Ice dealers, if no ice manufacturing is involved as a major enterprise.

ap Ice rink.

aq Jewelry store.

ar Launderette.

as Laundry or dry cleaning, limited

at Liquor and malt beverage store.

au Meat market or delicatessen store.

av Medical, dental and optical laboratories.

aw Mortuary and funeral home.

ax Newsstand.

ay Newspaper office without printing presses.

az Nurseries and garden centers.

ba Nursing or convalescent home.

bb Offices, business or professional

bc Office Supply store.

bd Paint and wall paper store.

be. Park.

bf. Parking areas--public or customer improved in accordance with Section 500.

bg. Pawn shop.

bh. Pet shop or taxidermist, including small animal grooming.

bi. Photographers and photo printing.

bj. Post office.

bk. The manufacture of pottery and figurines or similar ceramic products, using only previously pulverized clay kilns fired only by electricity or gas, for retail sales only.

bl. Radio studios.

bm. Restaurants, including refreshment stands and fast food establishments.

bn. Restaurant clubs.

bo. Retail stores and retail businesses.

bp. Roller rink.

bq. Rubber and metal stamp sales.

br. Safety services.

bs. Second hand store.

bt. Shoe store or shoe repair shop.

bu. Sporting good store.

bv. Tailor, dressmaking or apparel shop.

bw. Television studios.

bx. Training facilities; provided that services are conducted within an enclosed structure typical of a classroom setting.

by. Indoor Theaters.

bz. Upholstering shop if conducted wholly within a completely enclosed building.

ca. Uses customarily incidental to any of the above uses when located on the same lot.

cb. Accessory buildings when located on the same lot.

B. Conditional uses. (See Section 702.)

1. Apartment or condominiums with five or more units complying with the conditions established in the "CC" District regulations (Section 408) allowed except for the front 100 feet from the property line and adjoining a residential use.

2. Automobile, motor home, and boat rental with outside storage of rental items allowed provided that all units displayed are in operable condition, all maintenance is conducted inside a building, the storage is on a properly drained hard or all-weather surface and loading/unloading of vehicles

takes place off of public streets.

3. Automobile repair shop.

4. Automobile retail sales and related parts and accessory sales.

5. Carpenter or cabinet shop, if conducted wholly within a completely enclosed building.

6. Commercial Storage Warehouses.

7. Construction trade supply houses with fabrication, conducted wholly within a building, allowed as an incidental use.

8. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.

9. Electronic assembly.

10. Entertainment, outdoor.

11. Laboratories, medical and nondestructive testing.

12. Microwave tower.

13. Monument sales.

14. New or used automobile, truck and travel trailer sales with outside storage of vehicles for sale; provided that: All vehicles displayed are in operable condition; no part/piece storage is permitted outside; all maintenance (excluding washing/waxing) is conducted inside a building; the storage is on a properly drained hard or all-weather surface; and loading/unloading of vehicles takes place off of public streets.

15. Printing press operations including newspaper presses, catalogs and bindery.

16. Public utility stations and/or substations.

17. Radio transmission tower (needs to be based on size and power).

18. Tool equipment rental with outside storage of rental items allowed provided that all units displayed are in operable condition, all maintenance is conducted inside a building, the storage is on a properly drained hard or all-weather surface, and loading/unloading of vehicles takes place off of public streets. Any unit or vehicle rated at over 30 horsepower will be stored in the rear and screened from view to at least six feet in height.

19. Wholesale food commissary.

Sedgwick County... working for you

Property Information Report

Owner Name: LIN FRANK T & XIAN J ZHANG
PIN Number: 00296340
AIN: 087219310440100100
Geocode: RI HV00511

Owner Address

Owner Name: LIN FRANK T & XIAN J ZHANG
Owner Address: 212 HUNTER
Owner City: HAYSVILLE
Owner State: KS
Owner ZIP: 67060

Property Address

Property Address: 301 N MAIN ST
Property City: HAYSVILLE
Property State: KS
Property ZIP: 67060

Appraised Values

Appraised Land Value: $24,300
Appraised Improvement Value: $35,100
Appraised Total Value: $59,400

Assessed Values

Assessed Land Value: $6,075
Assessed Improvement Value: $8,775
Assessed Total Value: $14,850

Land Information

Total Acres: 0.3719
Total Square Feet: 16,200
Sec-Twp-Range: 31-T28S-R1E
Township: Riverside

Abbreviated Legal Description: E 120 FT RES C HILLCREST ADD.

Improvement Information

Year Built: *null*
Year Last Sold: 1995
Style: *null*
Basement Type: *null*
Arch Style Desc: *null*
Neighborhood Code: 847.9

Living Unit: *null*
Bedrooms: *null*
Bathrooms: *null*
Half Bath: *null*

Total Sq Ft: null
Ground Floor Sq Ft: null

Election Information

Precinct: HA11

Polling Place: First Christian Church
7465 S MERIDIAN AVE
HAYSVILLE, KS 67060

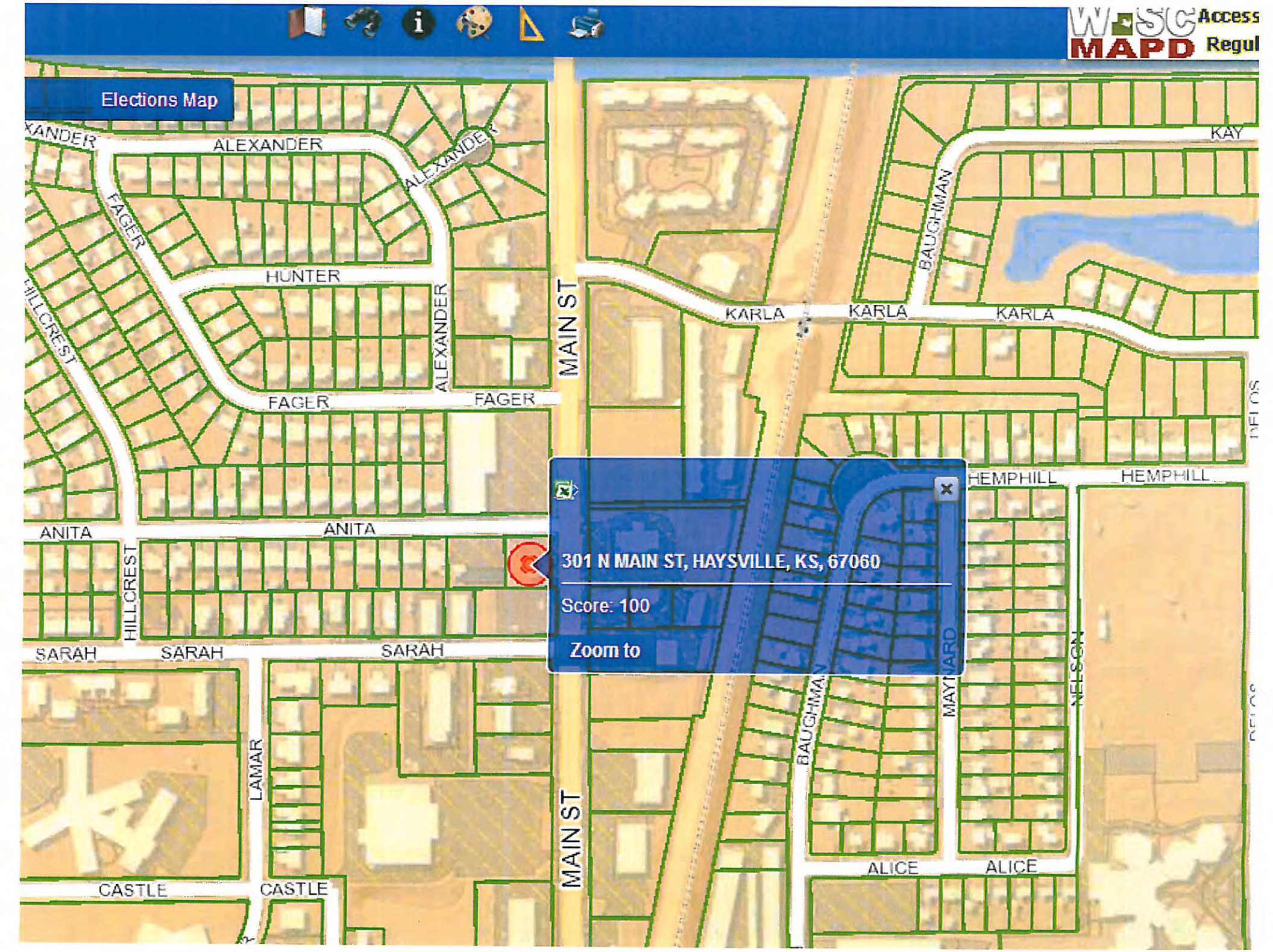
County Commissioner: Tim R. Norton
City Council: Steven G Crum, Keith A Pierce
Board of Education: Jim McNiece
State Senate: Dan Kerschen
State Rep: Steven S. Anthimides

Other Information

Unified School District: 261
Fire District: Sedgwick County

Sheriff Beat: 6
Tax Unit: 60-01

Wichita Police Beat: *null*


Elections Map
ALEXANDER
FAGER
HUNTER
ALEXANDER
FAGER
FAGER
MAIN ST
KARLA
KARLA
KARLA
BAUGHMAN
KAY
HEMPHILL
HEMPHILL
ANITA
ANITA
HILLCREST
301 N MAIN ST, HAYSVILLE, KS, 67060
Score: 100
Zoom to
SARAH
SARAH
SARAH
LAMAR
MAIN ST
BAUGHMAN
MAYNARD
NELSON
ALICE
ALICE
CASTLE
CASTLE

Affidavit of Publication

Victoria Vinciguerra
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 1 Day of May, 2014
Second Publication was made
On the _____ Day of _____, 20___
Third Publication was made
On the _____ Day of _____, 20___

Total Publication Fee $ 28.00

Victoria Vinciguerra

Subscribed and sworn to before me this

5th Day of May, 2014

Evelyn J. Mize
Notary Public

My Commission expires on 11/23/2017

EVELYN J. MIZE
Notary Public - State of Kansas
My Appt. Expires 11/23/2017

PUBLIC NOTICE

First Published in the Haysville Sun-Times May 1, 2014

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 7 p.m., Thursday, May 22, 2014, in the Council Chambers at City Hall, 200 West Grand, Haysville, Kansas, the Haysville Planning Commission will hold a public hearing to consider a request for a Conditional Use Permit to allow the development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc. for property generally described as 400 79th St. South.

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.

STAFF REPORT

Case #:	CON-2014-001
Applicant:	City of Haysville
Request:	Conditional Use Permit for the development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
Current Zoning:	"AA" Single Family
Location:	400 W. 79th St. South, Haysville, Sedgwick County, Kansas
Legal:	W 30 A SW ¼ SE ¼ EXC PT FOR RD & EXC PD DITCH & EXC TH PT BEG 220.74 FT E SW COR SE ¼ TH N 30 FT NELY 834.41 FT TOPT 64 FT W E LI
Current Use:	Agriculture
Site Size:	25.68006 Acres
Background:	The applicant is requesting a conditional use permit for said property located in the "AA" Single Family zoning district. While not listed in allowable uses, development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc. is listed under conditional uses. With a majority of the property being in the floodplain, and the pond would serve as an emergency retention pond, and alleviate flooding from other "high risk" areas. Development in the floodplain is costly, and a park would be a workable use for this property. This project has been analyzed and approved by the Army Corp of Engineers, Kansas Water Authority, and other various agencies. Without their approval this project would not be in its present state.
Adjacent Zoning / Land use:	North – "A" Single Family – Public Works South – "A" Single Family – Housing East – "A" Single Family – Housing West – "A" Single Family – Housing

Public Services: No public services are available to this area, but temporary electricity will be facilitated until project completion.

Conformance to Plans: The Land Use Plan identifies this property as Parks and Open Space.

ARTICLE 4. ZONING DISTRICTS

400 RESIDENTIAL; "AA" DISTRICT REGULATIONS.

The regulations relating to the Residential "AA" District shall be as follows:

A. Use Regulations. In the "AA" Single Family Dwelling District as defined in the terms of this article, no building shall be hereinafter erected, enlarged, converted or altered unless otherwise provided in this article, except for one or more of the following uses:

1. Single family dwellings.

2. Conditional Uses. (See Section 702.)

   a. Parks, playgrounds and community buildings owned and/or operated by the city.

   b. Churches and their accessory buildings.

   c. Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.

   d. Public schools, elementary schools and high schools and private schools having a curriculum equivalent to and substantially the same as that of a public elementary or public high school but not including private kindergartens or nursery schools accommodating 10 or more students.

   e. Safety Services.

3. Home Occupations. (See Section 502)

4. Detached accessory structures: Provided, that they are located within the side and/or rear yard of a lot and are in accordance with all setback requirements.

B. Height Regulations.

1. No building shall exceed three stories or 45 feet in height.

C. Area Regulations.

1. Minimum area of dwelling shall be not less than 1,500 square feet.

2. Lot area per family--The lot area for a one-family dwelling and accessory building shall be not less than 15,000 square feet.

Sedgwick County... working for you

Property Information Report

Owner Name: HAYSVILLE CITY OF
PIN Number: 00513641
AIN: 087243050430000200
Geocode: SA HV02156

Owner Address

Owner Name: HAYSVILLE CITY OF
Owner Address: PO BOX 404
Owner City: HAYSVILLE
Owner State: KS
Owner ZIP: 67060

Property Address

Property Address: *null*
Property City: *null*
Property State: KS
Property ZIP: *null*

Appraised Values

Appraised Land Value: $69,300
Appraised Improvement Value: $0
Appraised Total Value: $69,300

Assessed Values

Assessed Land Value: $0
Assessed Improvement Value: $0
Assessed Total Value: $0

Land Information

Total Acres: 25.68006
Total Square Feet: 1,118,623
Sec-Twp-Range: 05-T29S-R1E
Township: Salem

Abbreviated Legal Description: W 30 A SW 1/4 SE 1/4 EXC PT FOR RD & EXC PD DITCH & EXC TH PT BEG 220.74 FT E SW COR SE 1/4 TH N 30 FT NELY 834.41 FT TOPT 64 FT W E LI

Improvement Information

Year Built: *null*
Year Last Sold: 2000
Style: *null*
Basement Type: *null*
Arch Style Desc: *null*
Neighborhood Code: 705.5

Living Unit: *null*
Bedrooms: *null*
Bathrooms: *null*
Half Bath: *null*

Total Sq Ft: null
Ground Floor Sq Ft: null

Election Information

Precinct: HA31

Polling Place: First Christian Church
7465 S MERIDIAN AVE
HAYSVILLE, KS 67060

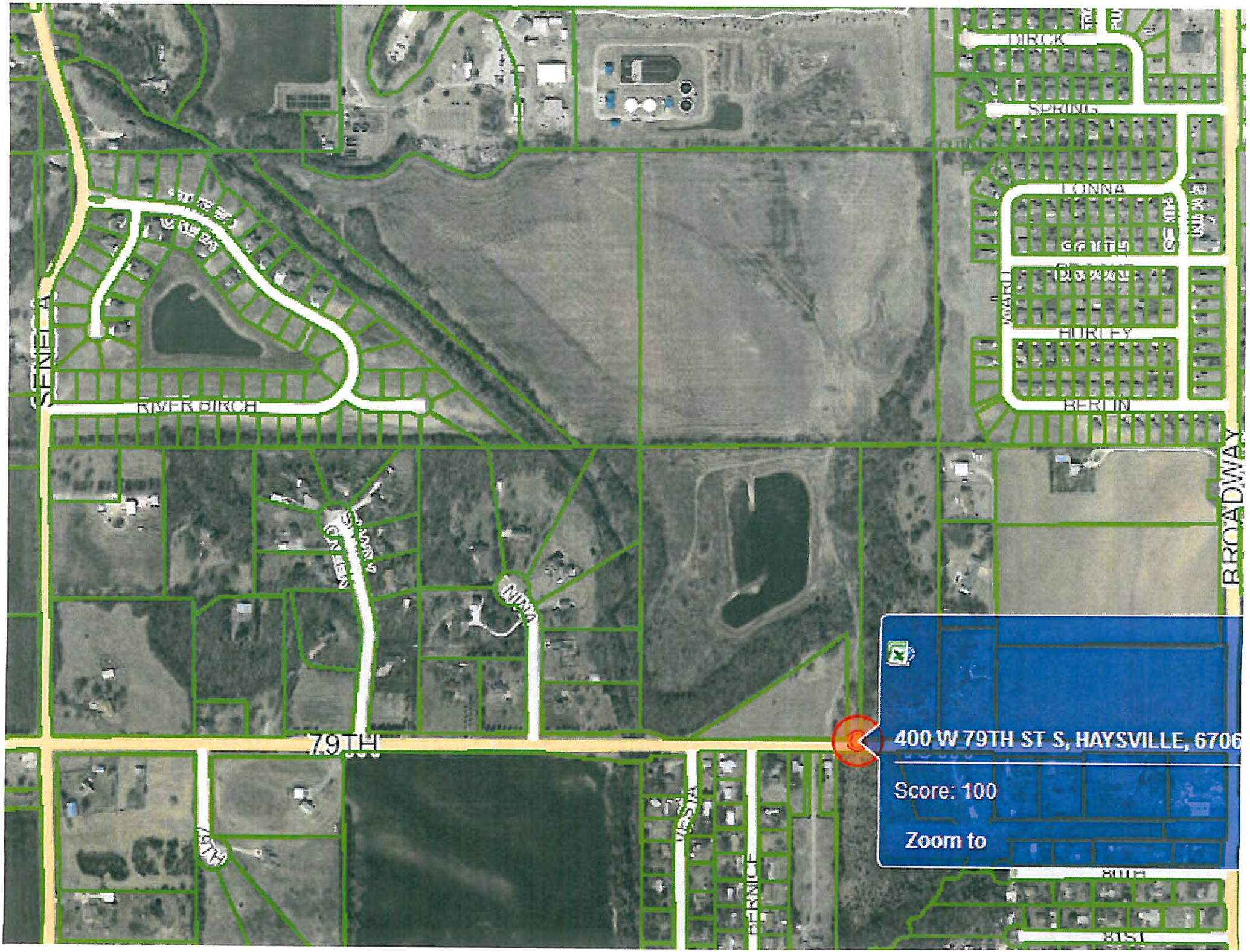
County Commissioner: Tim R. Norton
City Council: Patricia L Ewert, Bob Rardin
Board of Education: Jim McNiece
State Senate: Dan Kerschen
State Rep: George F. (Joe) Edwards II

Other Information

Unified School District: 261
Fire District: Sedgwick County

Sheriff Beat: 6
Tax Unit: 60-02

Wichita Police Beat: *null*


DIRCK
SPRING
LONNA
HURLEY
BERLIN
RIVER BIRCH
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Score: 100
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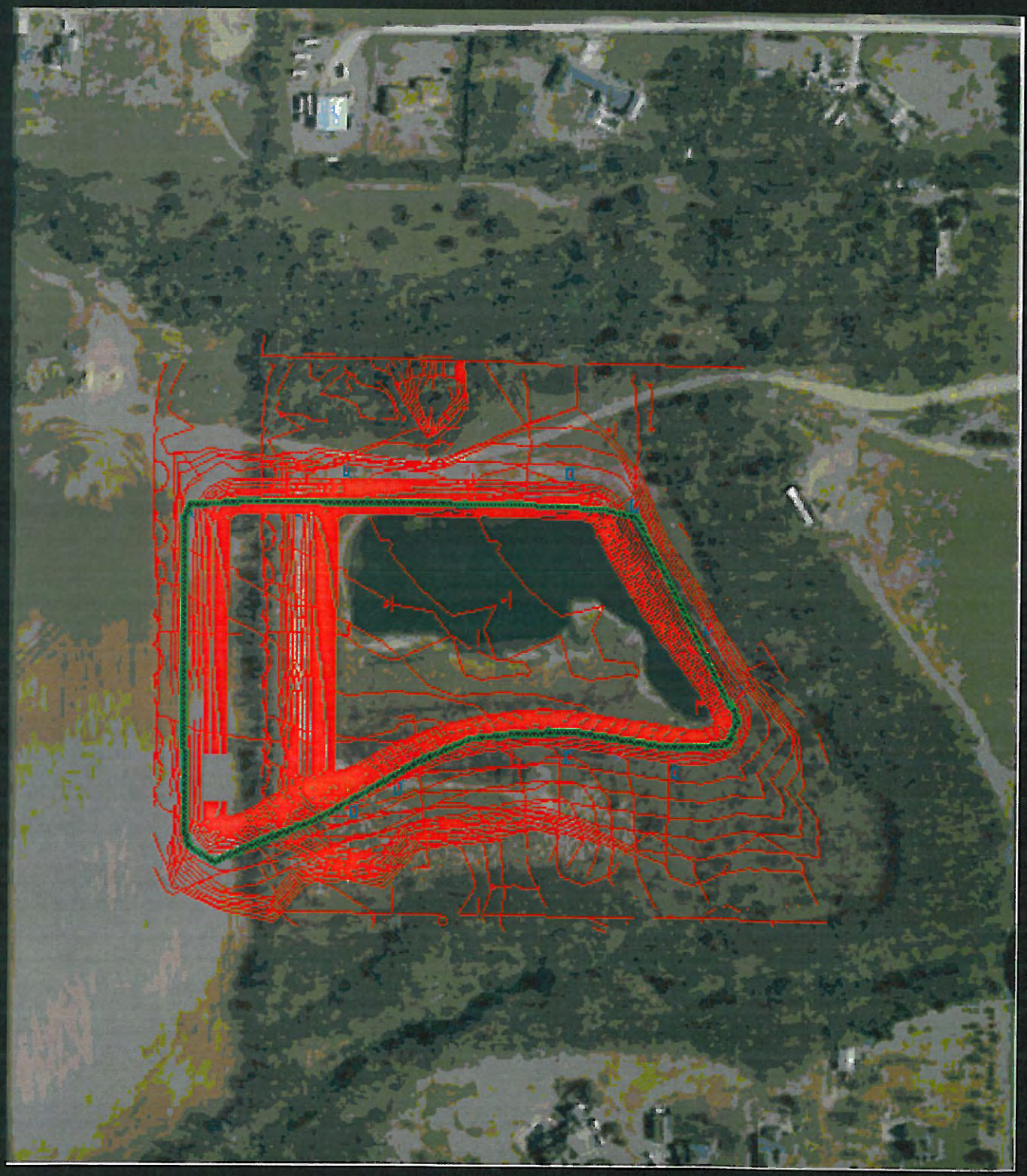


Affidavit of Publication

Victoria Vinciguerra
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 1 Day of May, 2014
Second Publication was made
On the _____ Day of _____, 20___
Third Publication was made
On the _____ Day of _____, 20___

Total Publication Fee $ 28.00

Victoria Vinciguerra

Subscribed and sworn to before me this

5th Day of May, 2014

Evelyn J. Mize
Notary Public

My Commission expires on 11/23/2017

EVELYN J. MIZE
Notary Public - State of Kansas
My Appt. Expires 11/23/2017

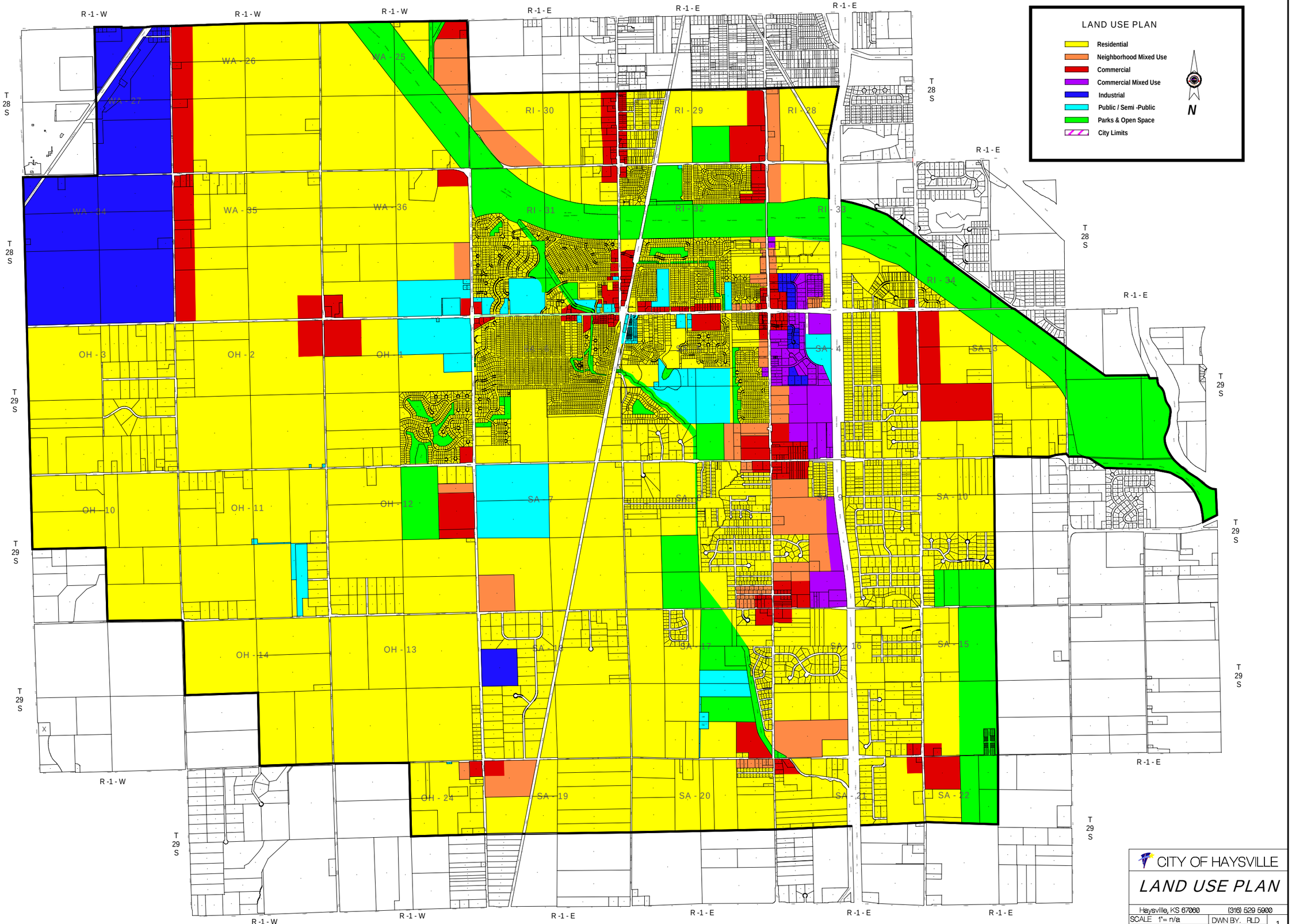
PUBLIC NOTICE

First Published in the Haysville Sun-Times May 1, 2014

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN: At 7 p.m., Thursday, May 22, 2014, 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.


LAND USE PLAN
Residential
Neighborhood Mixed Use
Commercial
Commercial Mixed Use
Industrial
Public / Semi -Public
Parks & Open Space
City Limits
N
R -1 - W
R -1 - E
T 28 S
T 29 S
WA - 26
WA - 25
WA - 27
WA - 24
WA - 35
WA - 36
RI - 30
RI - 29
RI - 28
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OH - 3
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OH - 1
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SA - 7
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SA - 22
CITY OF HAYSVILLE
LAND USE PLAN
Haysville, KS 67060
(316) 529 5900
SCALE 1"= n/a
DWN BY. RLD
DATE 01/07/14
CHK. JMM
1