

**Haysville Planning Commission  
Minutes  
March 22, 2012**

Those members present were: Bob Conger, Jim Kates, Pamela Grether, Janet Parton, Katie Roggenbaum, Don Schneider, Bob Wethington, and Linda Wiley.

Vice-Chairperson Parton called the Haysville Planning Commission Meeting to order at 7:00 p.m. in the Council Chambers of the Haysville Municipal Building, 200 West Grand Avenue.

Parton presented for approval the minutes of March 8, 2012.

Motion by Wethington

Second by Grether

I move we approve the minutes as presented.

Conger yea, Grether yea, Parton yea, Roggenbaum yea, Wethington yea, and Wiley yea.

Kates and Schneider abstained.

Motion declared carried.

Under New Business Parton presented a Consideration of Zone Change Request ZON2012-06 – South Broadway Baptist Church.

**Dale Miller, Metropolitan Area Planning Department**, gave an overview of case and stated the rezoning would make the zoning consistent upon the entire parcel.

Schneider stated the SF-20 was consistent with the neighborhood and protected against any commercial uses. Schneider verified they would still be using private well and lagoon.

Motion by Schneider

Second by Wiley

I would move we recommend approval of the zone change for this parcel.

Conger yea, Grether yea, Parton yea, Roggenbaum yea, Schneider yea, Wethington yea, and Wiley yea.

Motion declared carried.

Parton presented a Consideration of Vacation Request – Platted Street Right-of-Way (N. Jane Street, Paradise Valley).

Morgan explained that North Jane Street was originally intended to be a through street, however, the platting of River Forest 2<sup>nd</sup> had prohibited that. Morgan stated the city would like to vacate the unimproved portion, allowing 30' to revert to the eastern adjacent property owner and 30' revert to the western adjacent property owner which happened to be the city.

Motion by Schneider

Second by Roggenbaum

I would move we recommend approval of the vacation of platted street right-of-way located on N. Jane Street.

Conger yea, Grether yea, Kates yea, Parton yea, Roggenbaum yea, Schneider yea, Wethington yea, and Wiley yea.

Motion declared carried.

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Parton presented a Consideration of Vacation Request – Platted Building Setback (Lot 9, Blk B, Paradise Valley).

Morgan explained the property owner currently has a 25' side setback and with the vacation of the street right-of-way his lot would become an interior lot rather than a corner lot, allowing for a reduced setback.

Motion by Conger  
Second by Schneider

I would move we recommend approval for the vacation of a 25' platted building setback.

Conger yea, Grether yea, Kates yea, Parton yea, Roggenbaum yea, Schneider yea, Wethington yea, and Wiley yea.

Motion declared carried.

Parton presented a Consideration of Final Plat – Prairie Polo Addition, Sedgwick County, Kansas.

Due to a conflict of interest, Wiley stepped down from the bench.

**Tom Ruggles, Ruggles & Bohm**, stated there was a small change on the final plat involving the area of complete access control. Ruggles said the 100' of access control should be shown by the east end of the south border of the property.

Motion by Schneider  
Second by Conger

I would move we approve the final plat for the Prairie Polo Addition.

Roggenbaum stated she was genuinely concerned about this issue and allowing them to set their own rules, not abiding by the guidelines. Roggenbaum stated it was the job of the Planning Commission to plan ahead, even though improvements may not be proposed for years, and to not handicap others. Roggenbaum said she felt as if they were being backed into a corner, stating she did not like it or agree with it.

**Bob Kaplan, 1300 Epic Center**, stated nothing has changed from the applicant's point of view and he was not willing to alter his position on the amount of right-of-way dedicated. Kaplan stated he understood Roggenbaum's objections but explained that his authority was to dedicate no more than a 40' right-of-way.

Roggenbaum stated this was opening the Planning Commission up to conflict in the future. Schneider said they were close to right-of-way that is off-center now and stated the right-of-way requirement is a moving target. Roggenbaum disagreed and stated it had been very clear what the right-of-way was to be used for. Kaplan stated it would be very easy for the City Council to amend the Subdivision Regulations to reflect centerline requirements.

Parton restated the motion and asked for a show of hands in favor and opposed to the motion.

Grether yea, Kates nay, Parton nay, Roggenbaum nay, Schneider yea, and Wethington yea. Conger abstained.

Motion declared denied.

Morgan questioned Conger as to why he abstained from voting. Conger stated as a representative of the people, he had a problem with special allowances and ultimatums.

There was discussion on voting procedures and abstentions. Morgan advised that according to the bylaws a tie vote fails due to lack of majority support. Schneiter asked how abstentions were counted. Abstentions count with the majority of the vote. Since there was no majority the abstentions were not counted.

Kaplan questioned why the vote counts had changed since the approval of the preliminary plat. Kaplan also questioned why Wiley was unable vote and how her conflict of interest was determined. The Commission responded that the bylaws determined her conflict of interest. Kaplan again questioned the vote change. Roggenbaum stated it was inappropriate for him to be questioning it and that any Commissioner had the right to change their vote. Kaplan said he would need a record in the event of legal action. Roggenbaum stated he could request minutes to verify the vote.

Conger requested to further clarify his action. Conger stated he respected landowner's rights but he was also concerned with legal rights. Kaplan stated he believed that Planning Commission was required to approve the dedication as long as it met the minimum standards set by the Subdivision Regulations and said that the plat met the minimum 100' right-of-way width. Kaplan stated if it were disapproved it would be a matter for the court. Kaplan stated it could not be a discretionary action. Morgan advised the Planning Commission that the Subdivision Regulations did state a 100' right-of-way but also stipulated that the Commission could reduce or increase the amount of right-of-way required. Conger stated he would request clarification before he moves forward in either direction. Schneiter stated they had the opportunity for executive session with the attorney.

Roggenbaum stated there were other issues with the plat such as the building setback. Schneiter stated they had never approved a perimeter 100' building setback with the PUD case and that some zoning department somewhere along the way added that into the PUD. Morgan stated that the Planning Commission had approved the 100' perimeter setback. Schneiter disagreed. Conger requested that the history of the PUD be reviewed and to get legal counsel to weigh in. Morgan stated she would consult with the attorney.

**Clem Dickerson, 8815 S. Hydraulic**, stated he is pro business and said the Planning Commission Subdivision Regulations only required 90' right-of-way in 2005 and they allowed Timber Creek Estates to give only 35' of right-of-way. Dickerson stated that following Robert's Rule of Order, abstained votes count as a yes. Dickerson said the State didn't have any plans requiring the right-of-way and stated they shouldn't make their decision out of spite. Dickerson stated that precedence had already been set.

Roggenbaum stated they were discussing this plat, at this time, and past precedence need not be considered.

**Linda Wiley, 720 E. 95<sup>th</sup> Street South**, stated the area was still very rural and the polo fields were the best thing that has happened to the area. Wiley said she didn't understand why the City

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had a problem with it when the State and County didn't care. Wiley questioned how often any of them even drove down there. Wiley stated she had seen nothing but good things come from the polo fields. Wiley said the fields could benefit a lot of her neighbors. Wiley stated she was speaking for the people she represents – her neighbors. Wiley said she could get 100 of her neighbors there if she needed to.

Dickerson clarified that they would register the vote as 3-3 with 2 abstentions? Parton stated the motion had failed.

Schneiter stated he wanted to have an executive session with the attorney. Morgan clarified the topic of discussion and stated she would consult with the attorney.

Motion by Schneiter

Second by Grether

I'd move we table this item until April 12<sup>th</sup>.

Conger yea, Grether yea, Kates yea, Parton yea, Roggenbaum yea, Schneiter yea, Wethington yea.

Motion declared carried.

Wiley returned to the bench.

There was nothing under Old Business.

There was no Correspondence or Informational Reading.

There were no Committee Updates.

There were no Off Agenda items.

Parton asked for a motion for Adjournment.

Motion by Schneiter

Second by Grether

To adjourn.

Conger yea, Grether yea, Kates yea, Parton yea, Roggenbaum yea, Schneiter yea, Wethington yea, and Wiley yea.

Motion declared carried.

The meeting of the Haysville Planning Commission adjourned at 7:46 p.m.