

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

Agenda

December 8, 2022

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

- I. Call to Order
- II. Roll Call
- III. Presentation and Approval of Minutes
 - A. Minutes of November 10, 2022
- IV. Special Order of Business
- V. New Business
 - A. Closing Calendar 2023
 - B. 1st Review of Zoning Code Changes
- VI. Old Business
- VII. Correspondence
- VIII. Off Agenda
- IX. Adjournment

HAYSVILLE PLANNING COMMISSION/BOARD OF ZONING APPEALS

Minutes

November 10, 2022

The regular Planning Commission Meeting was called to order by Chairperson Tim Aziere at 6:00 p.m. in the Council Chambers at the Haysville Municipal Building, 200 W. Grand.

Those members present were Jeff Blood, Fred Plummer, Tim Aziere, Debbie Coleman, Laura Adkins, and Mark Williams. Also present were Planning and Zoning Administrator Jonathan Tardiff.

The first item of business was the Minutes of October 13, 2022.

Motion by Coleman, seconded by Adkins.

To approve the minutes as presented.

Blood aye, Plummer aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

There was no special order of business.

Under new business was the consideration of MAPD Case - Telecommunications Facility 165-foot monopole tower located at 1300 E 69th Street, Haysville, Sedgwick County within our area of influence.

Aziere asked for staff to present the case. Tardiff stated that Christina from Wichita MAPD was here to present this information.

Christina Rieth associate planner with Wichita MAPD stated that this is case number CON2022-00043 in unincorporated Sedgwick County. The owner is Jon and Darlene Funston. Agent Patrick Erwin with Tillman Infrastructure was also present. The request is a conditional use for a telecommunication facility on behalf of AT&T. The telecommunication facility is located on property that is zoned SF-20 Single-Family Residential District, the parcel of land is 14.46 acres in size, the address is 1300 East 69th Street North and it is a 165-foot-tall telecommunications tower with a four-foot lighting rod, and we are recommending approval with conditions.

Christina stated that the tower will be placed in a 75 by 75 foot leased area located in the southwest portion of the subject site. A little background on the Wireless Communication Master Plan, section III-A.2.d limits the height of towers in the SF-20 district that can be approved by Administrative Permit to 120 feet as long as it complies with the compatibility height standards of the Unified Zoning Code for the city of Wichita. The proposed tower exceeds the height guideline by 45 feet which is why they are applying for a conditional use. In addition, it is within 500 feet of property zoned SF-20 and RR which requires adherence to

compatibility height standards set forth in the Unified Zoning Code. The compatibility height standards for wireless communication facilities are as follows: Wireless communication facilities shall not exceed a height equal to the distance to the lot line of the property zoned TF-3, Two-Family District, or more restrictive. SF-20 is considered more restrictive than TF-3, so for example, a wireless communication facility located 100 feet from the lot line of a property zoned TF-3 or more restrictive cannot exceed a height of 100 feet. Using the scale of the site plan provided by the applicant, the tower is approximately 175 feet from the lot line of the nearest property zoned SF-20. Therefore the 165-foot tower meets the compatibility height standards by 10 feet.

Christina stated that access to the tower site will be a leased access drive from South Ida Avenue. The applicant indicates this tower will be a monopole structure as shown on the last page of the report. The proposed tower will also be enclosed with a 6-foot-tall chain link fence surrounding the compound with a road gate at the entrance for signage. The telecommunications tower is exempt from screening and landscaping standards because it is within unincorporated Sedgwick County. There is another telecommunications tower nearby. In 1997 the Sedgwick County Board of County Commissioners approved a 488-foot commercial communications tower approximately 812 feet southeast of the subject site, and the case report for that is CU-400.

Christina stated that the character of the surrounding area is large lots that are primarily for residential and agricultural uses. The property to the north and east of the subject site is zoned RR Rural Residential within unincorporated Sedgwick County. Properties to the south in unincorporated Sedgwick County and the east as well are Rural Residential. To the west, you have Interstate 35 and beyond that, you have the City of Haysville's farming and ranch operations.

Christina stated that in conformance to plans and policies, the requested conditional use is not in conformance with the Community Investments Plan, which is part of the Wichita Comprehensive Plan. The 2035 Wichita Future Growth Concept Map identifies the site as appropriate for commercial; however, the subject site is currently developed with a single-family residential dwelling and is already not in conformance with this plan, and there is a telecommunications tower nearby which is why we are approving this application. It is in partial conformance with the Location and Design Guidelines of the Wireless Communication Master Plan. It does say that tall wireless communication facilities should be limited to heavy commercial and industrial areas and should decrease in height as the intensity of development decreases. The applicant is looking to have this in a residential area; however, there are other parts of the guidelines it is in conformance with, for example, wireless communication providers are encouraged to seek wooded areas for these facilities for compatible siting. The proposed monopole tower will be in a heavily wooded area. The 165 feet is the minimum height needed to accomplish the requirements needed by AT&T to provide services to the area. The combined conclusion for conformance to the Plan and Policies, is this request complies with the overall spirit and intent to accommodate both the expansion of wireless communication capabilities within the county while honoring the introduction of this type of use at this location.

Christina stated that based upon the information available prior to the public hearings, planning staff recommends this request be approved subject to the following conditions: All requirements

of the Unified Zoning Code shall be met, the applicant shall obtain all permits necessary to construct the wireless communication facility, the support structure shall be a monopole design of silver or gray, the support structure shall be no taller than 165 feet in height, plus an additional 4 feet for lighting suppression equipment, and the site shall be developed in general conformance with the approved site plans. The applicant shall obtain FAA approval and submit a copy of FAA approval to the Metropolitan Area Building and Construction Department, the site shall be developed and operated in compliance with all federal, state, and local rules and regulations, and if the Zoning Administrator finds that there are any violations of the conditions of this conditional use will declare this conditional use null and void.

Christina said this case will be heard by MAPD on December 1, if there are any protests or the Haysville Planning Commission changes its decision, and will also be heard by the Citizens Advisor Board on December 13. Christina said she would stand for any questions the commission may have.

Williams asked why they couldn't hang their equipment on the tower that was already there. Christina deferred the question to the agent to answer. Patrick Erwin with Tillman Infrastructure answered that AT&T is currently located at that tower there, and their contract is at its expiration, and they are seeking to build a new tower. Williams asked why not just get a new contract. Patrick stated he believes it is a financial matter.

Aziere asked since it is one unplatted lot how does zoning switch on one lot to both be residential and SF-20? Christina stated that she looked at the GIS map and in the middle of the lot, that it just splits from RR to SF-20 and believes the zoning was put in place after the property was there.

Plummer asked if there was another radio tower located in the general area about 5 years ago or so that they took down. Christina didn't recall any. Plummer said he live in the area and that there was one close by there. Christina stated she would look into it and get back to them about it. Blood stated there had been one there southeast of Ida and that it is an empty lot now with a concrete structure there.

Aziere asked if there were any other questions or discussions. Blood asked about access to the property. Patrick stated that they would be coming off Ida Avenue through a neighboring property that they have already acquired land use right for the use of to the south owned by Bradley Edwards.

Adkins asked if the property owner decides to sell this property and wants to develop it which would change the characteristics of the property, could this happen and would the conditional use permit transfer to the new owner. Christina stated that the conditional use runs with the land and not the property owner so the use would remain.

Blood asked if there was any issue with the abandoned railroad, and was there a high-pressure gas line in the area. Christina stated not to her knowledge, and would look into it and get back to them on it, but was not a concern for them. Blood mentioned that north of the big ditch is a high-pressure gas line that might be a concern. Patrick stated that their access is going to be on

top of the old railroad bed and utilize it since it is already elevated as the access road. Patrick stated that no gas line has been shown on any of the 811 calls they made.

Aziere entertained a motion.

Motion by Adkins, seconded by Coleman.

To approve the conditional use with the conditions in the MAPC staff report.

Blood aye, Plummer aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

Under new business was the public hearing of the Comprehensive Plan.

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

Motion Williams, seconded by Coleman.

To open the public hearing.

Blood aye, Plummer aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

Tardiff stated that the comprehensive plan is required to review yearly by state statute. On page 2, updates were made on population numbers and population growth projections; on page 6 updated Planning Area to Area of Urban Growth; on page 8 added Transit Service and updated the bicycle paths to 12.89 miles; on page 11 updated the planned water study for 2023, and information from the Water Master Plan completed in 2022.

Aziere mentioned they had two copies of the comprehensive plan. Tardiff stated that one was the redlined copy and the other is a clean copy with the changes made.

Tardiff stated that on page 13, updated information on evaluating the sanitary system in wastewater; on page 14, Stormwater- updated the D-21 Study and design plans recently completed. Construction is scheduled to begin in 2023; on page 17, updates to Law Enforcement from Police Department remodeled in 2010, and 911 Dispatcher; on page 20, updates were made to include the construction of the new HAC and Park; on page 23 updated that the school district is currently undergoing a demographic and facility study which is expected to be completed in 2023. No updates were made to Goals & Objectives, these will be looked at in 2023. We are still awaiting bids for a review of the Comp Plan from an outside company for 2023.

Aziere asked if there were any questions for staff and that they could go through anything if necessary. Aziere asked if the comp plan was just brought it up to date and current with things that were already completed. Tardiff said yes. Aziere asked if the next steps would be to hire someone to go through the plan and update goals and objectives. Tardiff said yes.

Aziere asked the commission if there were any questions, concerns, or anything that needed to be covered that are completed and not in the plan. There was none.

Asked if any member of the public wished to speak. Seeing there was no member of the public, Aziere entertained a motion to close the public hearing.

Motion by Williams, seconded by Plummer

To close the public hearing.

Blood aye, Plummer aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

Aziere opened the floor to the commission discussion. There was none.

Aziere entertained a motion.

Motion by Williams, seconded by Adkins.

To approve the Comprehensive Plan of Haysville as presented.

Blood aye, Plummer aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

There was no old business.

There was no correspondence.

Under off-agenda items, Coleman said the Village Christmas December 3 from 4:00 to 8:00 pm. At 4:00 pm the soup and chili feed begins. Other events start at five, the City and Pride Lighting Ceremony is at 5:30 pm, and on December 10 is the HAC's A Night with Santa from 6:00 to 8:00 pm in the Historic District. Aziere asked where the soup and chili feed was. Coleman stated at the Masonic Lodge.

Motion by Coleman, and Seconded by Williams.

To adjourn tonight's meeting

Blood aye, Plummer aye, Aziere aye, Coleman aye, Adkins aye, Williams aye.

Motion carried.

The meeting adjourned at 6:21 pm.



Haysville Planning Commission

2023 Closing Calendar

Submittal Deadline	Newspaper Deadline	Publication Date	Planning Commission	City Council
December 12, 2022	December 16, 2022	December 22, 2022	January 12	February 13
December 26, 2022	December 29, 2022	January 5	January 26	February 13
January 9	January 12	January 19	February 9	March 13
January 23	January 26	February 2	February 23	March 13
February 6	February 9	February 16	March 9	April 10
February 20	February 23	March 2	March 23	April 10
March 13	March 16	March 23	April 13	May 8
March 27	March 30	April 7	April 27	June 12
April 10	April 13	April 20	May 11	June 12
April 24	April 27	May 4	May 25	June 12
May 8	May 11	May 18	June 8	July 10
May 22	May 25	June 1	June 22	July 10
June 12	June 15	June 22	July 13	August 14
June 26	June 29	July 6	July 27	August 14
July 10	July 13	July 27	August 10	September 11
July 24	July 27	August 3	August 24	September 11
August 8	August 11	August 18	September 14	October 10
August 21	August 24	August 31	September 28	November 13
September 11	September 14	September 21	October 12	November 13
September 25	September 28	October 6	October 26	November 13
October 9	October 12	October 19	November 9	December 11
November 6	November 9	November 16	December 14	January 8, 2024