

HAYS AREA PLANNING COMMISSION MEETING AGENDA  
CITY COMMISSION CHAMBERS  
1507 MAIN, HAYS, KS  
JANUARY 19, 2015  
6:30 P.M.

**1. CALL TO ORDER BY CHAIRMAN.**

**2. CONSENT AGENDA.**

A. Minutes of the regular meeting of December 15, 2014.

*Action: Consider approving the minutes of the December 15, 2014 meeting*

**3. PUBLIC HEARING ITEMS.**

A. Public Hearing for the rezoning of Lots 7 thru 20 in the proposed Z M M Development Addition from "R-1" Single-Family Dwelling District to "R-3" Two Family Dwelling District:

*Action: Consider a recommendation to the City Commission for the rezoning of Lots 7 thru 20 in the proposed Z M M Development Addition from "R-1" Single-Family Dwelling District to "R-3" Two-Family Dwelling District.*

**4. NON-PUBLIC HEARING ITEMS.**

A. Consider Setting a Public Hearing for the rezoning of the proposed Clubhouse Gardens II Addition from "A-L" Agriculture to "R-3N" Two Family Neighborhood Dwelling District:

*Action: Consider setting a public hearing for the rezoning of the proposed Clubhouse Gardens II Addition from "A-L" Agriculture to "R-3N" Two Family Neighborhood Dwelling District.*

**5. OFF AGENDA ITEMS/COMMUNICATIONS.**

A. City Commission action and planning and development updates on Planning Commission related issues

B. Update on the Zoning and Subdivision Regulation Rewrite

C. Other

**6. ADJOURNMENT**

**DRAFT  
HAYS AREA PLANNING COMMISSION  
CITY HALL IN COMMISSION CHAMBERS  
DECEMBER 15, 2014  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met on their regularly scheduled meeting on Monday, December 15, at 6:30 p.m. in Commission Chambers at City Hall. Chairman Paul Phillips declared that a quorum was present and called the meeting to order.

**Roll Call:**

<b>Present</b>	Paul Phillips	Lou Caplan	Matthew Wheeler	Travis Rickford
	Jake Glover	Pam Rein	Justin McClung	Kris Munsch

**Absent:** Tom Denning

City Staff in attendance: Paul Briseno, Assistant City Manager, I.D. Creech, Director of Public Works, John Braun, Assistant Director of Public Works, Jesse Rohr, Superintendent and Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

**2. CONSENT AGENDA:**

**A. Minutes:** Kris Munsch moved, Lou Caplan seconded the motion to approve the minutes from the November 17, 2014 meeting. There were no corrections or additions to those minutes.

<b>Vote: AYES</b>	Paul Phillips	Lou Caplan	Matthew Wheeler	Travis Rickford
	Jake Glover	Pam Rein	Justin McClung	Kris Munsch

**3. PUBLIC HEARING ITEMS:**

**A. None.**

**4. NON-PUBLIC HEARING ITEMS:**

**A. Final Plat of Clubhouse Gardens II:** Jesse Rohr explained that the final plat approved by the Planning Commission on November 17, 2014 was brought back because there was a change to remove the access easement that was platted with each lot for the purpose of easier recording and legal description. The access easement becomes its own parcel managed through a homeowners association set up in the plat and dedication. The lot size changed from 131 feet in depth to 116 feet, although it is the same buildable area.

The first phase was set up with the access easement being its own parcel, the same as this revised plat.

The access control along Hall Street is reflected on the revised plat per the recommendation by the Planning Commission from the November meeting.

Lou Caplan asked if the change was made because it would be easier to turn over to the city if they do not take care of the streets.

Pam Rein asked why the city allowed private access easements. Jesse Rohr explained that the city would not be able to access this development because access is from a private drive (Clubhouse Drive); therefore this was the best way to handle this infill development.

Paul Phillips asked if the homeowners association is yet to be set up. Jesse Rohr answered that it would have to be set up in the plat and dedication that is required before final action by the City Commission for plat approval.

Jesse Rohr explained another development with a private drive extension (Judith Drive) set up as a separate parcel. The taxes, maintenance etc are paid through the homeowners association.

Jake Glover asked if the city would have to go in and maintain the private access easement if the homeowners association did not meet their stated obligation. Jesse Rohr answered that the private access easement is a driveway privately owned by the adjacent property owners. There are mechanisms in place that assessments could be levied to adjacent property owners for repairs and taxes.

Paul Phillips entertained a motion.

Lou Caplan moved, Matthew Wheeler seconded the motion to recommend to the City Commission to approve the revised final plat of Clubhouse Gardens II.

<b>Vote: AYES</b>	Paul Phillips	Lou Caplan	Matthew Wheeler	Travis Rickford
	Jake Glover	Pam Rein	Justin McClung	Kris Munsch

**B. Set a Public Hearing for Rezoning of Lots 7 through 20 in the proposed Z M M Development Addition from "R-1" Single Family Dwelling District to "R-3" Two Family Dwelling District: (Replat of Block 4, Seven Hills Addition):** Jesse Rohr presented a power point presentation that included the location of the subject property. The property is located north of 33<sup>rd</sup> Street next to Seven Hills Park east of Hall Street.

This is to set a public hearing for January 19, 2015 to consider the applicant's request to rezone Lots 7 through 20 of the proposed Z M M Development Addition from "R-1" Single Family Dwelling District to "R-3" Two-Family Dwelling District. The

proposed final plat was approved at the November Planning Commission. The interior lots of the proposed plat are requested to be rezoned.

The Comprehensive Plan identifies this area as "civic uses" because it was owned by the School District at the time. Now that it is privately owned, the surrounding area is looked at for the best use.

The development is zoned "R-1" Single Family. The adjacent properties are zoned as follows:

- "R-1" Single Family Dwelling to the south
- "R-2" Single Family Dwelling and "R-4" Multi-family Dwelling to the north
- "R-4" Multi-family Dwelling District to the west
- "R-1" Single Family Dwelling; although this is location of Seven Hills Park – East

Paul Phillips asked if the outside lots would be the buffer between single family dwellings and two-family dwellings. Jesse Rohr answered that would be a buffer.

Lou Caplan asked if the lots were large enough to build duplexes. Jesse Rohr answered that they would be large enough to build duplexes (72 foot wide lots).

He explained about the publication notice for the public hearing and the notification process.

Paul Phillips entertained a motion.

Kris Munsch moved, Pam Rein seconded the motion to set the public hearing for January 19, 2014 to consider the rezoning of lots 7 through 20 in the proposed Z M M Development Addition (Replat of Block 4, Seven Hills Addition) from "R-1" Single-Family Dwelling District to "R-3" Two Family Dwelling District.

<b>Vote: AYES</b>	Paul Phillips	Lou Caplan	Matthew Wheeler	Travis Rickford
	Jake Glover	Pam Rein	Justin McClung	Kris Munsch

**C. Update on the Zoning and Subdivision Regulations Rewrite:** Jesse Rohr explained that the presentation from the consultant on Module II has been bumped to the January, 2015 meeting. Staff reviewed the Module II and it is being revised by the consultants based on staff comments. They will present a revised zoning map as well.

The draft of Module II will be sent out to the commission and the other committees and contacts upon receipt. He has notified all committees and residents that are associated with this project of the change in the schedule.

**5. OFF AGENDA ITEMS/COMMUNICATIONS:**

**A. City Commission action and planning and development updates on Planning Commission issues.** Jesse Rohr presented the above updates:

The public hearing for F & F Iron requesting a Special Use Permit for a full service recycling center at 1201 General Custer was denied by the Hays Area Board of Zoning.

Lou Caplan asked the City to look at the adopted zoning map to make sure properties are zoned appropriately.

**B. Other – Strong Towns.** Paul Briesno, Assistant City Manager presented a video associated with the booklet by “Strong Towns” that was handed out to the commission. He explained that the City Manager has challenged city staff to look at the infrastructure and operations on how we got to where we are right now. His challenge is to ensure growth and development be viewed as an investment with a positive return, not a future liability. Does there need to be a change in the development process of how it may impact the future?

He shared some data findings: the city increased in size from 100 acres in 1990 to 120 acres to and there was an increase in number of city employees etc.

It was figured that 1.2 million dollars should be for street maintenance; although the city spends much less that what is needed for maintenance of the streets; around \$535,000.00.

The city infrastructure is paid for by gas sales taxes that help Hays maintain a low mill levy on property tax. There was a chart in the hallway that reflected that Hays maintains a low mill levy compared to other cities in the state except Johnson County.

He encouraged the members to read the booklet and view the web-site on Strong Towns.

Paul Phillips asked if the direction is for higher density and less sprawl. Educating the public to accept duplexes would be important.

Paul Briseno stated that different design standards can help from the deterioration of properties as they age. They want to look at the best management practices and implement them.

Matthew Wheeler pointed out that there is no material that can last as long as the brick streets that have held up for 80 or 90 years. He asked if the figures were skewed on street maintenance because the brick streets do not require much maintenance.

John Braun answered that an algorithm of numbers were used to create the figure for the pavement assessment. The brick streets did not skew the numbers. The funding mechanism for the pavement maintenance is funded by the gas sales tax reimbursed by the state.

Paul Briseno added that there are no grants available anymore through the state for the shared cost of streets.

Pam Rein noted that all cities have the same need for street maintenance.

Travis Rickford asked for some examples that would cut the cost of street maintenance. He asked if the direction is to make the streets narrower.

Paul Phillips emphasized to keep the public apprised of this societal problem. This is the key to success.

Jesse Rohr stated that he would send the Planning Commission the video link that ties into the booklet handed out at the meeting.

**C. Other – Training.** Travis Rickford asked if there could be a presentation by the City Attorney to the commission and other committees of legal aspects of their duties; what they can and cannot do. He suggested January or February.

Jesse Rohr answered that a time could be determined to have this presentation.

**D. Other – 19<sup>th</sup> and Fort.** Paul Phillips inquired if the steel home being constructed on the property where there was a previous fire would fit into the neighborhood.

Jesse Rohr explained that a residential line of the Cleary building was being constructed at the site of 20<sup>th</sup> and Fort. They do meet the 2006 International Residential Code. He said they are aware of it.

He explained with the process of the rewrite of the zoning regulations, that it may require design guidelines.

**6. ADJOURNMENT:** Lou Caplan adjourned the meeting at 7:23 p.m.

Submitted by: Linda K. Bixenman, Administrative Assistant  
Planning, Inspection and Enforcement

## Planning Commission Action Report

AGENDA ITEM: Rezoning Request - Lots 7 through 20, ZMM  
Development Addition

OWNER: ZMM LLC

TYPE OF REVIEW: Rezoning from R-1 to R-3 (Two-Family Dwelling District)

PRESENTED BY: Jesse Rohr, P.I.E. Superintendent

PREPARED DATE: January 12, 2015

AGENDA DATE: January 19, 2015

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### **SUMMARY AND RECOMMENDED ACTION:**

An application has been submitted to request a change of zoning from R-1 to R-3 for lots 7 through 20, ZMM Development Addition (See attached visuals). Based on the considerations of Staff Findings of Fact, staff recommends **approval** of the rezoning request and a **favorable recommendation** to the City Commission to change the zoning from R-1 (single-family dwelling district) to R-3 (two-family dwelling district).

### **BACKGROUND:**

- This is infill development and is encouraged by staff as well as the Comprehensive Plan
- The property abuts existing multi-family zoning (R-4)
- Although the Comprehensive Plan identifies this immediate area as “Civic” (was owned by the School District), the surrounding areas are denoted as “Low Density” and “Medium Density” residential, therefore this is a fitting request.

### **POINTS TO CONSIDER:**

- Staff feels the proposed layout and use of this property is the highest and best use for this property (26 residential lots, both single-family and two-family (proposed)).

- The proposed rezoning request is a good fit for the property as surrounding properties are zoned R-1 (single-family) and R-4 (multi-family) and this is an area of anticipated infill growth.
- The Comprehensive Plan identifies this area as “Civic Use” which rates a 4 out of 5 on the compatibility matrix scale in the Comprehensive Plan, with 5 being the most compatible.
- All public utilities are in place allowing for development of this property including public water and sewer (only minor extensions required and will be paid for by the developer).

**OPTIONS:**

- Recommend to the City Commission **APPROVAL** of the rezoning request as submitted
- Recommend denial of the rezoning request

**RECOMMENDATION:**

Based on the considerations of Staff Findings of Fact, staff recommends **approval** of the rezoning request and a **favorable recommendation** to the City Commission to change the zoning of lots 7-20 from R-1 (Single-Family Dwelling District) to R-3 (two-family dwelling district).

Approved/Denied by Planning Commission \_\_\_\_\_

Case No. 14-04Z

Approved/Denied by City/County Commission \_\_\_\_\_

Date Filed 12-8-2014

Mailings - 12-29-2014  
Affidavit - 12-29-2014

### APPLICATION FOR CHANGE OF ZONING CLASSIFICATION

This is an application for change of zoning classification. The form must be completed and filed at the Planning, Inspection, Enforcement Division, in accordance with directions on the accompanying instruction sheet.

#### AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants (owner(s) and/or their agent or agents). All owners of all property requested to be rezoned must be listed in this form.

A. Applicant/Owner ZMM LLC  
Address 3102 ELDERADO LN Phone 785-650-7595  
Agent JOHN CEEHED  
Address 3102 ELDERADO LN. HAYS KS Phone 785-650-7595

B. Applicant/Owner \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

(Use separate sheet if necessary for names of additional owners/ applicants.)

II. The applicant hereby requests a change of zoning from R-1 zoning district to R-3 zoning district for property legally described as Lot(s) 7 THRU 20 Block(s) N/A of the ZMM DEVELOPMENT Addition.

(Metes and bounds descriptions shall be provided in the space below or on an attached sheet.)

III. This property is located at (address) BLOCK 4 SEVEN HELLS.

The general location is (use appropriate section): ADDITION

A. At the N/W (NW, NE, SW or SE) corner of 33<sup>RD</sup>  
(Street) and CANAL BLVD (Street) or,

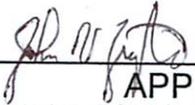
B. On the W (N, S, E, or W) side of CANAL BLVD (Ave. or Street) between 35<sup>th</sup> & 33<sup>rd</sup> (Ave. or Street).

IV. I request this change in zoning for the following reasons:

\*Do not include reference to proposed uses.

SINGLE FAMILY TO Two-Family Dwelling District

V. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in and is accompanied by the appropriate fee.

  
\_\_\_\_\_  
APPLICANT  
John Ziegler

\_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

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**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,  
12-5, 2014, TOGETHER WITH THE APPROPRIATE FEE OF  
\$ 140.00.

Sinda Biedemann, Administrative Assistant  
NAME AND TITLE

**STAFF FINDING OF FACT**

1. CASE NO.: **14-04Z** FILING FEE PAID: **\$140.00**
  2. DATE FILED: **12/08/2014**
  3. DATE ADVERTISED FOR HEARING: **12/21/2014**
  4. PUBLIC HEARING DATE: **01/19/2015**
  5. APPLICANT'S NAME: **ZMM LLC**
  6. LOCATION OF PROPERTY: **NW corner of 33rd St & Canal Blvd**
  - 7.
  8. DESCRIPTION OF PROPERTY: **Lot 7 through Lot 20 of ZMM Development Addition, Ellis County, Kansas.**
  9. PRESENT USE OF PROPERTY: **Vacant**
  10. PRESENT ZONING: **"R-1"** REQUESTED ZONING: **"R-3"**
- 

1. CHARACTER OF THE NEIGHBORHOOD:  
DIRECTION  
  
NORTH: **Multi-Family and Single Family**  
  
SOUTH: **Single-Family**  
  
EAST: **Seven Hills Park**  
  
WEST: **Multi-Family**
2. THE ZONING OF SURROUNDING PROPERTY:  
DIRECTION  
  
NORTH: **"R-2" Single Family Dwelling District & "R-4" Multi-Family Dwelling Unit**  
  
SOUTH: **"R-1" Single Family Dwelling District**  
  
EAST: **"R-1" Single Family Dwelling District**  
  
WEST: **"R-4" Multi-Family Dwelling Unit**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: **The Area is identified on the zoning map of the Comprehensive plan as public use because it was owned by the School District at the time of the development of the 2012 Comprehensive Plan. It would be well suited for residential housing and duplexes which would be compatible with the surrounding neighborhood. Lots 7-20 of the ZMM Development Addition are proposed to be zoned for duplex housing which would not be out of line from the surrounding areas, particularly the multi-family district to the west and the multi-family area to the north.**
4.
  - A. DEDICATION OR RESERVATION NEEDED FOR:
    1. DRAINAGE: **Yes**
    2. STREETS: **Yes**
    3. UTILITY EASEMENTS:
      - a. ELECTRICITY: **Yes**
      - b. GAS: **Yes**
      - c. SEWERS: **Yes**
      - d. WATER: **Yes**
    4. SHOULD PLATTING BE REQUIRED: **Platting is in process (already approved by the Planning Commission)**
  - B. TRAFFIC CONDITIONS:
    1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Local**
    2. RIGHT-OF-WAY WIDTH: **60' ROW for new extended 34<sup>th</sup> Street**
    3. SIGHT DISTANCE: **OK**
    4. TURNING MOVEMENTS: **OK**
    5. COMMENTS ON TRAFFIC: **Local**
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **This is a vacant tract of land surrounded by existing multi-family and residential land uses that would be an infill area for the proposed construction of duplexes that would be fitting to the area.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Changing the zoning classification from "R-1" Single Family Dwelling District to "R-3" Two-Family Dwelling District should not have a negative affect on nearby properties.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **With the exception of recreation uses, the property has been in its current state since the adoption of 3-mile zoning regulations – 40 plus years.**
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS

COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER:  
**Neighboring property values should tend to increase as development takes place. The impact of the rezoning, if approved, should not be destructive to neighboring property and should actually enhance the surrounding area as development occurs.**

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The Area is identified on the zoning map of the Comprehensive plan as public use because it was owned by the School District at the time of the development of the 2012 Comprehensive Plan. Now that it is privately owned, the surrounding area is looked at for the best use. The surrounding areas are a mix of single family, multi-family, and recreation (park) uses. It would be well suited for residential housing and duplexes.**

**The request for the "R-3" two-family zoning classification does fit the overall scheme of the surrounding properties and that of the master plan. Staff does recommend the change of zoning from "R-1" Single Family Zoning Classification to "R-3" Two-Family Zoning Classification.**

This is the list of property owners within 200 feet of the subject property that were sent a copy of the publication notice.

Parcel	Parcel Address	First Name	Last Name	Mailing Address	City	State	Zip
026-138-28-0-20-10-007.00-0	3300 Hall St	Daniel N	Roberts	2918 Walnut St	Hays	KS	67601
026-138-28-0-20-10-008.00-0	3301 Elm St	James S & Jennifer K	Wittman	3301 Elm St	Hays	KS	67601
026-138-28-0-20-10-006.00-0	3302 Hall St	P & W Residential Investments LLC		P O Box 1311	Hays	KS	67601
026-138-28-0-20-10-009.00-0	3303 Elm St	Carol B	Shepherd	3303 Elm St	Hays	KS	67601
026-138-28-0-20-10-005.00-0	3304 Hall St	P & W Residential Investments LLC		P O Box 1311	Hays	KS	67601
026-138-28-0-20-10-004.00-0	3306 Hall St	Justin Kilian		2008 Main St	Hays	KS	67601
026-138-28-0-20-10-010.00-0	3307 Elm St	George V	Philip	P O Box 206	Hays	KS	67601
026-138-28-0-20-10-003.00-0	3308 Hall St	Justin Kilian		2008 Main St	Hays	KS	67601
026-138-28-0-20-10-012.00-0	3309 Elm St	Kenneth K	Kuhn	3309 Elm St, Apt B	Hays	KS	67601
026-138-28-0-20-10-002.00-0	3310 Hall St	Terry G	Schaffer	P O Box 307	Hays	KS	67601
026-138-28-0-20-10-001.00-0	3313 Elm St	Helen Davis Life Estate		1487 Severin Rd	Hays	KS	67601
026-138-28-0-20-10-001.00-0	3313 Elm St	Davis Family Trust		5780 230th Ave	Hays	KS	67601
026-138-28-0-20-13-008.00-0	3500 Canal Blvd	Michael & Kearsten	Koerner	4500 Vista Dr	Hays	KS	67601
026-138-28-0-20-12-004.00-0	401 W 33rd St	City of Hays		P O Box 490	Hays	KS	67601
026-138-28-0-20-12-002.00-0	402 W 35th St	Nila Bieker Rev Trust		3701 Willow St	Hays	KS	67601
026-138-28-0-20-12-003.00-0	404 W 35th St	John D Allen & June J Knittel		404 W 35th St	Hays	KS	67601
026-138-28-0-30-04-007.00-0	412 W 33rd St	Donald & Sherry	Spangler	412 W 33rd St	Hays	KS	67601
026-138-28-0-30-05-001.00-0	500 W 33rd St	Warren Albert & Jane Marie	Kohtz	500 W 33rd St	Hays	KS	67601
026-138-28-0-20-09-012/01-2	501 W 35th St	Robert R & Dora Lou	Clark	501 W 35th St	Hays	KS	67601
026-138-28-0-30-05-002.00-0	502 W 33rd St	Chin-Hua Tsao & Shu-man Chang		502 W 33rd St			
026-138-28-0-20-09-012.04-2	503 W 35th St	Kevin E & Kathleen	Schukman	503 W 35th St	Hays	KS	67601
026-138-28-0-30-05-003.00-0	504 W 33rd St	Darla J	Fuertges	504 W 33rd St	Hays	KS	67601
026-138-28-0-20-09-012.02-2	505 W 35th St	Ellen C	Veed	505 W 35th St	Hays	KS	67601
026-138-28-0-30-05-004.00-0	506 W 33rd St	Larry R	Knapp	P O Box 1161	Hays	KS	67601
026-138-28-0-20-09-012.03-2	507 W 35th St	Barbara	Wolf	507 W 35th St	Hays	KS	67601
026-138-28-0-30-05-005.00-0	508 W 33rd St	Chris & Carla K	Emerson	508 W 33rd St	Hays	KS	67601
026-138-28-0-20-09-011.00-0	509 W 35th St	Elmo & Margaret	Lund	509 W 35th St	Hays	KS	67601
026-138-28-0-30-05-006.00-0	510 W 33rd St	David S & Constance L	Leikam	510 W 33rd St	Hays	KS	67601
026-138-28-0-20-09-010.05-0	511 W 35th St	Marvin K & Arieta	Thomas	511 W 35th St	Hays	KS	67601
026-138-28-0-30-05-007.00-0	512 W 33rd St	Stephen L & Janet	Wright	512 W 33rd St	Hays	KS	67601
026-138-28-0-20-09-010.00-0	513 W 35th St	Wendelin Jr & Carol	Schumacher	513 W 35th St	Hays	KS	67601
026-138-28-0-30-05-008.00-0	514 W 33rd St	Paul A & Kimberly D	Koerner	514 W 33rd St	Hays	KS	67601
026-138-28-0-20-09-009.05-0	515 W 35th St	Kevin M & Tonya D	Fross	515 W 35th St	Hays	KS	67601
026-138-28-0-20-09-009.00-0	517 W 35th St	Bruce J & Christine	Unrein	517 W 35th St	Hays	KS	67601
026-138-28-0-20-09-008.00-0	519 W 35th St	Michael F & Peggy L	Moore	519 W 35th St	Hays	KS	67601
026-138-28-0-20-09-012.00-0	W 35th St	Coronado Est Homeowners Assn		P O Box 623	Hays	KS	67601
	Z M M Dev	Z M M LLC	John Ziegler	3102 El Dorado Ln	Hays	KS	67601

(Published in The Hays Daily News  
December 21, 2014)

**BEFORE THE HAYS AREA  
PLANNING COMMISSION  
THE CITY OF HAYS, KANSAS**

**OFFICIAL NOTICE  
TO WHOM IT MAY CONCERN  
AND TO ALL PERSONS  
INTERESTED:**

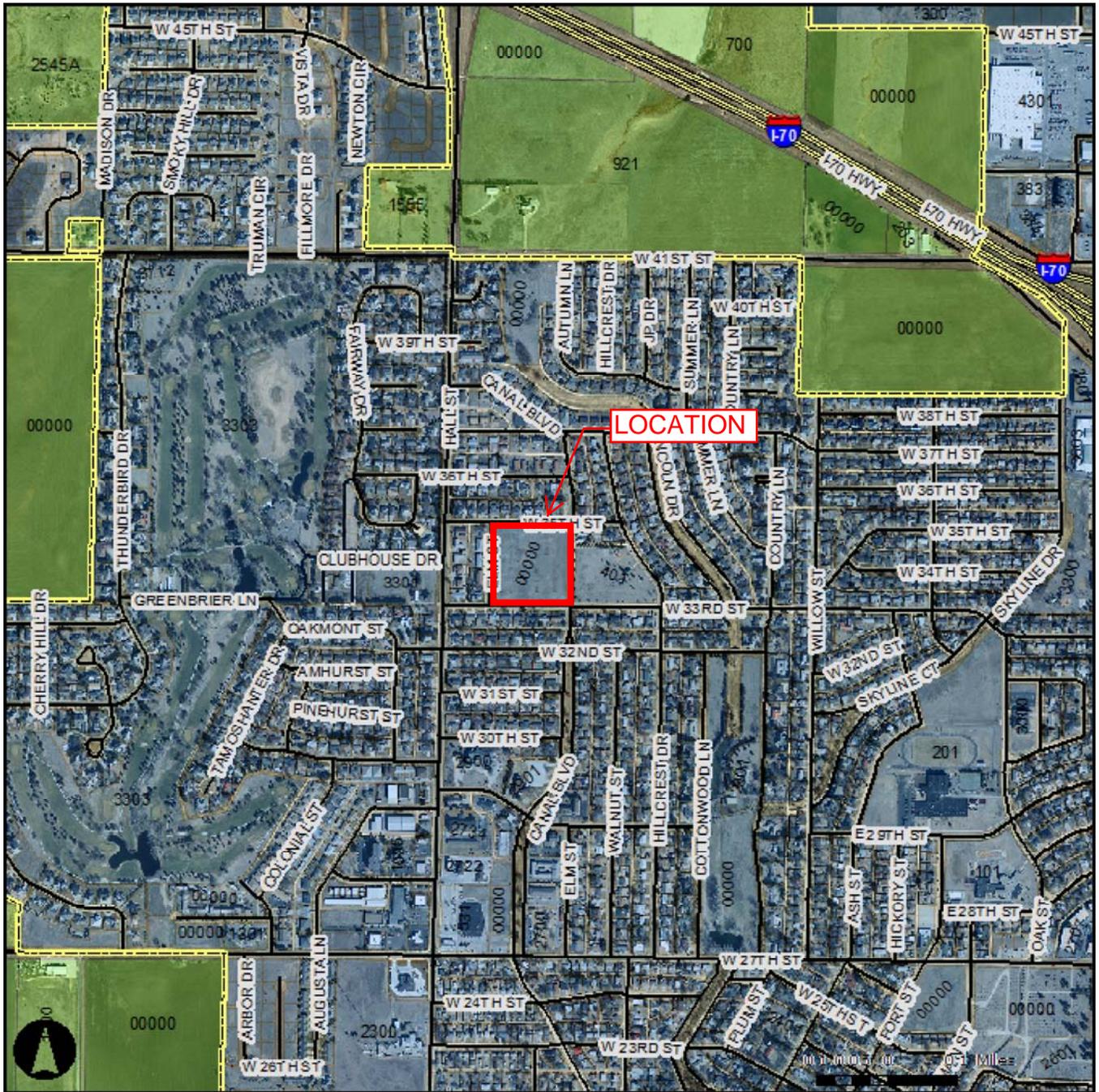
NOTICE IS HEREBY GIVEN that on January 19, 2015, the Hays Area Planning Commission, in City Hall at 1507 Main Street, Hays, Kansas, at 6:30 p.m., will consider the following zoning change from "R-1" Single-Family Dwelling District to "R-3" Two-Family Dwelling District on the following real estate:

Lots 7 through 20 of the proposed Z M M Development Addition located at on Block 4 of Seven Addition more generally located at the Northwest Corner of : Street and Canal Boulevard.

As provided in the Zoning Regulations of the City of Hays, the above application will be discussed and considered by the Hays Area Planning Commission and all persons interested in said matter will be heard at the time concerning their views and wishes, and any protest against any of the provisions of proposed changes to the Zoning Regulations will be considered by the Commission.



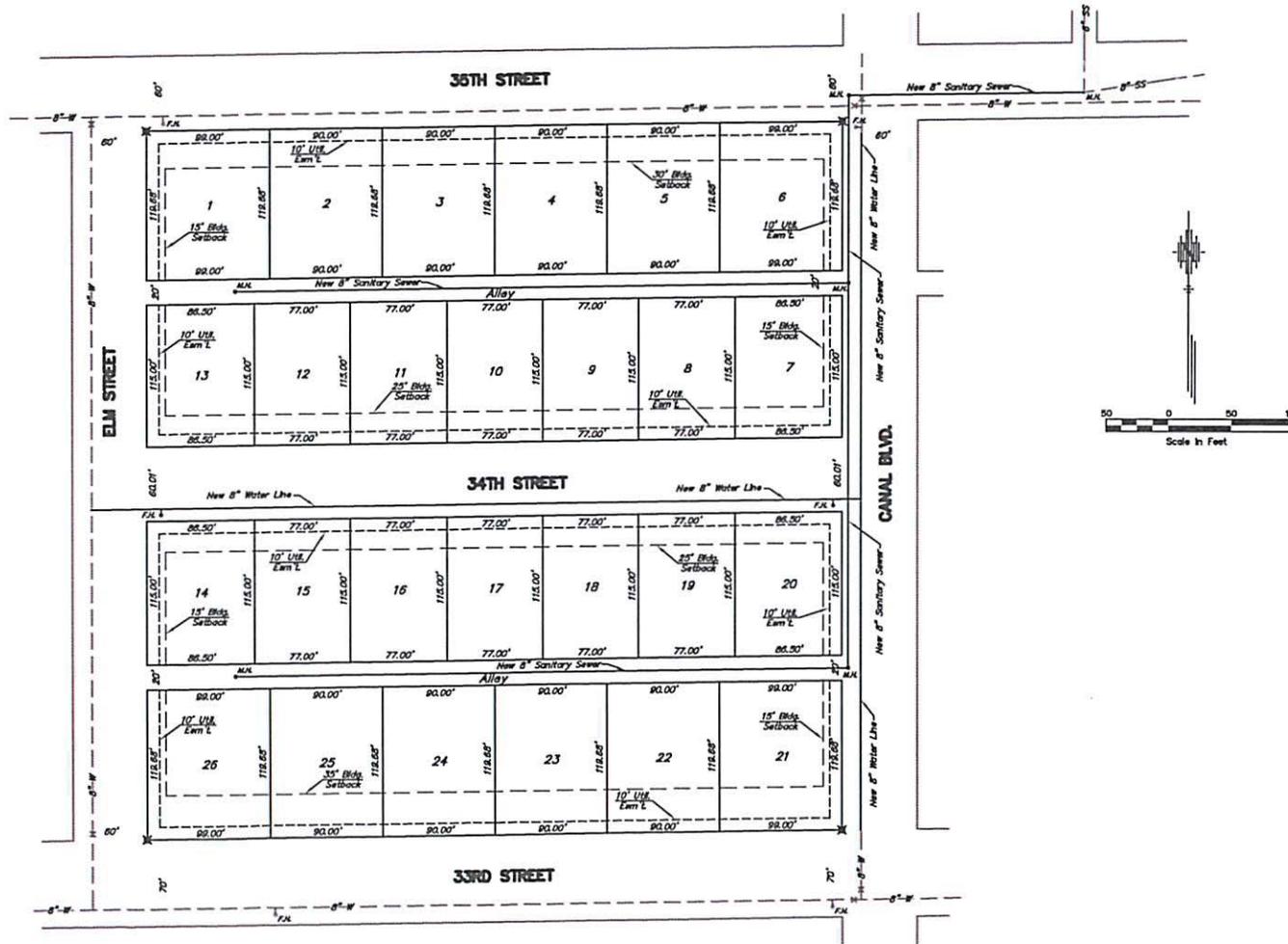
# ZMM Development



# ZMM Development



**PRELIMINARY PLAT OF  
Z M M DEVELOPMENT ADDITION  
A REPLAT OF BLOCK 4 SEVEN HILLS ADDITION  
HAYS, KANSAS**



**DESCRIPTION**

Block 4, of the Seven Hills Addition to the City of Hays, Ellis County, Kansas.

**OWNER and SUBDIVIDER:**

Z M M, LLC

**APPROVALS:**

This plat has been submitted to and approved by the Hays Area Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

**SURVEYOR'S CERTIFICATE:**

I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder

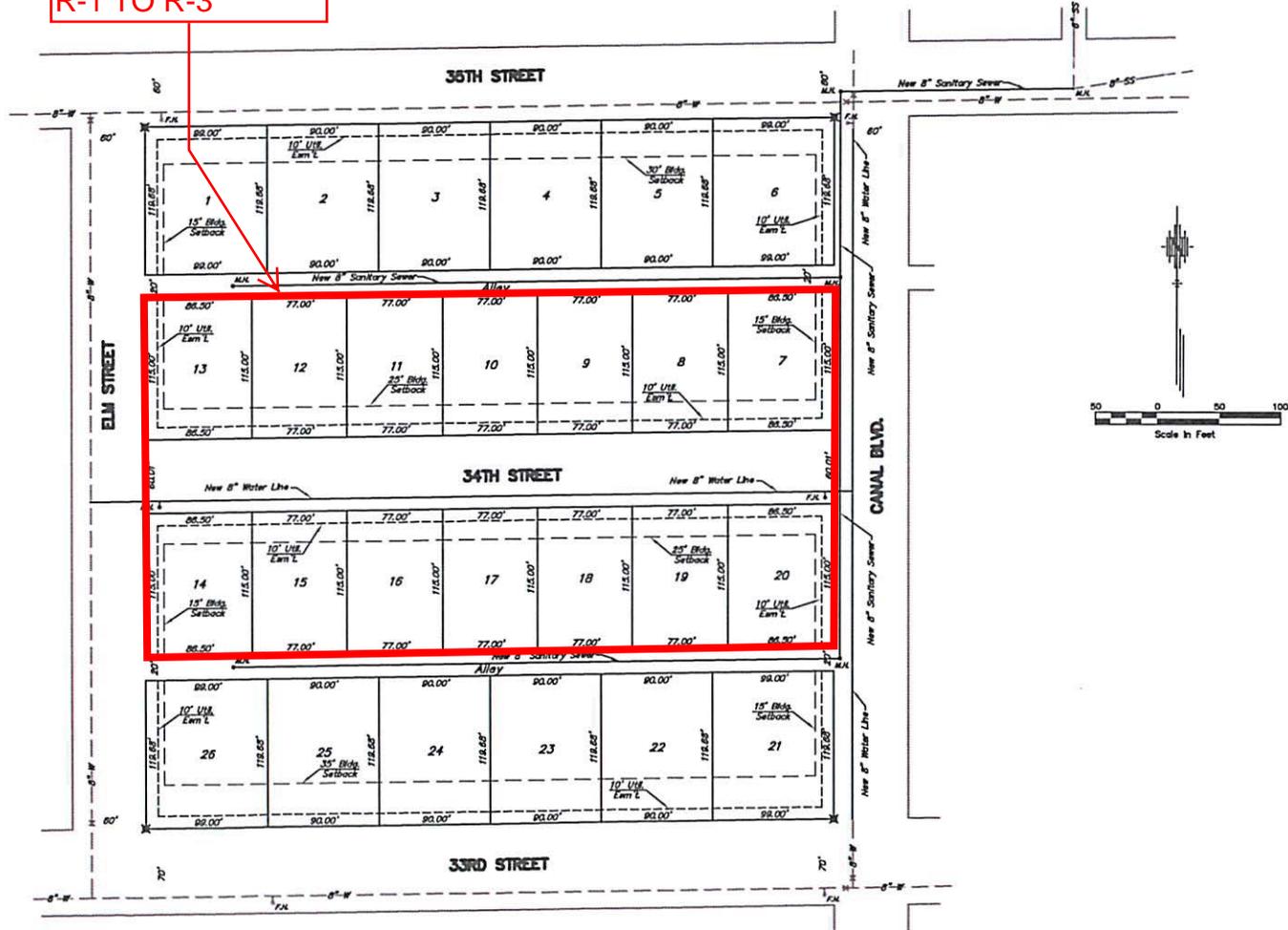
Date



**RUDER ENGINEERING  
& SURVEYING, LLC**  
1378 Butterfield Trail Rd  
Hays, Kansas 67601  
785-259-1302

PRELIMINARY PLAT OF  
**Z M M DEVELOPMENT ADDITION**  
 A REPLAT OF BLOCK 4 SEVEN HILLS ADDITION  
 HAYS, KANSAS

AREA OF  
 REZONING FROM  
 R-1 TO R-3



**DESCRIPTION**

Block 4, of the Seven Hills Addition to the City of Hays, Ellis County, Kansas.

**OWNER and SUBDIVIDER:**

Z M M, LLC

**APPROVALS:**

This plat has been submitted to and approved by the Hays Area Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 CHAIRMAN  
 \_\_\_\_\_  
 SECRETARY

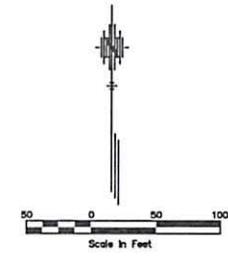
**SURVEYOR'S CERTIFICATE:**

I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder \_\_\_\_\_ Date \_\_\_\_\_

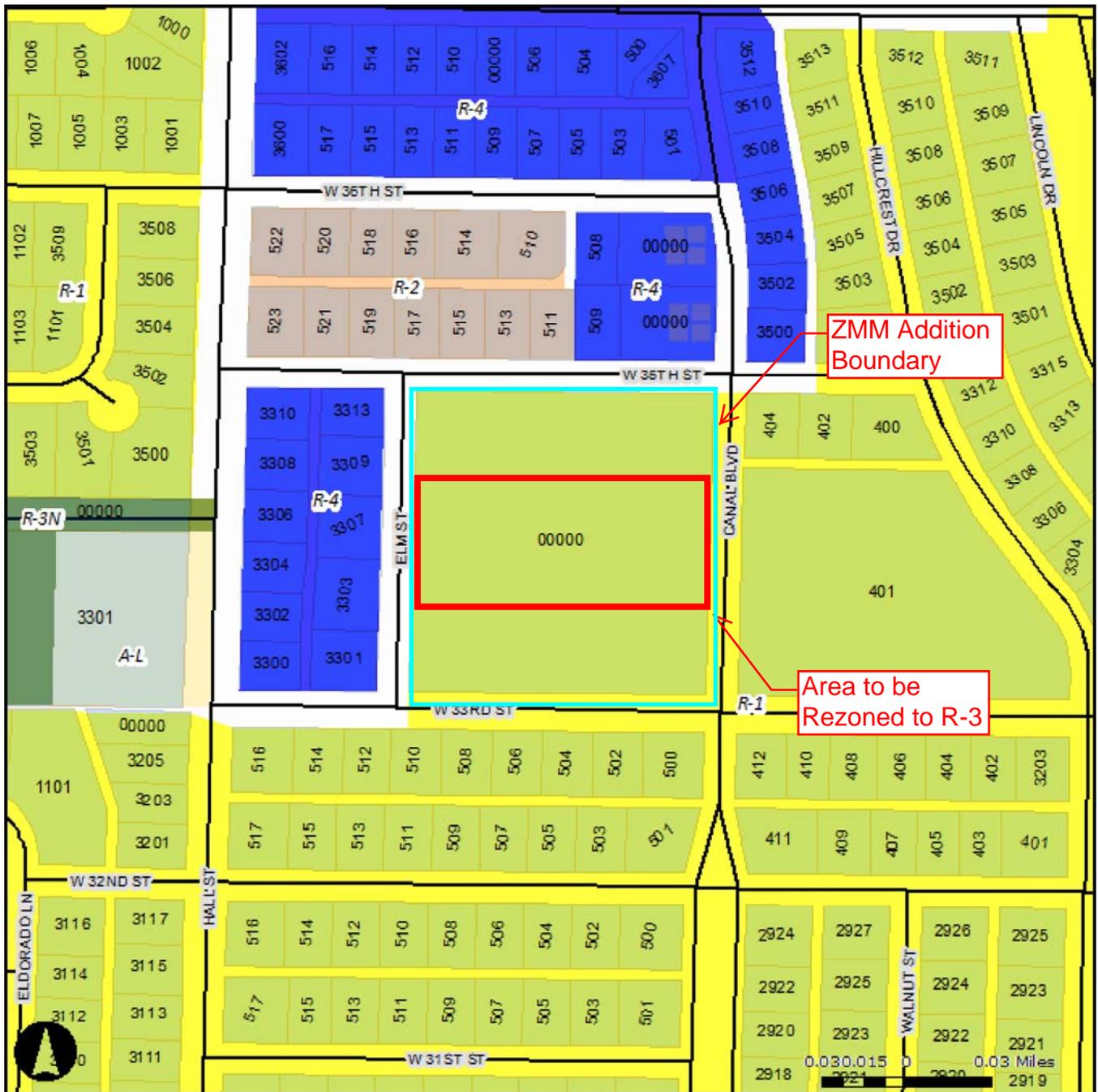


**RUDER ENGINEERING & SURVEYING, LLC**  
 1378 Butterfield Trail Rd  
 Hays, Kansas 67601  
 785-259-1302



11-10-14, 3

# ZMM Addition



# Memo

DATE: 01-19-15  
TO: Planning Commission  
FROM: Jesse Rohr  
RE: Clubhouse Gardens II Addition - Rezoning Request – A-L (Agriculture) to R-3N (Two-Family Neighborhood Dwelling District) - Background Summary

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An application has been submitted to request a change of zoning from A-L to R-3N for the Clubhouse Gardens II Addition (See attached visuals).

Staff is requesting that the Planning Commission set a public hearing for the February 16, 2015 Planning Commission meeting to consider the rezoning request.

A full Staff Findings of Fact will be presented prior to the public hearing. Following is some information about the property to better help guide in the decision to set a public hearing for rezoning:

- This is infill development and is encouraged by staff
- The property abuts existing R-3N zoning (Clubhouse Gardens I)
- Although the Comprehensive Plan identifies this immediate area as “Low Density Residential”, this request of a “Medium Density” residential zoning district is very compatible with the surrounding areas (Low Density to Medium Density ranks a 4 out of 5 for compatibility, with 5 being the highest, therefore this is a fitting request).

Staff will be available to answer any questions regarding this zoning request or the development as a whole prior to the public hearing in January, if indeed a hearing is set.

Approved/Denied by Planning Commission \_\_\_\_\_  
Approved/Denied by City/County Commission \_\_\_\_\_

Case No. 15-01Z  
Date Filed 1-7-2015

### APPLICATION FOR CHANGE OF ZONING CLASSIFICATION

This is an application for change of zoning classification. The form must be completed and filed at the Planning, Inspection, Enforcement Division, in accordance with directions on the accompanying instruction sheet.

#### AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

- I. Name of applicant or applicants (owner(s) and/or their agent or agents). All owners of all property requested to be rezoned must be listed in this form.
- A. Applicant/Owner PAUL AND WERTENBERGER INVESTMENTS  
Address BOX 1311, HAYS, KS. Phone 785-625-8220  
Agent ROBERT WERTENBERGER  
Address \_\_\_\_\_ Phone \_\_\_\_\_
- B. Applicant/Owner \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

(Use separate sheet if necessary for names of additional owners/ applicants.)

- II. The applicant hereby requests a change of zoning from A-L zoning district to R-3N zoning district for property legally described as Lot(s) 1 THRU 16 Block(s) 1 of the CLUBHOUSE GARDENS II Addition.

(Metes and bounds descriptions shall be provided in the space below or on an attached sheet.)

- III. This property is located at (address) \_\_\_\_\_  
The general location is (use appropriate section):  
A. At the NW (NW, NE, SW or SE) corner of 33 RD  
(Street) and HALL (Street) or,

B. On the \_\_\_\_\_ (N, S, E, or W) side of \_\_\_\_\_ (Ave. or Street) between \_\_\_\_\_ (Ave. or Street).

IV. I request this change in zoning for the following reasons:

\*Do not include reference to proposed uses.

TO DEVELOPE RESIDENTIAL BUILDING SITES.

V. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in and is accompanied by the appropriate fee.

PAUL AND WERTENBERGER INVEST.  
APPLICANT

by Robert W. [Signature]  
AUTHORIZED AGENT (IF ANY)

APPLICANT

AUTHORIZED AGENT (IF ANY)

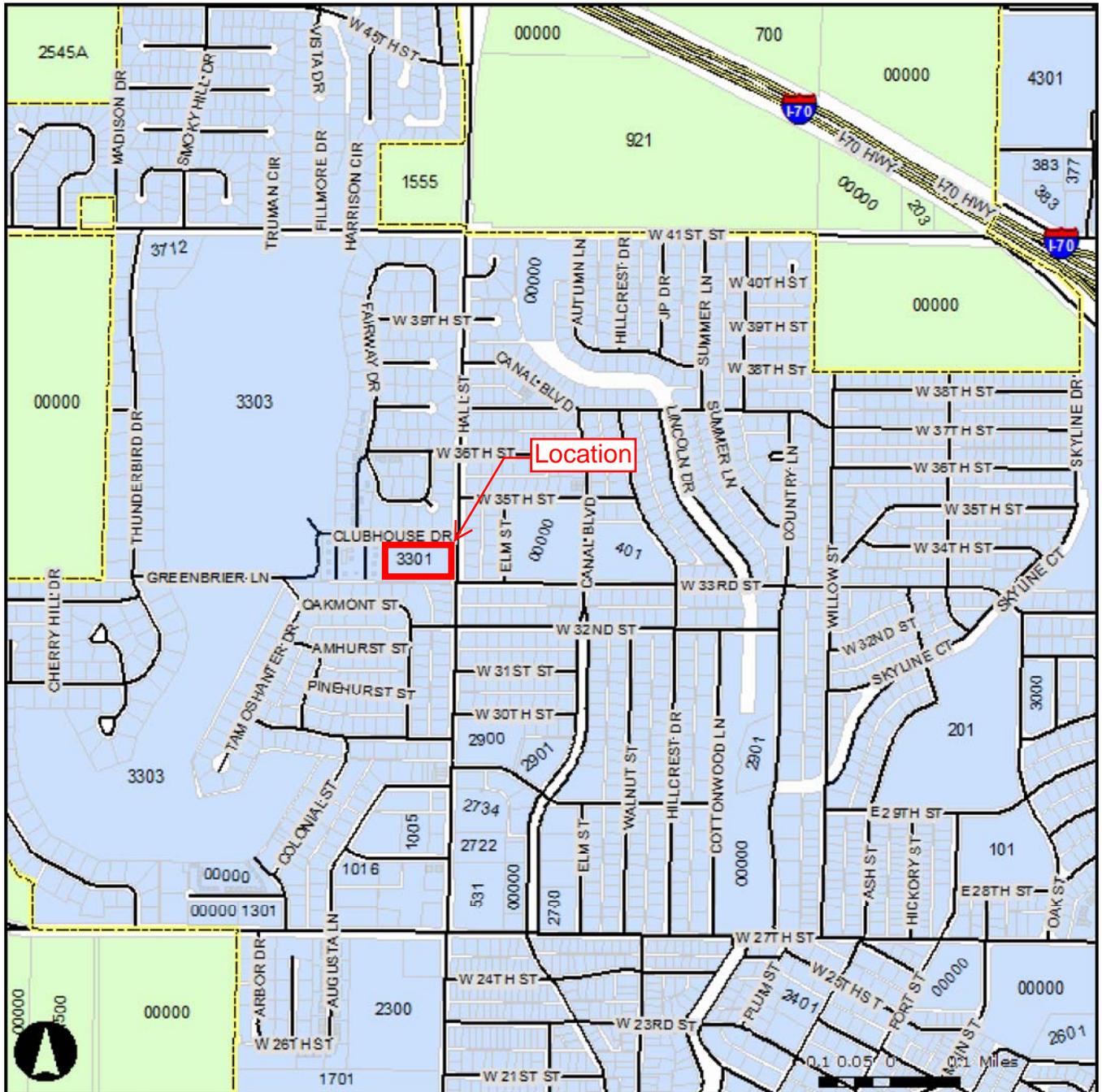
**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,  
January 7, 2015, TOGETHER WITH THE APPROPRIATE FEE OF  
\$ 50.00.

Sirida K. Bjorneman, Admin Assistant  
NAME AND TITLE

Receipt # 610657

# Clubhouse Gardens II

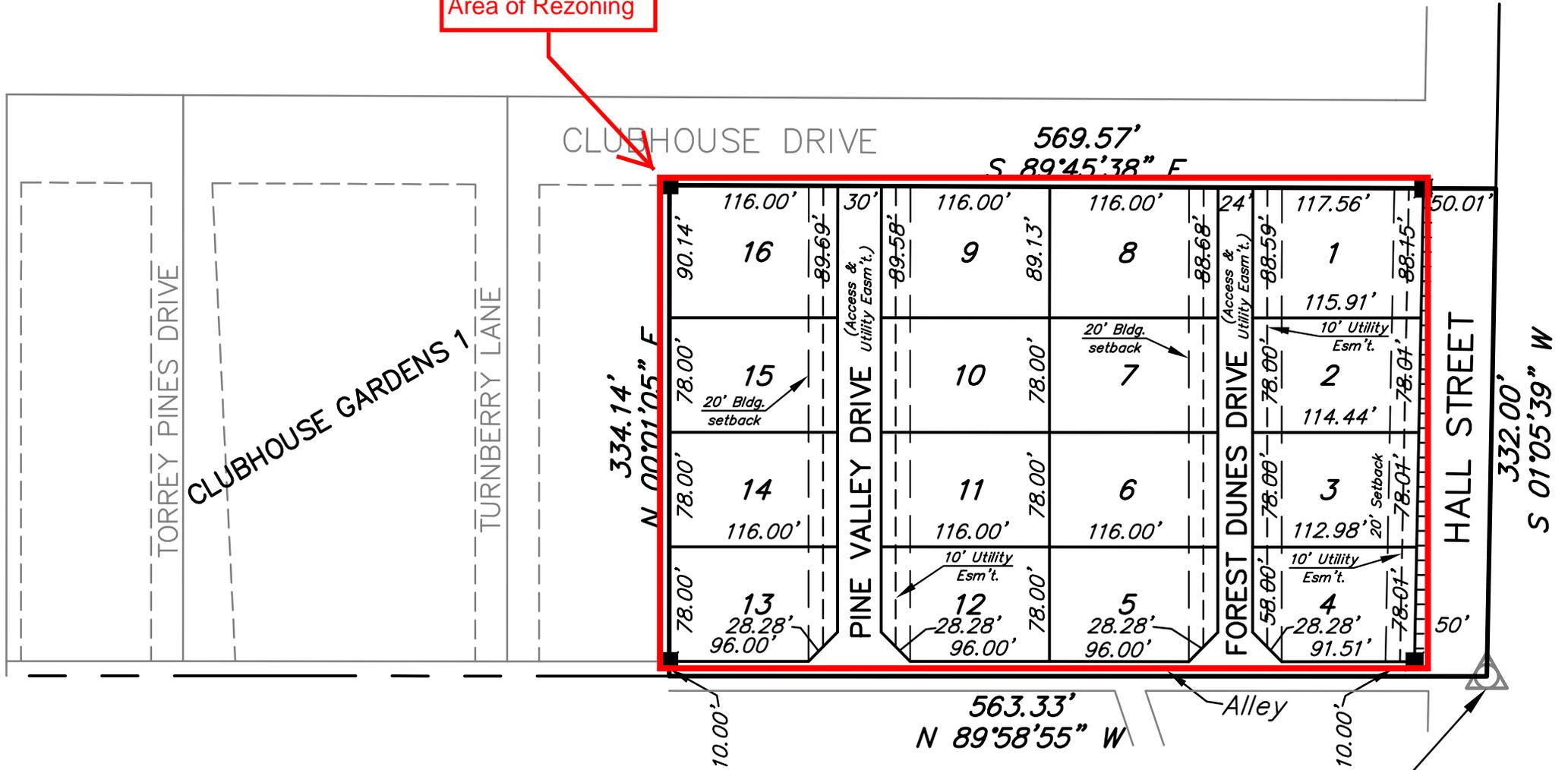


# Clubhouse Gardens II



**CLUBHOUSE GARDENS II**

Area of Rezoning



SE Corner of NE Quarter  
 Sec. 29, T13S, R18W  
 Found Bar in Monument  
 Box in Asphalt Pavement.

