

**HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS
JANUARY 20, 2014
6:30 P.M.**

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

2. **MINUTES: Consider approval of the minutes from the December 16, 2013:**
ACTION: _____

3. **CITIZEN COMMENTS:**
ACTION: _____

4. **CITY/COUNTY COMMISSION ACTION AND PLANNING DEVELOPMENT
UPDATES ON PLANNING COMMISSION ISSUES:**
ACTION: _____

5. **CONSIDER PRELIMINARY PLAT OF GEIST ADDITION:**
ACTION: _____

6. **SET THE PUBLIC HEARING FOR REZONING OF THE PROPOSED GEIST
ADDITION FROM "A-L" AGRICULTURE TO "C-O" OFFICE & INSTITUTION
DISTRICT:**
ACTION: _____

7. **CONTINUE TO DISCUSS CHANGES TO THE LANDSCAPING AND
IRRIGATION REGULATIONS WITHIN THE ZONING REGULATIONS AND SET
A PUBLIC HEARING:**
ACTION: _____

8. **OTHER:**
ACTION: _____

If you will be unable to attend please contact the Planning, Inspection and Enforcement office at 785- 628-7310. Thank you. Any person with a disability and needing special accommodations to attend this meeting should contact the Planning, Inspection and Enforcement office (785-628-7310) 48 hours prior to the scheduled meeting time. Every attempt will be made to accommodate any requests for assistance.

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
DECEMBER 16, 2013
MINUTES
6:30 P.M.**

1. CALL TO ORDER: The Hays Area Planning Commission met in regular session Monday, December 16, 2013 at 6:30 p.m. in Commission Chambers at City Hall. Chairman Larry Gould declared that a quorum was present and called the meeting to order.

Roll Call:

Present: Larry Gould
Tom Denning
Jake Glover

Travis Rickford
Matthew Wheeler
Paul Phillips

Absent: Pam Rein Lou Caplan Jim Fouts

City Staff in attendance: John Bird, City Attorney, Toby Dougherty, City Manager, Bernie Kitten, Director of Utilities, I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, Kyle Sulzman, Assistant Director of Utilities, Nicholas Willis, Stormwater/Water Conservation Superintendent and Jason Riegel, Water Conservation Specialist, and Linda Bixenman, Administrative Secretary.

2. MINUTES: The minutes from the November 18, 2013 meeting were approved by consensus.

3. CITIZEN COMMENTS: - None.

4. CITY/COUNTY COMMISSION ACTION & PLANNING & DEVELOPMENT ISSUE UPDATES: None.

5. CONTINUE TO DISCUSS CHANGES TO THE LANDSCAPING AND IRRIGATION REGULATIONS WITHIN THE ZONING REGULATIONS & SET THE PUBLIC HEARING: Larry Gould and Jesse Rohr explained that this was a continuation of the discussion from last month pertaining to water conservation. It is city staff's recommendation for changes to the landscaping ordinance that would initiate regulations on lawn irrigation systems and/or the choice of an alternative option to achieve similar results.

Nick Willis, Stormwater Superintendent, stated that the planning commission had asked for a content basis to support the reasoning for the changes. He followed up with the information that the City Manager had provided at the last meeting.

In 2010, 34 counties in Kansas had populations greater than 15,000; 27 were on or east of Highway 81, and 6 are on the Ogallala. Ellis County is the sole county, this large, that is too dry to rely on surface supplies and is not located above a substantial aquifer. He presented a map with the counties in Kansas reflecting the volume of potential natural recharge. We have to be good stewards of the limited resources and need to take action.

He also noted that the planning commission voiced concern if there was a basis of how the percentages were arrived at for the percentage of the area of a lot allowed to be irrigated. He stated the basis of how the percentages were determined, explaining that it is somewhat of an arbitrary number.

The proposed area caps of water usage per year for residential properties to thrive are recommended to be 16,000 cubic feet of supplemental irrigation. The state of Kansas grants the City of Hays 8,000 cubic feet of water per person per year.

It is asked that the planning commission set a public hearing on the proposed changes to the regulations in the landscaping ordinance and/or consideration of alternative options with similar results.

He explained the alternative options presented by city staff to be considered for the comprehensive change to the zoning and subdivision regulations to achieve the similar results.

Alternative Option 1

- Cap residential lot size at 7,000 sq ft – & Cap commercial irrigated areas
This would solve financially unsustainable infrastructure investments
This would eliminate sprawl beyond fire coverage
Note: There are 200 lots, mostly over 7,000 sq feet ready to be developed.
- Recommend more comprehensive analysis in rewrite of zoning and subdivision regulations.

Alternative Option 2

- Ban new private wells - Because this is under the State of Kansas Jurisdiction, it will not be easy to accomplish

Alternative Option 3 (Not Planning Commission Jurisdiction)

- Supply side water development paid for by new growth
Considerations are how to arrive at the costs per new starts
- Cost to develop ranch is \$66 million in 2013 dollars with legal hurdles

Alternative Option 4

- Ban watering on all but one day a week
 - This would encourage warm season lawns
 - Explore the legal ability to regulate wells in this manner
 - May cause significant distribution problems

Larry Gould stated that he realized the urgency to address this issue and the options considered are not out of question; although the larger vision fails in the comprehensive nature of the solution for the water issue we have. He praised city staff for their work on this issue. This is the opportunity to put together a new set of zoning and subdivision regulations to address this issue; his criticism is that the comprehensive nature of the solution for the water issue should be there but is not there yet.

The principles and incentives are not clear. This does not take into consideration the liability and recovery of what we currently use. He used the example for the comprehensive nature of someone that had tried recycling water to run it back down stream.

There is a difference in the amount of water usage from one part of town to the other. One size does not fit all. He made mention to be cautionary to pick on residential conservation.

He pointed out the importance of public outreach so they are part of what Hays is trying to do is improve the quality of life. One thing pointed out was to outreach to the public on the importance of the existing irrigation systems to be more efficient.

Attorney John Bird stated that we do not want it to be like the "blind man and the elephant", we need to be feeding the commission and public so they can back up what we are trying to accomplish. It is not to impose regulations without alternatives. The Planning Commission is to be kept in the loop to what is being done like the incentives and water rates so it is of record.

Attorney John Bird explained that the internal process was made to recommend regulation of how water is applied through the land use function as opposed to criminalizing it. The state has preempted cities from regulating water wells, and until the state recognizes many cities have this problem, there can still be water wells, although the proposed changes to the ordinance would regulate how water is applied through the land use function. This is the main reason of wrestling with this rather than taking it to the governing body first, in his opinion, is it being legally risky to directly regulate water wells; although the city does have the ability to regulate land use within its boundaries.

City staff drafted the base language and it was given to his legal firm to write it in an ordinance to keep within the parameters that can be enforced and envision what they hope the Planning Commission would say grace over, or some version

of it. He stated there is no pride of authorship; the main purpose is to keep within the parameters that can be enforced to make this thing work with the citizenry.

Jesse Rohr explained that this is one piece of the pie of a comprehensive subject. The consideration to adopt the IAPMO 2012 supplement to the green plumbing code has gone before the Building Trades Board for discussion.

Paul Phillips asked if there should be a definition of xeriscaping in the section of definitions. Nick Willis explained xeriscaping was combination of vegetation that uses little or no water. John Bird answered that they would add the definition. He noted a driveway that was done in a combination of brick and vegetation.

John Bird pointed out to “think outside the box” to keep an eye on where you want to end up and the flexibility of how to get there.

Nick Willis listed the names of the institutions with privately owned wells that are under the non-domestic water rights, exempt from these proposed changes like the University, Hays High School and the Smoky Hill Country Club.

Tom Denning asked if the definition part of (71-1172 (5)) should include the rural water district within the 3 mile zone to be exempt from the irrigation plan requirements of this article like the privately owned wells with the non-domestic water rights.

Jesse Rohr explained that the city jurisdiction ends at the city limits for irrigation permits and trade contractors requiring a license. The City does not have the jurisdiction to enforce the irrigation systems nor require proof of contractor's license outside the city limits. John Bird stated that he would look into more information to this question.

Section 71-1173 (Submissions) - Jesse Rohr explained that a landscape plan and the permanent irrigation plan, if applicable, be part of the approval of the site plan prior to the issuance of a building permit on unimproved real estate, significant alterations and new systems on existing developments. The elements of a landscape plan are defined in the ordinance.

Section 71-1174 (Applicability) - Nick Willis explained that the proposed regulations would apply to all zoning districts. Originally landscape plans for duplexes and single family residences were not included; although the bulk of the irrigation systems for numbers and area are on single family properties; thus the reason for this addition. Also added was “The conservation of the City's water resources”.

Section 71-1175 (Approved Criteria) Paul Phillips asked for clarification if all landscaping plans would go before the city agency. Jesse Rohr answered landscape plans would be required for new starts. On developed property, a landscape plan is required if they are installing a permanently installed irrigation system.

He asked if a drip irrigation system for new trees would trigger to adhere to the regulations. Nick Willis answered "Yes". It would fall under the 2012 Green Plumbing and Mechanical code.

Travis Rickford pointed out that there was confusion on the first sentence "reviewing a landscape plan or irrigation plan". It could be interpreted that all new landscaping plans require a submission to be reviewed for approval. John Bird stated that they would revisit that section to clarify that the landscape plan would only be triggered by a water component.

Jake Glover asked about the context of the statement added (9) "The conservation of the city's water resources". John Bird explained that the water features will be part of the approval process.

Section 71-1176 (Requirements and Contents) - Nick Willis stated that these requirements would be important criteria for the licensed landscaper/lawn irrigation sprinkler installation contractors. The names of the designer and installer would be listed on the permit application.

Jesse Rohr added that the owner of the property can also install a landscape/lawn irrigation sprinkler system under the regulations with the issuance of a permit. Landscaping/irrigation designs are available on line and home improvement stores at no cost that should be able to provide the information that is required by the city. The design does not have to be provided by a licensed architect; although it is welcomed.

Tom Denning asked for clarification on #14 (any other information requested by the City); he suggested using the word "pertinent". John Bird agreed. He suggested using "relevant".

Section 71-1177 (Required Landscaping) - Paul Phillips pointed out that this section needed to be revised in a way that property owners are not forced into planting trees and shrubs. There are points all through this section that need to be looked at. John Bird agreed they would review this section.

John Bird referenced that the landscaping requirements to be in compliance with ordinance 68-57 (landscaping not to interfere within the right of way for utilities).

Tom Denning voiced concern of the negative affect the restriction of the planting of tree seedlings would have on the 3 mile zone where seedlings are used to start a windbreak. Jesse Rohr noted that the stipulations already apply in the current regulations. John Bird stated that they would review this restriction specifically for the 3 mile zone. It was considered that shelter belts within the 3 mile zone would be the exception.

Jesse Rohr explained the point (7) that no landscaping tree or shrub shall be placed in a way that would not be an obstruction for traffic visibility.

Section 71-1181 (Maintenance) – Nick Willis explained this section.

Tom Denning pointed out that the 3 mile zone is a different world and should be treated differently. He stated that the restrictions on the total square footage for irrigation would not apply well in the 3 mile zone (part 3 & 4); particularly with the wind breaks being a part of this. Jesse Rohr suggested it could be addressed by being worded in such a way to specify the water source. John Bird said he and Jesse Rohr would look at some alternatives.

Jake Glover asked if number 3 might need to be clarified to state all things irrigated not just cool season turf.

John Bird suggested that it should state that the total permanently irrigated area, warm or cool season or otherwise should not exceed 5,000 square feet.

Nick Willis pointed out that the irrigation systems are to be designed and operated to avoid watering impervious surfaces and running down the curb along the streets.

Toby Dougherty gave an example of a how a resident prevented irrigation water runoff after receiving several police tickets. He has torn out the grass adjacent to his driveway and installed a buffer so the lawn irrigation water would not escape from the property. John Bird stated that there would be fewer violations for water runoff with the buffer as part of the landscaping.

Larry Gould stated that the police department had a good approach with citizens by calling them to let them know to take care of the problem of water escaping from their property.

Section 71-1183 (Assurance of Performance) Jesse Rohr explained that a certificate of occupancy is issued after a structure is complete and has met the building code requirements. With this revision landscaping would be a part of the criteria to be met before the issuance of a certificate of occupancy.

Because timing may be a factor when the landscaping can be done, a temporary certificate of occupancy can be issued until the season is favorable for landscaping.

Section 71-1184 (Recording of landscape plans and irrigation plans) John Bird explained that the new landscape/irrigation plans for the associated property would be recorded with the Ellis County Register of Deeds.

Section 71-1185 (Period of validity for landscape plan or irrigation plan approval) Travis Rickford asked which office would receive the landscape plan application

and what would be the turnaround time. Jesse Rohr answered that they would submit them to the Planning Inspection and Enforcement Office at 1002 Vine. This office would review the plans and coordinate with other departments that may need to be involved before a permit is issued, such as the Parks Department.

The turnaround time is approximately two days for residential and two weeks for commercial.

Jesse Rohr suggested setting a public hearing with these revisions. If there would be further review, they would not have to take action the night of the public hearing.

Larry Gould entertained a motion.

Travis Rickford moved; Tom Denning seconded the motion to set the public hearing for next month's meeting.

Travis Rickford stated that he would like to see the revisions and alternatives before the public hearing.

John Bird explained the process should be done in two steps. Before setting a public hearing they would need to review the revisions, potential alternatives, and how it pertains to the 3 mile area.

Travis Rickford withdraw his motion to set the public hearing.

Book "The Big Thirst" by Charles Fishman: Travis Rickford thanked Nick Willis for the book. Nick Willis explained the book is about how people handled their significant water problems.

Rewrite of the Zoning and Subdivision Regulations: Jesse Rohr stated that 9 consulting firms submitted proposals. He noted that Travis Rickford and Matthew Wheeler, representing the Planning Commission, were on the committee along with city staff to select a consulting firm to ultimately go before the governing body for the official selection.

Convention Center Task Force: Larry Gould, representing the task force, stated that a CID proposal by Aaron White, Executive Director of the Ellis County Coalition of Economic Development, will be forthcoming before the governing body.

Adjournment: Chairman Larry Gould adjourned the meeting at 8:30 p.m.

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

Memo

To: Hays Planning Commissioners
From: Nicholas Willis, Stormwater/Water Conservation Superintendent
CC: City Manager's Office
Date: January 8, 2014
Re: Water Conservation & Efficiency Program Status

While most of the Planning Commission is probably familiar with the regular restrictions on outdoor watering that occur yearly, more recent efforts have not been well detailed to the Commissioners. Here is a summary of what has been done:

In late 2013, a new rate structure was adopted for residential properties, essentially making outdoor watering twice as expensive as it was previously. Water use for residences greater than their average winter consumption (AWC) used to cost twice as much as their AWC on a volumetric basis. Now, any usage in a month which is beyond 7,500 gallons over the AWC will cost four times as much as the base rate (\$7.20 vs. \$1.80 per 100 cubic feet or 748 gallons). This action will impact outdoor water usage, sending the strongest price signal to those persons watering large expanses of cool season turf. Water usage has price elasticity; in general a 10% increase in rates can be expected to spur a 3-4% decrease in water usage. The elasticity is greatest for those things which are largely habits (i.e. lawn watering, car washing) and for those rates which last (i.e. people are unlikely to change their lawns if water is only expensive for a short period of time). With time, we expect this to help drive outdoor water usage down.

Also in 2013, the City Commission adopted a water conservation budget vastly expanding the city's efforts to save water. A Water Conservation Specialist has been hired to set up new programs, administer ongoing programs and, with time, get into water auditing. Programmatically, \$335,000 was budgeted for the following items:

1. Water distribution system leak detection. This survey will help pinpoint leaks in the potable water distribution system that are not currently surfacing. Towns with infrastructure a similar age to Hays' often see pretty good results from this survey. Within a few months, Hays will be putting out a Request for Proposals for these services.

2. Gravity flush toilet rebates. The City Commission gave its blessing to a rebate program aimed at existing gravity flush toilets as found in homes and hotels. This effort will serve to reduce year-round water usage in Hays and is especially important for stretching water supplies in times of continued drought.
3. Urinal rebates. The City Commission gave its blessing to a rebate program aimed at replacing existing urinals with new fixtures saving at least 88% of water used.
4. Educational efforts. Funds were budgeted to develop educational outreach efforts aimed at Hays citizens of all ages. Currently staff is exploring turn-key, proven programs for elementary school.
5. Commercial rebates. This program is still in development, but will take a two-pronged approach towards reducing usage from the commercial, industrial and institutional properties comprising about ½ of all potable water usage in Hays. Staff will be going before the City Commission with set rebates for some common commercial items, such as water-cooled ice machines, and a policy for rebates for uncommon, but high water-using items, such as a process in a factory.
6. Retrofits of city facilities. This budget item will pay for the installation of the most efficient fixtures in city-owned facilities. This program will work with North Central Kansas Technical College in an effort to train the future plumbers of the region in the use of state of the art plumbing fixtures.

Planning Commissioners are not the only board or commission appointed by the Mayor tackling the water use issue. The Building and Trades Board, comprised of members of the skilled building trades, is currently looking into adoption of the International Association of Plumbing and Mechanical Officials' 2012 Green Plumbing & Mechanical Code Supplement. Adoption of the portions of the code dealing with water efficiency will impact the following:

1. Efficiency, control and rate of irrigation application.
2. Flush volumes for toilets and urinals.
3. Cooling tower systems.
4. Flowrates of sinks and showers
5. The amount of water in the hot water pipes between water heaters and hot water fixtures.
6. Water softener efficiency.
7. Reverse osmosis system efficiency.
8. Restaurant equipment.
9. Medical facilities.
10. Swimming pools and hot tubs.

As water is embedded in so many daily activities, solutions to the water problems facing Hays must be multi-pronged. The efforts put forth in the water conservation budget are mainly meant to bring older systems to a more modern efficiency of water usage. The efforts of you and your fellow Commissioners are aimed at preventing the ballooning of future, unsustainable water use.

Approved/Denied by Planning Commission _____
Approved/Denied by City/County Commission _____

Case No. 14-01P
Date Filed 01-13-2014

APPLICATION FOR PRELIMINARY PLAT APPROVAL

Name of Subdivision Geist Addition

General Location 22nd Street between Canterbury Drive & Wheatland Avenue

Name of Applicant Alfred Geist

Address 2114 Canterbury Drive, Hays, KS 67601 Phone 785-628-8076

Name of Agent Galen Romme - Romme Real Estate

Address 1008 E 17th St., Hays, KS 67601 Phone 785-625-6768

Name of Surveyor or Engineer Leon D. Osbourn - Kaw Valley Engineering, Inc.

Address 2319 N Jackson, Junction City, KS 66441 Phone 785-762-5040

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat: 11.17 Acres
2. Number of Lots:
 - a. Residential 1 - (Ag)
 - b. Commercial 3 - (C-O)
 - c. Industrial _____
 - d. Other _____Total Number of Lots 4
3. Minimum Lot Frontage: 346.99 feet
4. Minimum Lot Area: 70,898 square feet
5. Existing Zoning Ag
6. Proposed Zoning C-O

**Authorization To Sign
City of Hays Annexation, Zoning, Platting
and other related documents**

We (I), **Alfred Geist**, hereby authorize **Galen J. Romme of Romme Real Estate**, to, on our(my) behalf, execute any documents related to the annexation, zoning and platting required for application in conjunction with the following described property:

All property located along the south side of 22nd Street from Canterbury Drive to Wheatland Avenue and located in Hays, KS. and which is owned by me. The plat will include 4 lots and a drainage/utility easement in the proposed Geist Addition to Ellis County, Kansas.

Date: January 10, 2014

Alfred Geist

By *Alfred Geist*
Alfred Geist

STATE OF KANSAS)

)

)ss

ACKNOWLEDGMENT FOR INDIVIDUAL

COUNTY OF ELLIS)

)

The foregoing instrument was acknowledged before me this 10th day of January, 2014 by Alfred Geist

My commission expires



By *Donna Romme*
Notary Public

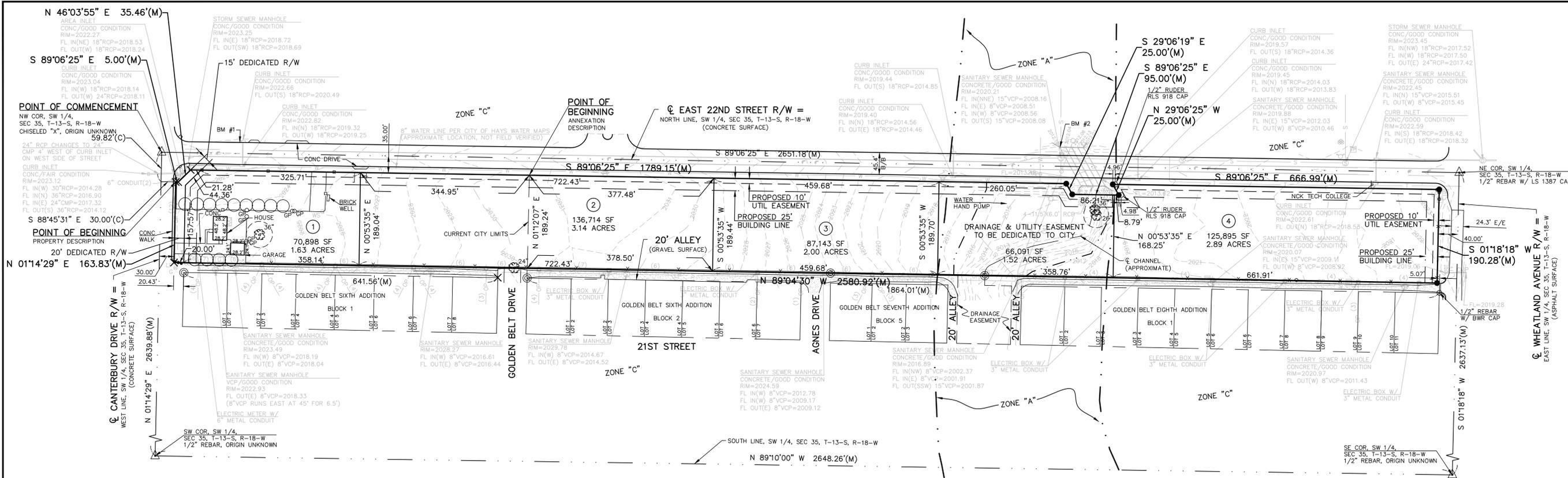
A13_6718
Geist Addition – Hays, KS
January 13, 2014

PROPERTY DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF HAYS, COUNTY OF ELLIS, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER;
THENCE ON AN ASSUMED BEARING OF S 01°14'29" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 59.82 FEET; THENCE S 88°45'31" E A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 22ND STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 7 COURSES; THENCE S 89°06'25" E A DISTANCE OF 5.00 FEET; THENCE N 46°03'55" E A DISTANCE OF 35.46 FEET; THENCE S 89°06'25" E A DISTANCE OF 1789.15 FEET; THENCE S 29°06'19" E A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 95.00 FEET; THENCE N 29°06'25" W A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 666.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF WHEATLAND AVENUE; THENCE S 01°18'18" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 190.28 FEET TO THE NORTH LINE OF GOLDEN BELT EIGHTH ADDITION, A FINAL PLAT TO SAID CITY OF HAYS; THENCE N 89°04'30" W, ALONG THE NORTH LINES OF GOLDEN BELT EIGHTH ADDITION, GOLDEN BELT SEVENTH ADDITION, AND GOLDEN BELT SIXTH ADDITION, ALL FINAL PLATS TO THE CITY OF HAYS, A DISTANCE OF 2580.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF CANTERBURY DRIVE; THENCE N 01°14'29" E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 163.83 FEET TO THE POINT OF BEGINNING. CONTAINS 11.17 ACRES, MORE OR LESS.

END OF DESCRIPTION



PROPERTY DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF HAYS, COUNTY OF ELLIS, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF S 01°14'29" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 59.82 FEET; THENCE S 88°45'31" E A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 22ND STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 7 COURSES; THENCE S 89°06'25" E A DISTANCE OF 5.00 FEET; THENCE N 46°03'55" E A DISTANCE OF 35.46 FEET; THENCE S 89°06'25" E A DISTANCE OF 1789.15 FEET; THENCE S 29°06'19" E A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 95.00 FEET; THENCE N 29°06'25" W A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 666.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF WHEATLAND AVENUE; THENCE S 01°18'18" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 190.28 FEET TO THE NORTH LINE OF GOLDEN BELT EIGHTH ADDITION, A FINAL PLAT TO SAID CITY OF HAYS; THENCE N 89°04'30" W, ALONG THE NORTH LINES OF GOLDEN BELT EIGHTH ADDITION, GOLDEN BELT SEVENTH ADDITION, AND GOLDEN BELT SIXTH ADDITION, ALL FINAL PLATS TO THE CITY OF HAYS, A DISTANCE OF 2580.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF CANTERBURY DRIVE; THENCE N 01°14'29" E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 163.83 FEET TO THE POINT OF BEGINNING. CONTAINS 11.17 ACRES, MORE OR LESS.

END OF DESCRIPTION

ANNEXATION DESCRIPTION:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF HAYS, COUNTY OF ELLIS, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF S 01°14'29" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 59.82 FEET; THENCE S 88°45'31" E A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 22ND STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES; THENCE S 89°06'25" E A DISTANCE OF 5.00 FEET; THENCE N 46°03'55" E A DISTANCE OF 35.46 FEET; THENCE S 89°06'25" E A DISTANCE OF 691.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES; THENCE S 89°06'25" E A DISTANCE OF 1097.21 FEET; THENCE S 29°06'19" E A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 95.00 FEET; THENCE N 29°06'25" W A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 666.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF WHEATLAND AVENUE; THENCE S 01°18'18" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 190.28 FEET TO THE NORTH LINE OF GOLDEN BELT EIGHTH ADDITION, A FINAL PLAT TO SAID CITY OF HAYS; THENCE N 89°04'30" W, ALONG THE NORTH LINES OF GOLDEN BELT EIGHTH ADDITION, GOLDEN BELT SEVENTH ADDITION, AND GOLDEN BELT SIXTH ADDITION, ALL FINAL PLATS TO THE CITY OF HAYS, A DISTANCE OF 1858.85 FEET TO THE CITY LIMITS LINE; THENCE N 01°12'07" E, ALONG SAID CITY LIMITS LINE, A DISTANCE OF 189.24 FEET TO THE POINT OF BEGINNING. CONTAINS 8.05 ACRES, MORE OR LESS.

END OF DESCRIPTION

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY WAS AN ASSUMED BEARING OF S 89°06'25" E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS.

EXISTING ZONING:

EXISTING ZONE: AG - (AGRICULTURAL) TRACT OUTSIDE OF CITY LIMITS AND A-L (AGRICULTURAL) TRACT WITHIN THE CITY LIMITS

PROPOSED ZONING:

ZONE: C-0 (OFFICE AND INSTITUTION DISTRICT)

REQUIRED SETBACKS:

FRONT - 25'
REAR - 25'
SIDE - 5'

FLOOD STATEMENT:

SUBJECT PROPERTY IS SHOWN TO BE LOCATED IN ZONE "C" AND ZONE "A" ON THE FLOOD INSURANCE RATE MAP FOR ELLIS COUNTY, KANSAS, COMMUNITY PANEL NO. 200094 0185 B, EFFECTIVE DATE JULY 3, 1986. ZONE "C" IS DEFINED AS "AREAS OF MINIMAL FLOODING", ZONE "A" IS DEFINED AS "AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED". LOCATION DETERMINED BY A SCALED GRAPHICAL PLOT OF THE FLOOD INSURANCE RATE MAP.

NOTES:

1. WATER AND SANITARY SEWER SERVICE SHALL BE FROM THE CITY OF HAYS.
2. GRANT OF EASEMENT DOCUMENTS FOR UTILITIES WITHIN DRAINAGE EASEMENT TO BE DEDICATED WILL BE PROVIDED WITH FINAL PLAT.
3. DATE OF PREPARATION: JANUARY 10, 2014

BENCHMARK:

BM #1: CHISELED "SQUARE" ON TOP OF CURB, 1' WEST OF THE SOUTHWEST CORNER OF CURB INLET; 22.5' NORTH OF THE CENTERLINE OF EAST 22ND STREET AND 160' EAST OF THE CENTERLINE OF CANTERBURY DRIVE. ELEV=2022.69
BM #2: 2" ALUMINUM DISK STAMPED "KS DEPT. OF TRANS BM 6A U2064" ON TOP WEST SIDE OF HEADWALL NORTH END OF 6'x49' ROB. 38.50' NORTH OF CENTERLINE OF EAST 22ND STREET AND 816.0' WEST OF THE CENTERLINE OF WHEATLAND AVENUE. ELEV=2019.55

DEVELOPER:

SCHOENROCK INVESTMENTS
PO BOX 831
JUNCTION CITY, KANSAS 66441
GERY SCHOENROCK
(785) 762-4663

OWNER:

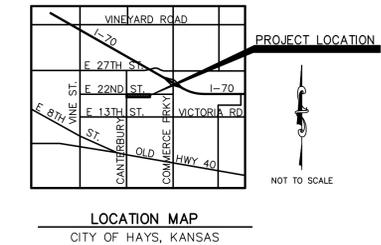
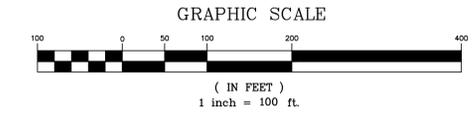
ALFRED GEIST
2114 CANTERBURY DRIVE
HAYS, KANSAS 67601

LAND SURVEYOR:

KAW VALLEY ENGINEERING, INC.
2319 NORTH JACKSON / P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
LEON D. OSBOURN
(782) 762-5040

LEGEND

- △ SECTION CORNER FOUND
- MONUMENT FOUND
- 1/2" BAR FOUND, ORIGIN UNKNOWN
- 1/2"x24" REBAR W/KVE CLS 20 CAP SET
- CHISELED "X" SET
- (M) MEASURED
- STREET SIGN
- STEEL BOLLARD
- AIR CONDITIONING UNIT
- UTILITY POLE
- UTILITY POLE W/ LIGHT
- UTILITY POLE W/ TRANSFORMER
- UTILITY POLE W/ TRANSFORMER & LIGHT
- DEADMAN ANCHOR
- OVERHEAD POWER LINE - # LINES
- TRAFFIC CONTROL POLE
- GAS VALVE
- GAS METER
- UNDERGROUND GAS LINE
- WATER LINE GATE VALVE
- WATER SPIGOT
- FIRE HYDRANT
- WATER LINE
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER LINE
- TELEPHONE PEDESTAL
- TELEPHONE MANHOLE
- UNDERGROUND TELEPHONE LINE
- BARB WIRE FENCE
- CHAINLINK FENCE
- STEEL BOLLARD FENCE
- FENCE POST
- GATE POST
- DECIDUOUS TREE W/ SIZE & DRIPLINE
- TREE LINE
- 1' CONTOUR INTERVAL
- FLOOD ZONE BOUNDARY
- CALCULATED 100-YEAR FLOOD ELEVATION (2016.50)
- B/B BACK OF CURB TO BACK OF CURB
- E/E EDGE OF PAVEMENT TO EDGE OF PAVEMENT



PRELIMINARY PLAT
GEIST ADDITION
CITY OF HAYS, ELLIS COUNTY, KANSAS
KAW VALLEY ENGINEERING, INC.
2319 N. JACKSON
JUNCTION CITY, KANSAS 66441
785-762-5040 FAX 785-762-7744
E-MAIL jc@kveeng.com
WEB SITE www.kveeng.com

PROJ. NO.	A13_6718
DESIGNER	LDO
DRAWN BY	JP
CFN	6718PRLM
SHEET	0
REV	DATE DESCRIPTION
0	01-13-14 INITIAL ISSUE
	UP
	DSN
	DWN
	CHK

PRELIMINARY PLAT CHECK-LIST

NAME OF SUBDIVISION: **GEIST ADDITION** DATE: **01-13-2014**

NAME OF OWNER: **ALFRED GEIST**

NAME OF SUBDIVIDER: **SCHOENROCK INVESTMENTS**

NAME OF PERSON WHO PREPARED THE PLAT: **KAW VALLEY ENGINEERING INC.**

PERSON WHO COMPLETED THIS CHECKLIST: **JESSE ROHR**

Instructions:

The following checklist is to be completed by the City Staff and shall accompany the Preliminary Plat when it is submitted to the Planning Commission. Indicate N/A if not applicable.

A. Does the Preliminary Plat show the following information?

	<u>YES</u>	<u>NO</u>
1. Name of Subdivision.	X	
2. Location of boundary lines and reference to section or quarter section lines.	X	
3. Name and address of owner(s).	X	
4. Name and address of subdivider(s).	X	
5. Name of planner, engineer, landscape architect or surveyor who prepared the Plat.	X	
6. Scale of Plat, 1" = 100', or larger.	X	
7. Date of preparation and north point.	X	
8. Location, width and name of platted streets or other public ways, railroads and utility R/W, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.	X	
9. Location of existing sewers, water mains, gas mains, culverts or other underground installations, within or adjacent to the proposed subdivision with pipe size, manholes and grades.	X	
10. Names of adjacent subdivisions together with arrangement of streets and lots and owners of adjacent parcels of unsubdivided land.	X	

	<u>YES</u>	<u>NO</u>
11. Topography at contour intervals of not more than one (1) foot referred to U.S.G.S. or municipality datum and location of water courses, bridges, wooded areas, lakes, ravines and other significant physical features.	X	
12. Arrangement of lots and their approximate sizes.	X	
13. Does plat conform to Master Street Circulation Plan?	X	
14. Location and width of proposed streets, alleys, pedestrian ways easements.	X	
15. General plan of sewage disposal, water supply and utilities, if public.	X	
16. Notation of type of sewage disposal and water supply if non-public.	N/A	
17. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.	N/A	
B. Does the proposed use of land conform to the Comprehensive Plan?	X	
C. Is the proposed subdivision inside the City limits?		X
D. Preliminary Plat fee of <u>\$140.00</u> paid?	X	
E. Comments:		

Geist Development



Planning Commission Action Report

AGENDA ITEM:	Development of the Geist Addition (South of 22 nd St. from Canterbury to Wheatland)
OWNER:	Alfred Geist
TYPE OF REVIEW:	Preliminary Plat – Geist Addition
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent
AGENDA DATE:	January 20, 2014

SUMMARY AND RECOMMENDED ACTION:

The subject property, known as the proposed Geist Addition, is under consideration not only for the **platting** of the property, but **rezoning** from A-L (Agricultural) to C-O (Office and Institution District) and **annexation** into the City. The property will be subdivided into 4 lots with an open area remaining as a drainage and utility dedication. (See attached plat) **Staff recommends approval of the preliminary plat as well as the subsequent rezoning and annexation which will be heard at a later date.**

BACKGROUND:

- The subject property is currently outside the City Limits and is considered Ag land. The area is within a highly desirable and developable area for commercial and/or multi-residential development.
- This property has remained undeveloped as the surrounding property has grown and developed through the years. This property is an island of un-annexed territory that should be brought into the City limits in order for orderly development to occur.

POINTS TO CONSIDER:

- Staff feels the proposed layout and use of this property is the highest and best use for this property. It should not be considered for heavier commercial uses or single family dwellings due to its location along 22nd St. (a major collector).
- The plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific drainage requirements.

- Staff took into consideration the extension of Golden Belt Drive and Agnes Drive and concluded that it is not in the best interest of the City or the surrounding neighborhoods to the south to have either of these streets connect to 22nd St. which could create unwanted access of non-local traffic through the existing neighborhoods. Also, adding a street intersection along this stretch of 22nd St. is not desired and best kept to a minimum.
- The developer has submitted an application for rezoning of the property to **C-O (Office and Institution District)**. This is a good fit for the property as surrounding properties are zoned C-O (HMC property) and R-4 and R-2 (residential area to the south). The C-O District, as described in Section 71-434 of the Zoning Regulations states, ***“Uses in this district are intended to be compatible with adjoining residential districts.”***
- The adopted comprehensive plan future land use map indicates this area to be medium density residential which by definition is compatible with the surrounding areas and the proposed C-O district.
- All public utilities are in place allowing for development of this property including public water and sewer. Staff from the Utilities Department has been apprised of this proposed development and agrees with the proposal.
- The dedication of necessary right-of-way is shown on the plat, particularly the 20’ needed on the west edge of the property adjacent to Canterbury. As a result, the full 50’ of Canterbury right-of-way will be dedicated along with this plat.
- The existing drainage way, which is also 100-year flood plain, has been dedicated as such and will be preserved through the platting process. This drainage area will be maintained by the City along with the remainder of the drainage area already being maintained by the Parks Dept. Staff from the Parks Department has been apprised of this proposed development and agrees with the proposal as submitted.
- Access to the platted lots will be controlled per the access requirements and restrictions of the current Development Policy. This will be handled as proposals for the development of specific lots are submitted for review.
- Annexation of this property will force upon the property the Code of Ordinances of the City of Hays. Currently these codes are not enforceable on this property since it is not within the City limits.
- The Utility Advisory Committee has reviewed and agreed to the proposed plat. All easements as required are in place for future placement of any required utilities.

ATTACHMENTS:

- Preliminary Plat Map
- Plat Checklist
- Preliminary Plat Application

Approved/Denied by Planning Commission _____

Case No. 14-01Z

Approved/Denied by City/County Commission _____

Date Filed 01-13-2014

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 Alfred Geist
 Address 2114 Canterbury Dr. Hays, KS 67601 Phone 785-628-8076
 Agent Galen Romme - Romme Real Estate
 Address 1008 E 17th St., Hays, KS 67601 Phone 785-625-6768
- 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 Ag zoning district to C-O zoning district for property legally described as Lot(s) _____ Block(s) _____ of the _____ Addition.

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

III. This property is located at (address) 22nd Street.

The general location is (use appropriate section):

- A. At the SE (NW, NE, SW or SE) corner of 22nd (Street) and Canterbury (Street) or,

B. On the South (N, S, E, or W) side of 22nd Street (Ave. or Street) between Canterbury & (Ave. or Street).
Wheatland Ave

IV. I request this change in zoning for the following reasons:
*Do not include reference to proposed uses.

To bring more properties into the city to allow for a new development.

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.

Alfred Geist by
APPLICANT

[Signature]
AUTHORIZED AGENT (IF ANY)

APPLICANT

AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,
Jan 13, 2014, TOGETHER WITH THE APPROPRIATE FEE OF
\$ TBD.

Linda Bjornman, Administrative Assistant
NAME AND TITLE

**Authorization To Sign
City of Hays Annexation, Zoning, Platting
and other related documents**

We (I), **Alfred Geist**, hereby authorize **Galen J. Romme of Romme Real Estate**, to, on our(my) behalf, execute any documents related to the annexation, zoning and platting required for application in conjunction with the following described property:

All property located along the south side of 22nd Street from Canterbury Drive to Wheatland Avenue and located in Hays, KS. and which is owned by me. The plat will include 4 lots and a drainage/utility easement in the proposed Geist Addition to Ellis County, Kansas.

Date: January 10, 2014

Alfred Geist

By 
Alfred Geist

STATE OF KANSAS)

)

)ss

ACKNOWLEDGMENT FOR INDIVIDUAL

COUNTY OF ELLIS)

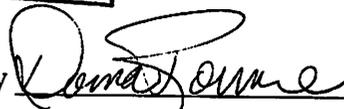
)

The foregoing instrument was acknowledged before me this 10th day of January, 2014 by Alfred Geist

My commission expires



By



Notary Public

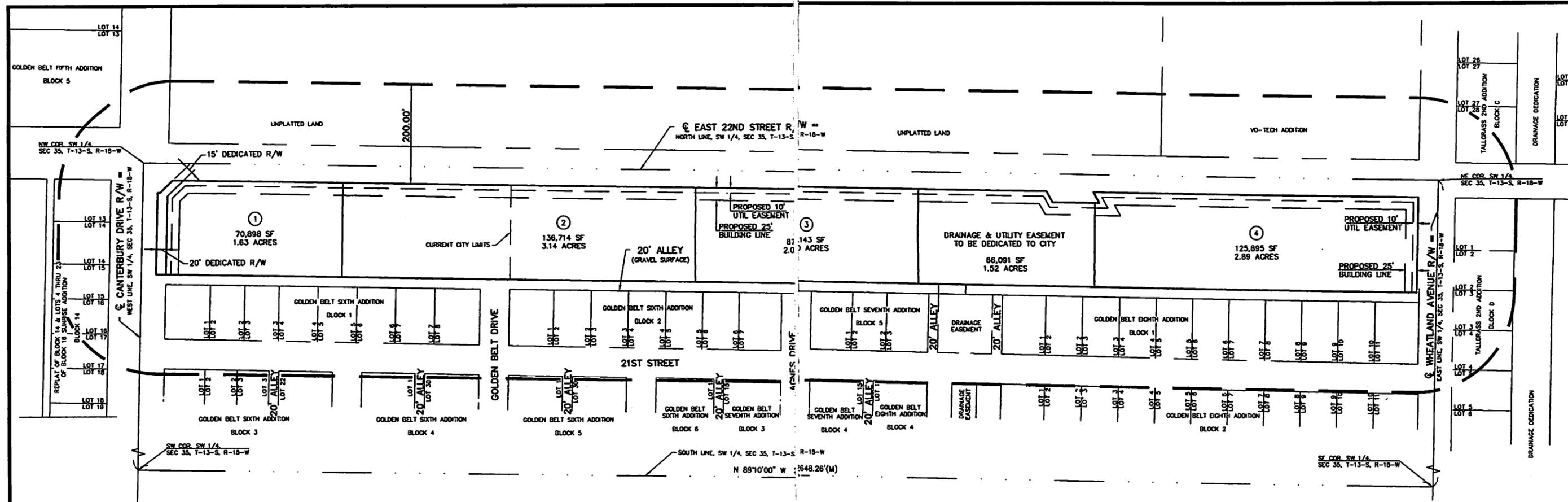
A13_6718
Geist Addition – Hays, KS
January 13, 2014

REZONING DESCRIPTION (SAME AS PROPERTY DESCRIPTION):

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF HAYS, COUNTY OF ELLIS, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER;
THENCE ON AN ASSUMED BEARING OF S 01°14'29" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 59.82 FEET; THENCE S 88°45'31" E A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 22ND STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 7 COURSES; THENCE S 89°06'25" E A DISTANCE OF 5.00 FEET; THENCE N 46°03'55" E A DISTANCE OF 35.46 FEET; THENCE S 89°06'25" E A DISTANCE OF 1789.15 FEET; THENCE S 29°06'19" E A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 95.00 FEET; THENCE N 29°06'25" W A DISTANCE OF 25.00 FEET; THENCE S 89°06'25" E A DISTANCE OF 666.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF WHEATLAND AVENUE; THENCE S 01°18'18" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 190.28 FEET TO THE NORTH LINE OF GOLDEN BELT EIGHTH ADDITION, A FINAL PLAT TO SAID CITY OF HAYS; THENCE N 89°04'30" W, ALONG THE NORTH LINES OF GOLDEN BELT EIGHTH ADDITION, GOLDEN BELT SEVENTH ADDITION, AND GOLDEN BELT SIXTH ADDITION, ALL FINAL PLATS TO THE CITY OF HAYS, A DISTANCE OF 2580.92 FEET TO THE EAST RIGHT-OF-WAY LINE OF CANTERBURY DRIVE; THENCE N 01°14'29" E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 163.83 FEET TO THE POINT OF BEGINNING. CONTAINS 11.17 ACRES, MORE OR LESS.

END OF DESCRIPTION




 SCALE: 1" = 200'



KAW VALLEY ENGINEERING, INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 2319 NORTH JACKSON | P.O. BOX 1304
 JUNCTION CITY, KANSAS 66441
 PH. (785) 762-5040 | FAX (785) 762-7744
 jc@kveng.com | www.kveng.com

JANUARY 13, 2014
 6718EXBA_ADJ_PROPERTY

Memo

To: Hays Area Planning Commissioners
From: Nicholas Willis, Stormwater/Water Conservation Superintendent & Jesse Rohr, Planning, Inspection and Enforcement Superintendent
CC: City Manager's Office
Date: January 16, 2014
Re: Changes to the proposed irrigation regulations, Chapter 71

Enclosed is a redlined version of proposed changes to Chapter 71 as they relate to regulation of irrigation. This document shows all proposed changes to date in redline format. Changes which have been made since the December 2013 Planning Commission meeting follow:

- Enforcement in the 3 mile zone is limited to properties that will be part of new or existing development to the extent these regulations are incorporated into the platting process, so I have edited the ordinances accordingly.
- The triggers for when these changes apply to actions on a property have been clarified. Staff has attempted to make a rule which allows for the replacement of existing systems without triggering all requirements, as additional barriers to install more efficient equipment are likely to be counterproductive. Additionally, staff has attempted to remove loopholes through more specificity. See Sec. 71-1172 for these changes.
- Submission of irrigation plans only when permanent irrigation is involved should solve most of the concerns about the unintended consequence of triggering all landscape regulation requirements when an applicant is only installing an irrigation system.
- The applicability problem has been addressed by leaving the landscape plan submission requirements the same, so that residential is exempt, but making the irrigation plan requirement apply to all zoning districts.
- Language on shelter belts has been added to address the concerns on that subject.
- Definitions have been added to clarify terms which were previously undefined and open to interpretation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 71 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE VI REGARDING LANDSCAPE AND IRRIGATION PLANS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. Chapter 71, Article VI, Section 71-1172 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE ~~AND IRRIGATION~~ PLANS

Sec. 71-1172. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~(a)Cool Season Grass means a grass species that possesses a C3 photosynthetic pathway and favors the cooler weather of spring and autumn, typically going dormant in hot, dry periods without supplemental irrigation. Most cool season grasses perform better in partial to full shade conditions. Common species of cool season grasses grown in the Hays area include varieties of Kentucky Bluegrass, fine fescues, tall fescues, sheep fescues, creeping bentgrasses and ryegrasses. For the purpose of this article, native cool season grasses grown in a turf, such as western wheatgrass, will not be considered cool season grass and can be planted up to the allowable limits of warm season grasses.~~

~~(b)Significant alterations to existing development means development on improved real estate that is altered or changed in such a manner that one or more of the following is applicable:~~

(1)The ~~alteration~~ results in the construction of a building, structure or addition that increases the gross square footage of the existing development by more than 30 percent; provided that separate incremental developments below the 30-percent amount shall not be used to avoid the requirements of this section if, in

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the aggregate, the developments over a period of 18 months would meet those requirements;

(2)The estimated construction costs of the alterations exceed 50 percent of the most recent appraised fair market value of the existing property as determined by the county appraiser; provided that separate incremental developments below the 50-percent amount shall not be used to avoid the requirements of this section if in the aggregate the development over the period of 18 months would meet those requirements.

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(3)The alteration results in the construction of a new, permanent, irrigation system.

(4)The alteration results in changes to an existing permanent irrigation system that have the effect of connecting an existing irrigation system to the City's water system.

(5)The alteration increases the permanently irrigated area of an existing property by more than 400 square feet.

(6)The alteration results in the replacement of existing vegetation or parts of existing vegetation in any proportion which requires additional supplemental irrigation once established.

(7)The alteration results in the replacement of permanent irrigation system components responsible for irrigating greater than 50% of an existing irrigated area on a property.

(c)Significant alterations to existing development do not include the following:

(1)The replacement of permanent irrigation system components responsible for irrigation of 50% or less of an existing irrigation system, so long as the vegetation type does not change to vegetation requiring additional supplemental irrigation, once established.

(2)The replacement and/or movement of sprinkler heads without the expansion of existing irrigation, so long as vegetation type does not change to vegetation requiring additional supplemental irrigation, once established.

(3)Irrigation systems connected to privately owned wells under non-domestic water rights in good standing with the State of Kansas.

(4)Irrigation systems used to serve public properties.

(5)Irrigation systems constructed, altered or repaired in connection with an audit or rebate program.

(d)Warm Season Grass means a grass species which possesses a C4 photosynthetic pathway and favors warmer weather of summer. These grasses typically stay dormant until adequate warmth has reached the soil and air and again go dormant when cold temperatures arrive in autumn. Most warm season grasses perform best in areas with little or no shade. Perennial varieties will typically enter dormancy during drought. Most warm season grasses used for turf in the Hays area require significantly lower amounts of supplemental irrigation to maintain vigor. Common species of warm season grasses grown in the Hays area include varieties of buffalo grass, Bermuda grass and blue grama grass. Zoysia grass varieties are now being grown near Hays and may become more common locally.

(e)Vegetation requiring additional supplemental irrigation once established refers to the removal of existing vegetation when that vegetation is replaced with vegetation types with greater water needs than the existing vegetation. Appropriate horticultural and turf literature will be referenced to determine specific cases, but in general, the following are common examples: replacement of warm season grass species with cool season grass species and replacement of a xeriscape with a cool season grass species.

(f)Xeriscape or xeriscaping means a method of landscaping which requires little to no supplemental irrigation once the vegetation is established. Plants used in xeriscape must be well adapted to the extremes of the local climate, particularly drought, high solar radiation, wind gusts and low winter temperatures. Xeriscape may be constructed with many types of groundcover, including 100% ground coverage with living plants or individual and group plantings surrounded by mulches and the incorporation of decorative rocks and gravels. Weed barriers must be made of water-permeable material. Xeriscape includes traditional hardscapes such as sidewalks, decks, driveways and patios only if they incorporate vegetation.

Section 2. Chapter 71, Article VI, Section 71-1173 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1173. Submission.

Concurrent with the submission of and as part of the approval of a site plan, if required, and prior to the issuance of a building permit for any development on unimproved real estate, excluding structures for agricultural uses, and for significant alterations to existing development on improved real estate, a landscape plan shall be submitted to and approved by the planning/inspection staff. If permanent irrigation will be used, an irrigation plan must also be submitted to and approved by the planning/inspection staff. The proposed plans may be forwarded to either the planning commission, or the appropriate governing body, or both, for approval, if in the judgment of planning/inspection staff, it is inconsistent with the comprehensive plan, the landscaping process or the zoning and subdivision regulations.

Deleted: landscaping

Section 3. Chapter 71, Article VI, Section 71-1174 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1174. Applicability.

(a)The requirement for a landscape plan shall apply to the following zoning districts: R-3A, R-4, M-P, M-S, C-O, C-1, C-2, C-3, B-P, I-1, and I-2.

(1)Single-family dwellings and two-family units are expressly exempted from this requirement.

(2)In the case of conflict between the regulations in this chapter and the regulations of the particular zoning district, the stricter application shall apply.

(b)The requirement for an irrigation plan shall apply to all zoning districts.

Section 4. Chapter 71, Article VI, Section 71-1175 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1175. Approval criteria.

In addition to the criteria contained elsewhere in this chapter, the following criteria shall be considered when reviewing a plan submitted under this article:

Deleted: landscape

(1)The maintenance of the City's quality, heritage and character by enhancing the visual appearance of the community through the use of landscaping materials and techniques;

(2)The provision of greenery to visually soften paved areas and buildings;

(3)The establishment of optimal environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, retardation of stormwater runoff, abatement of noise, glare and heat;

(4)The replenishment of native trees by utilizing plant materials that are generally native or hearty for the region;

(5)The screening of certain unsightly equipment or materials from view of persons on public streets or adjoining properties;

(6)The buffering of uncomplimentary uses;

Deleted: uncomplimentary

(7)The prevention of light pollution and intrusion;

(8)The preservation of and protection of existing quality trees and natural landscape from destruction and removal.

(9)The conservation of the City's water resources.

Section 5. Chapter 71, Article VI, Section 71-1176 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1176. Requirements and contents.

Two copies of a plan shall be submitted. The plan shall contain the following information:

Deleted: Five
Deleted: the landscape
Deleted: landscape

- (1) A north arrow and scale;
- (2) The location of all proposed landscape materials, including existing trees proposed to be saved;
- (3) A listing of the proposed plant materials indicating the type, number and size at the time of planting;
- (4) The location of proposed structures and parking areas showing the type of surfacing;
- (5) The location, type and size of all aboveground and underground utilities;
- (6) Topography and final grading adequate to specify plantings for sloping areas;
- (7) Proposed plans for provision of water to plant materials including the location of permanent irrigation systems, the scope of irrigation system work proposed, the dimensions of any existing or proposed irrigation system and the name and address of the designer and installer performing the work on the irrigation system;
- (8) The types of materials to be used in any permanent irrigation system, including manufacturer submittals;
- (9) Conformance to the requirements for required landscaping for front yards;
- (10) Conformance to the requirements for required buffers;
- (11) Conformance to the requirements for parking lot screening;
- (12) Conformance to additional other landscape standards;

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Deleted: 11

(13) Any other provisions applicable to the project, including measures to be taken during construction to protect existing trees to be saved or plans requiring excavation or construction within street right-of-way or utility easements.

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(14) Any other relevant or pertinent information requested by the City.

Section 6. Chapter 71, Article VI, Section 71-1177 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1177. Required landscaping.

Deleted: for front yards

(a)The minimum amount of landscaped area of covered zoning districts and uses when located adjacent to public streets shall be as follows:

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(1)On a zoning lot with an average depth of 150 feet or less, ten square feet of landscaped yard per lineal foot of street frontage.

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(2)On a zoning lot with an average depth of more than 150 feet but less than 250 feet, 15 square feet of landscaped yard per lineal foot of street frontage.

Deleted: front

(3)On a zoning lot with an average depth of more than 250 feet, 20 square feet of landscaped yard per lineal foot of street frontage.

Deleted: front

(b)The applicant for the building permit shall plant a minimum of one shade tree, two evergreen trees, or three ornamental trees for every 500 square feet of landscaped yard.

Deleted: front

(c)The following design standards shall apply to required landscaping and trees in yards:

Deleted: front

(1)Trees shall be selected from the recommended tree list for the City.

(2)The minimum size at the time of planting of required trees shall be as follows: shade trees, 1½-inch caliper measured six inches above the ground; ornamental trees, one-inch caliper measured six inches above the ground; evergreen trees, five feet in height.

(3)Trees shall be located in planter areas of sufficient size to allow for growth, to prevent damage from vehicles, and to avoid unnecessary maintenance to structures, walks and drives. A minimum of 25 square feet of permeable area around each tree is recommended.

(4)Adequate distance between individual trees shall be provided; minimum spacing should be 15 feet for ornamental trees and 30 feet for shade trees.

(5) Shrubbery may be substituted for up to one-third of required trees at the rate of ten shrubs per one required tree. Substitute shrubbery shall attain a mature height of at least two feet and shall be placed in no less than a two-gallon container size at the time of planting.

(6) The required trees and shrubs may be located in adjacent public rights-of-way, if approved by the zoning administrator, if there are no conflicts with utilities and if the plantings are in accordance with [Section 68-57](#). No tree shall be planted between the curb and the sidewalk if the clear space is less than four feet wide.

(7) No landscaping tree or shrub shall be placed in a way that the zoning administrator determines is an obstruction to visibility, extends into a sight distance triangle, as set forth in these regulations, or is otherwise a traffic hazard.

(8) Shelter belts are permissible when necessary to protect improvements to real property from wind and when they are established in a fashion that does not require frequent irrigation. Shelter belts shall use drip system irrigation, no overhead irrigation, for the subsistence of the trees only.

Section 7. Chapter 71, Article VI, Section 71-1181 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1181. Maintenance.

The maintenance requirements for all landscaped areas shall be as follows:

(1)The landowner is responsible for the maintenance of all landscaped areas and shall keep them in a proper, neat and orderly appearance and free from litter and debris at all times.

(2)Maintenance shall include mowing, trimming, weeding, mulching, restaking, pruning, fertilizing, disease and insect control, irrigation and other necessary operations.

(3)For residential properties of four units or fewer, the maximum area served by the irrigation system shall not exceed 10,000 square feet. Of that 10,000 square feet, no more than 5,000 square feet may be comprised of turf. Of the 5,000 square feet of turf, no more than 2,000 square feet may be comprised of cool season turf, unless the area is not permanently irrigated.

(4)For all other properties, the maximum area served by the irrigation system shall not exceed 10,000 square feet. Of that 10,000 square feet, no more than 5,000 square feet may be comprised of turf. Of the 5,000 square feet of turf, no more than 30% of the property area (less impervious surface area) or 2,000 square feet per zoning lot, whichever is less, may be comprised of cool season turf. A minimum of 30% of the landscaped area must be xeriscaped.

(5) Irrigation systems shall be designed and operated to avoid watering impervious surfaces and streets and shall comply with all applicable codes. Overhead irrigation methods shall not be used within five feet of driveways, sidewalks or other hard surfaces. Landscape designers and property owners are encouraged to utilize xeriscaping and take advantage of its watersaving principles and practices.

Deleted: All landscaped areas shall be provided with a permanent water supply, except as otherwise shown on the landscape plan as approved.

(6) The city shall have the authority to require that all dead trees, shrubs and plants be replaced during the next planting season.

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(7) All landscaping shall be subject to periodic inspection by the zoning administrator or an authorized representative, to determine compliance with the approved plan(s) and the requirements of this section. When the landscaping or permanent irrigation system has not been installed, maintained or replaced to comply with the plan(s) and other requirements, a written corrective order shall be issued to the alleged violator. The order shall specify the parts of this article that are alleged to have been violated. Removal of any required landscaping or permanent irrigation system is prohibited at any time unless just cause is demonstrated by the owner and approval given by the zoning administrator or authorized representative.

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Section 8. Chapter 71, Article VI, Section 71-1183 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1183. Assurance of performance.

(a)*Performance Agreement; Bonds.* If a site plan performance agreement is not required, the governing body shall require a landscape plan performance agreement to guarantee compliance and completion of the landscape plan requirements for the parcel as provided in the landscape plan as approved. In addition, the governing body may require alternate forms of performance assurance, such as a performance bond, escrow bond, or some other form of surety acceptable to the governing body if the landscape plan is to be developed in phases, allowing temporary occupancy of a portion of the site, or if the governing body determines that other aspects of the landscape plan require alternate performance assurance.

(b)*Certificate of Occupancy.*

(1) Prior to the issuance of a certificate of occupancy, for any structure where landscaping is required ~~or a permanent irrigation system was installed~~, except as provided in subsection (b)(2) of this section, all work indicated on the approved ~~plan(s)~~ shall be completed, inspected and approved by the zoning administrator. Prior to approval, the quantities, locations, types and sizes of plants and other landscape materials shall be checked for compliance.

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(2) A landowner may obtain a temporary certificate of occupancy for a structure prior to completion of required landscaping work if completion is not possible due to seasonal or weather conditions and if acceptable assurances are submitted guaranteeing the completion of such landscaping. The acceptable assurances, such as an irrevocable letter of credit, performance bond, certified check, or escrow account, shall be equal to 125 percent of the cost to complete the landscaping work and shall be accompanied by a written agreement assuring that such landscaping will be completed prior to the expiration date of such assurance. If an inspection reveals that such landscaping work is not completed prior to the expiration date of such assurance, the governing body shall utilize such assurance to pay for the completion of the landscaping work.

Section 9. Chapter 71, Article VI, Section 71-1184 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1184. Recording of landscape plans.

Following the approval of a landscape plan, a statement will be recorded with the register of deeds acknowledging that a landscape plan has been approved for the property. The recorded statement shall contain the following information:

- (1) A legal description of the property;
- (2) A specification of the nature of the plan by identifying the zoning districts which apply to the property;
- (3) A statement that the restrictions on development established by the landscape plan shall be binding upon all successors and assigns unless amended in conformance with this article.

Section 10. Chapter 71, Article VI, Section 71-1185 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 71

ZONING

ARTICLE VI. LANDSCAPE AND IRRIGATION PLANS

Sec. 71-1185. Period of validity for landscape plan approval.

Final plan approval by the governing body shall not be valid for a period longer than 12 months from the date it is approved, unless within such period a building permit is obtained and all additional building permits necessary to complete the project, as approved in the final plan completion schedule, are obtained in a timely fashion as determined by the zoning administrator. The governing body may grant an extension not exceeding 12 months upon written request of the original applicant and resubmission of the application. However, the governing body has the power in such cases to attach new conditions to its reapproval or to disapprove the reapplication.

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Section 11. The ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

PASSED by the Commission on _____, 2014.

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KENT L. STEWARD
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk
(SEAL)