

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
FEBRUARY 16, 2015
6:30 P.M.

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

2. **CONSENT AGENDA.**

A. Minutes of the regular meeting of January 19, 2015.

Action: Consider approving the minutes of the January 19, 2015 meeting

3. **PUBLIC HEARING ITEMS.**

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 a recommendation to the City Commission for the rezoning of the proposed Clubhouse Gardens II Addition from "A-L" Agriculture to "R-3N" Two Family Neighborhood Dwelling District.

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

A. Clubhouse Gardens II Addition

Action: Consider changes to the approved Clubhouse Gardens II Final Plat.

B. Replat of Lots 5-8, Block 3, of the North Hays Addition.

Action: Consider approval of the Replat of Lots 5-8, Block 3, of the North Hays Addition.

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
JANUARY 19, 2015
MINUTES
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met at their regularly scheduled meeting on Monday, January 19, 2015 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:

Present Paul Phillips Lou Caplan Matthew Wheeler Travis Rickford
Tom Denning Pam Rein Justin McClung Kris Munsch

Absent: Jake Glover

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

2. CONSENT AGENDA:

A. Minutes: Lou Caplan moved, Kris Munch seconded the motion to approve the minutes from the December 15, 2014 meeting with one correction "Paul Phillips adjourned the meeting".

Vote: AYES Paul Phillips Lou Caplan Matthew Wheeler Travis Rickford
Tom Denning Pam Rein Justin McClung Kris Munsch

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: Paul Phillips informed the commission and audience, that per the Open Meeting Act by Kansas Law, the first part of the hearing would be a public hearing. After the public hearing, it would be closed for the commission members to discuss the issues relative to the case. There will be two motions; one on approval/disapproval of Staff Findings of Fact and then the substantive motion for the recommendation to the City Commission.

Jesse Rohr presented a power point presentation showing the location of the property and zoning of the surrounding properties. He explained that the applicant is requesting to rezone Lots 7 thru 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 zoning uses could be for single family or duplexes.

The Comprehensive Plan is looked at for each rezoning request and it identifies this property for "Civic Use" because it was previously owned by the school district for a proposed school site. Because it is now privately owned, the zoning of the surrounding properties are used to determine the best use; thus the reason for this request.

The adjacent properties are zoned as follows:

South - "R-1" Single Family Dwelling to the south
North - "R-4" Multi-family Dwelling and "R-2" Single Family Dwelling
West - "R-4" Multi-family Dwelling
East - Seven Hills Park (Zoned "R-1")

On November 17, 2014, the Planning Commission recommended approval of the proposed plat that will go before the City Commission with the recommendation of the rezoning. The development would include the construction of 34th Street and water and sewer utilities.

Based on the considerations for Staff Findings of Fact, specifically the zoning is compatible to the surrounding properties and it is in conformance with the comprehensive plan, staff recommends approval of the change of zoning.

Paul Phillips informed the commission and the audience that all potential uses allowed and exceptions within the "R-3" zoning district per the zoning and subdivision regulations are to be considered. He read some of the potential uses allowed within this zoning district. He pointed out, that even though they do not expect anything different than the proposed plan, all potential uses and exceptions should be considered.

Paul Phillips asked if there were any comments from the audience.

Jennifer Wittman, 3301 Elm St, came before the board asking what about the lots that may not be developed such as the lots adjacent to a high traffic area (33rd Street). She voiced concern that rezoning the interior lots would make it easier to rezone the exterior lots to duplexes in time. She thought this was a way to slide in a change of zoning on the exterior lots.

Paul Phillips explained that the exterior lots are zoned "R-1" Single Family Dwelling. They are not included in the rezoning request. The rezoning process would be the same as this process if there would be a request for a zoning change.

Connie Leikam, 510 W 33rd Street, came before the board to voice her concerns of safety of the children that use the park because of the potential of increased traffic. When there are games at the park, there are already concerns of traffic as

children cross in between the parked cars. Traffic travels fast on 33rd Street; a thru street that has no stop sign.

She is also concerned there will be a decrease of property values.

Carol Shepherd, 3303 Elm Street, came before the board to voice her opposition against having the alleys. She was concerned this would make the lots smaller and discourage people from purchasing them. She asked if there could be green space rather than a dirt alley.

Jesse Rohr explained that the alleys were platted because the existing utilities are located in the back of the lots. The plat has been recommended for approval by the Planning Commission.

The lots on 33rd Street and 35th Street are equal in size to the lots across the street to maintain the same feel for the neighborhood. The interior lots are slightly smaller (68' to 70' wide), although the buildable area would be enough room for a standard duplex.

She asked if the owners would be building the homes or if they would be spec homes. John Ziegler, owner, explained to the audience that the lots are for sale. The reason for the alley is a buffer between the single family and two-family. He stated that he would be building a personal home, but they would be selling the lots. Generally there will be fences around the properties.

She also asked if there was a similar project in the city she could look at to visualize this project. Jesse Rohr answered that there is a similar development under construction on E 17th between Anthony and Harvest north of the Oak Park medical park.

Jane Kohtz, 404 W 35th St, came before the commission asking if the houses would be built one at a time or all at one time. She asked about the heavy equipment used on the project; she was concerned of the noise and safety of the children. She asked if there were any rights by citizens to contest this type of project.

She stated that when they purchased their property, they were told it would be a school site. She was more in favor of that then single family and duplexes.

Mr. Ziegler answered that the only large equipment would be that used to construct the street and alley. The houses would be built as the lots are sold. There have been a lot of inquiries about lots for duplexes.

Warren Kohtz, 404 W 35th St, came before the board to ask what the reason was for needing a buffer between the single family and two family dwellings. John Ziegler answered that they feel it will be more appealing with the alley.

Alan Moore, developer, came before the commission to share the history of the subdivision. The subject property was originally platted with the zoning classification of "R-4" Multi-Family. Everything north of 36th Street was originally zoned "R-4" Multiple Family Dwelling District. In the 1980's there was a decrease in building for multi-family and a demand for single family. The Commission agreed to rezone the remainder of the north side of 35th Street in that area to "R-2" Single Family. The subject property was zoned "R-1" Single Family because of the demand for larger lots.

He said they wish to maintain and add to the property values with this development. With alley access there is the opportunity for an additional garage.

This project provides the opportunity to meet the demand for two family housing.

Kevin Fross, 515 W 35th St, asked if there will be special assessments to the homeowners when they develop the streets and alleys. The property taxes are plenty high.

Jesse Rohr answered that there will be no specials to the surrounding property owners. The developer is paying for the infrastructure at 34th Street.

James Wittman, 3301 Elm Street, came before the board to voice his opposition to the rezoning request that would add 24 residences to the one block on the extension of 34th Street. It is not a good place to put duplexes; it is not developed for a lot of traffic in a small space.

He was in favor of leaving it zoned "Single Family" and because there is a park adjacent to the property, there would be no problem selling the lots.

Jesse Rohr noted that there would have been increased traffic if it had developed to a school.

Carol Shepherd pointed out that with school traffic, it would be only in the mornings and evenings. There would be no traffic in the summer. She reiterated that she was against alleys and in favor of green space.

Pam Rein asked why alleys were platted. She asked if alleys are discouraged per the comprehensive plan. Jesse Rohr answered that the comprehensive plan is silent in the preference about alleys. The biggest reason for the alleys in this development is they would have to tear up 33rd and 35th Street to put in the utilities and the developer preferred alleys. The development policy allows alleys.

Travis Rickford asked if there was a cost study analysis on alleys versus green space.

I.D. Creech answered that the city does have to maintain two access points for each alley. Alleys are allowed in the current development policy. If there are no alleys to maintain, there are wider streets to pave. In this development, the utilities

were left in back to avoid tearing up 33rd and 35th street to put them in the front. There has been discussion if they will be allowed in the future and if lots would be smaller.

Jesse Rohr added that one reason to have alleys is to handle the drainage issues.

Paul Phillips asked for the staff findings of fact. Jesse Rohr explained that the 8 considerations were listed in their packet. Staff's recommendation is to approve the rezoning based on compatibility of the zoning of the surrounding properties and it is in compliance with the comprehensive plan.

Paul Phillips closed the public hearing.

Travis Rickford stated that the comments on accessibility and traffic issues for the concern for the safety of the children using the park and walking to school resonates concern with him. As a homeowner that lives close to duplexes, he is anxious because of that and can see their point of view.

Justin McClung stated that he agreed with the concern of increase to the high traffic volume along 33rd Street.

Kris Munsch stated that it does cost a lot of money to develop property. He said he understood the traffic issues.

He explained that anytime there is change from an empty lot, even if to single family, there is a change to the neighborhood. It would be different no matter how that area would be developed. He stated that it could not be developed any better than what is proposed. This development should attract some nice homes. The fact that John Ziegler plans to build himself a home on the development shows he has personal interest in the area. He did not believe there would be any problem with development of the outside lots; he thought they would be bought up quickly.

Lou Caplan explained that infill development tends to keep the cost down because the streets are in and there are no additional city services.

Matthew Wheeler, stated that per the educational presentation, one of the interesting facts from the city the last 30 years was the increased size by 50%, although the population increased only a little over 18% to point out the cost of urban sprawl. Infill projects are a better use of tax dollars.

Travis Rickford concurred about the value of infill projects; although accessibility and increased traffic will pose a safety concern for the children is his main concern with this proposed zoning.

Paul Phillips entertained a motion on Staff Findings of Fact.

Pam Rein moved, Lou Caplan seconded the motion to approve Staff Findings of Fact.

Vote: AYES Paul Phillips Lou Caplan Matthew Wheeler Travis Rickford
Tom Denning Pam Rein Justin McClung Kris Munsch

The substantive motion:

Matthew Wheeler moved, Pam Rein seconded the motion to recommend to the City Commission to approve the change of zoning classification of Lots 7 thru 20 of the proposed Z M M Development from "R-1" Single Family Dwelling District to "R-3" Two Family Dwelling District based on compatibility of the zoning to the surrounding properties and it is in conformance with the comprehensive plan and as of the overall discussion, it meets the need of infill opposed to expanding the City.

Travis Rickford explained that he would be voting against this zoning change because of the "Safety Concern".

Vote:

AYES Paul Phillips Lou Caplan Matthew Wheeler Justin McClung
Tom Denning Pam Rein Kris Munsch

Nay: Travis Rickford

Jesse Rohr explained that this is the recommending body; there are still additional steps. The rezoning request and final plat for this development will go before the February 5, 2015 City Commission work session for discussion and the action meeting on February 12, 2015.

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: Jesse Rohr presented a power point presentation showing the location of the subject property and zoning of the surrounding properties on the overhead visual. It is located off of Clubhouse Drive at 33rd and Hall Street.

He explained that this would be a motion to set a public hearing for the February meeting from a request by the applicant to rezone the subject property from "A-L" Agriculture to "R-3N" Two Family Neighborhood. The difference between "R-3" Two-Family Dwelling and "R-3N" Two Family Neighborhood is that there is a lesser setback.

The proposed plat was recommended for approval by the Hays Area Planning Commission at the December, 2014 meeting. The recommendation on the rezoning and the final plat would go together before the City Commission.

The surrounding zoning districts are:

- West – “R-3N” Two Family Neighborhood - phase I of Clubhouse Gardens
- South – “R-1” Single Family Dwelling District
- North – “R-1” Single Family Dwelling District
- East – “R-4” Multiple Family Dwelling District

Pam Rein noted that the street is a private drive on the proposed plat. She asked if it would revert to the city if it is not properly maintained. Jesse Rohr answered that there will be a Homeowner’s Association that will maintain the private drive as per the language in the Plat and Dedication; although there are methods for the city to take over the private streets.

Lou Caplan asked if they will add to the Homeowner’s Association from phase I or create a separate Homeowner’s Association for this property. It was unknown.

Paul Phillips asked if the streets around Van Doren pond were private streets. I.D. Creech answered that they are private streets. Those streets were asphalted by special assessment to the property owners and the city.

Jesse Rohr noted that the city accepted Greenbrier Lane that was originally a private drive built and maintained by the Country Club.

Kris Munch moved, Travis Rickford seconded the motion to set 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.

Vote: AYES	Paul Phillips	Lou Caplan	Matthew Wheeler	Travis Rickford
	Tom Denning	Pam Rein	Justin McClung	Kris Munsch

Paul Phillips asked if the surrounding property owners would be notified of the public hearing. Jesse Rohr explained there will be a publication in the paper and a copy of it will be mailed to the residents within 200 feet of the subject property.

5. OFF AGENDA ITEMS/COMMUNICATIONS:

A. Strong Towns: Jesse Rohr referenced the presentation by the Assistant City Manager last month on “Strong Towns” to explain that they would be hearing more about this topic as they move forward with some things.

He had e-mailed a link to a video on “Strong Towns” to the Commission.

Tom Denning stated that he said he had watched the video and agreed there were some good ideas; although was not sure it would work if residents want something the city is not offering. They will go somewhere to pay for something for the price they want to pay.

Jesse Rohr stated that he would appreciate any comments or suggestions from the commission.

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

The City Commission did approve the annexation and the rezoning from "A-L" Agriculture to "C-2" General Commercial & Service District for Lots 5 and 6 of North Hays Addition at 48th and General Hays Road.

C. Construction of 41st Street - Island at 41st Street and Thunderbird Drive:

Pam Rein asked about the island on 41st Street at Thunderbird Drive. J.D. Creech explained that it is a "Safe Haven" for the pedestrian traffic crossing 41st street so you can walk half way across and wait for traffic before continue to cross the street.

Travis Rickford stated that 41st Street is looking really nice.

D. Update on the Zoning and Subdivision Regulations Rewrite: Jesse Rohr explained that there will be a revised schedule soon. Module 2 is still under staff review.

Bret Keast, President of Kendig Keast, Consultant for the update, will be taking the lead on the project since the former project manager, Matt Bucchin, has moved and has joined another firm.

They want the public to be involved as much as possible.

6. ADJOURNMENT: Pam moved, Travis Rickford seconded the motion to adjourn the meeting at 7:44 p.m approved by consensus.

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

Planning Commission Action Report

AGENDA ITEM: Rezoning Request – Clubhouse Gardens II Addition
OWNER: Paul-Wertenberger Investments
TYPE OF REVIEW: Rezoning from A-L to R-3N (Two-Family Neighborhood Dwelling District)
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
PREPARED DATE: February 11, 2015
AGENDA DATE: February 16, 2015

SUMMARY AND RECOMMENDED ACTION:

An application has been submitted to request a change of zoning from A-L (Agricultural) to R-3N (Two-Family Neighbor Dwelling District) for the Clubhouse Gardens II 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 A-L to R-3N.

BACKGROUND:

- This is infill development and is encouraged by staff as well as the Comprehensive Plan
- The property abuts existing two-family zoning (R-3N (Clubhouse Gardens I)) with R-4 (multi-family) zoning being located east across the street from the development
- 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).

POINTS TO CONSIDER:

- Staff feels the proposed layout and use of this property is the highest and best use for this property.
- The proposed rezoning request is a good fit for the property as surrounding properties are zoned R-1 (single-family), R-3N (two-family) and R-4 (multi-family) and this is an area of anticipated infill growth.
- The Comprehensive Plan identifies this area as “Low Density Residential” which rates 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).

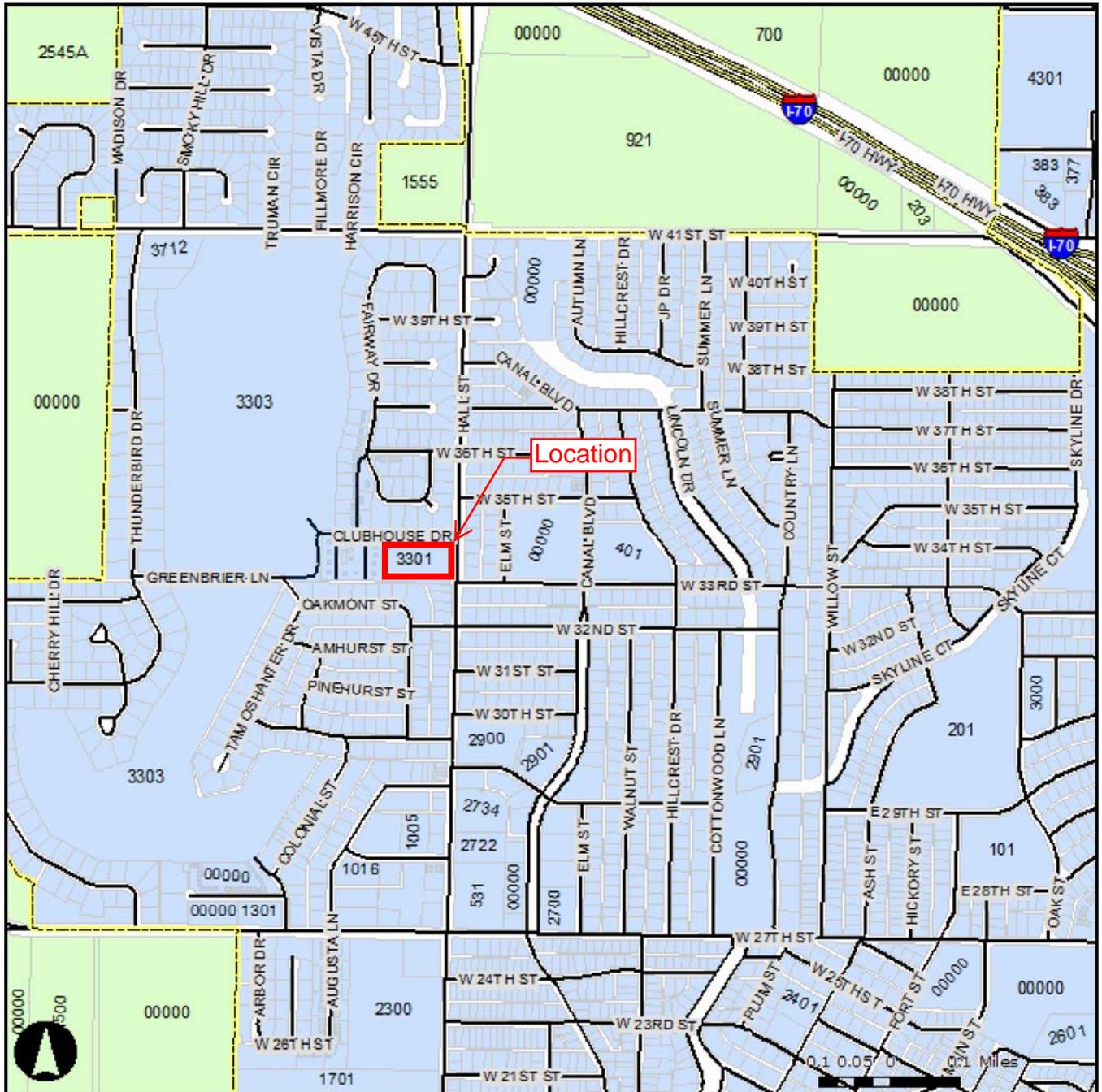
OPTIONS:

- 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 Clubhouse Gardens II from A-L (agricultural district) to R-3N (two-family neighborhood dwelling district).

Clubhouse Gardens II



Approved/Denied by Planning Commission _____

Case No. 15-01Z

Approved/Denied by City/County Commission _____

Date Filed 1-7-2015

mailings 01-28-2015

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 [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
\$140.00.

Swida K. Bjorkmann, Admin Assistant
NAME AND TITLE

Receipt # 610657

STAFF FINDING OF FACT

1. CASE NO.: **15-01Z** FILING FEE PAID: **\$140.00**
 2. DATE FILED: **01/07/2015**
 3. DATE ADVERTISED FOR HEARING: **01/25/2015**
 4. PUBLIC HEARING DATE: **02/11/2015**
 5. APPLICANT'S NAME: **Paul and Wertenberger Investments**
 6. LOCATION OF PROPERTY: **Intersection of Clubhouse Dr. and Hall St.**
 7. DESCRIPTION OF PROPERTY: **Tract in the NE/4 of Section 29-T13S-R18W**
 8. PRESENT USE OF PROPERTY: **Partially vacant with the exception of one existing residential dwelling**
 9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"R-3N"**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Single Family Dwelling District**

SOUTH: **Single-Family Dwelling District**

EAST: **Multi-Family Dwelling District**

WEST: **Two-Family Neighborhood District (Clubhouse Gardens Phase I)**
2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **"R-1" Single Family Dwelling District**

SOUTH: **"R-1" Single Family Dwelling District**

EAST: **"R-4" Multi-Family Dwelling District**

WEST: **"R-3N" Two-Family Neighborhood District (Phase I of Clubhouse Gardens)**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: **The area is identified on the Future Land Use map as low density residential. However, the area is bordered by existing R-3N zoning, with R-4 (Multi-family) zoning to the east across Hall St. It would be well suited for traditional single family housing OR single-family attached dwellings (duplexes). The property closest to Hall St (a classified arterial) is better suited for uses other than single-family dwellings.**

4.

A. DEDICATION OR RESERVATION NEEDED FOR:

1. DRAINAGE: **N/A**

2. STREETS: **No**

3. UTILITY EASEMENTS:

a. ELECTRICITY: **Yes - provided**

b. GAS: **Yes - provided**

c. SEWERS: **Yes - provided**

d. WATER: **Yes - provided**

4. SHOULD PLATTING BE REQUIRED: **Platting is in process**

B. TRAFFIC CONDITIONS:

1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS:

Proposed Private Street

2. RIGHT-OF-WAY WIDTH: **N/A**

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 mostly vacant tract of land (one single-family dwelling) that would provide an opportunity for infill for the proposed construction of single-family or two-family homes since it is surrounded by existing single family and some multi-family land uses.**

5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **In the opinion of staff, changing the zoning classification from "A-L" Agriculture "R-3N " Two-Family Neighborhood Dwelling District should not have a negative affect on nearby properties.**

6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **The property has been in its current state since the adoption of 3-mile zoning regulations – 40 plus years.**

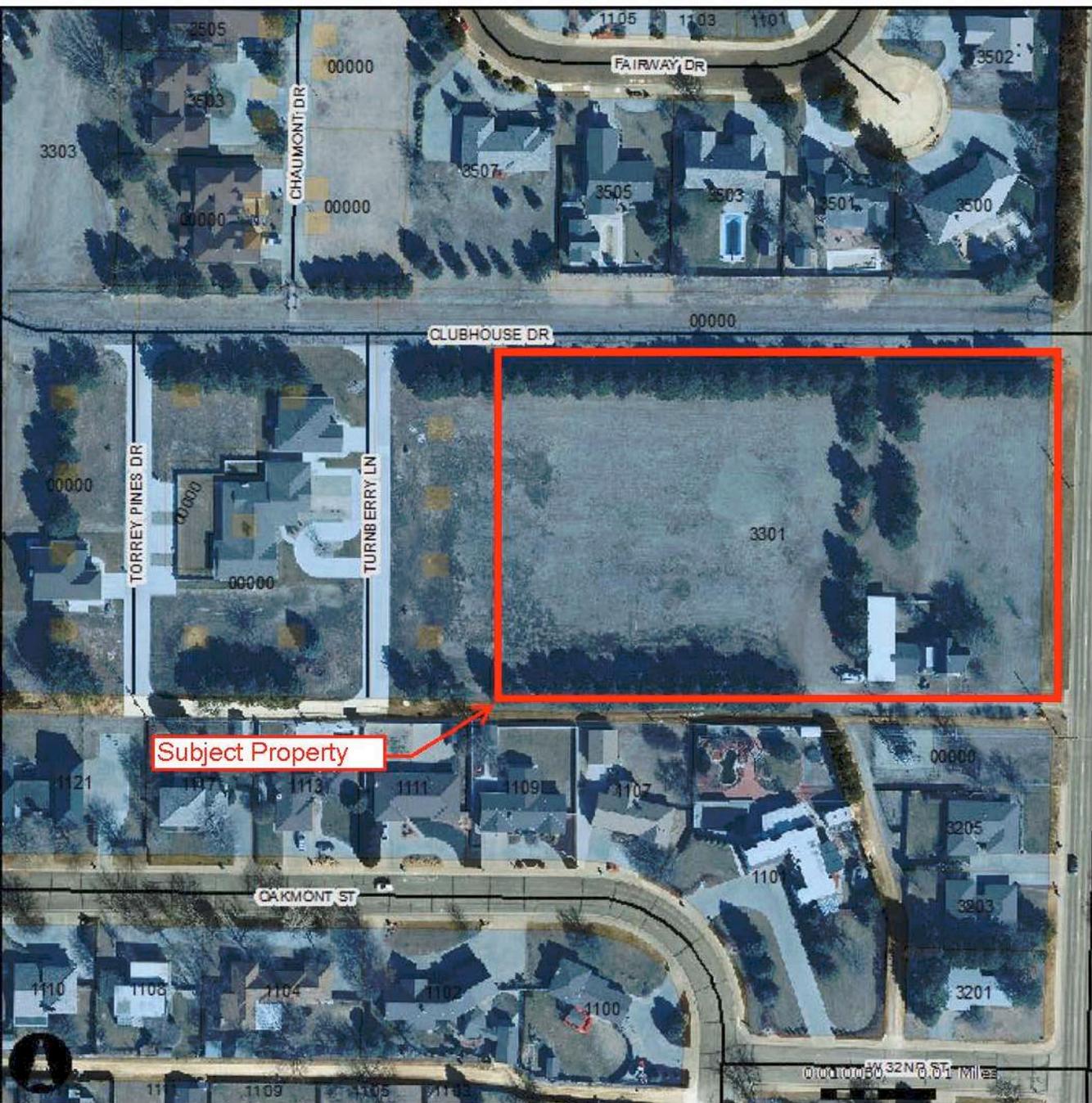
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER: **Neighboring property values typically tend to stay level or increase as**

new development takes place in adjacent areas, as long as the development stays within the character of the existing neighborhood. 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 Future Land Use map as low density residential. However, the area is bordered by existing R-3N zoning, with R-4 (Multi-family) zoning to the east across Hall St. It would be well suited for traditional single family housing OR single-family attached dwellings (duplexes).**

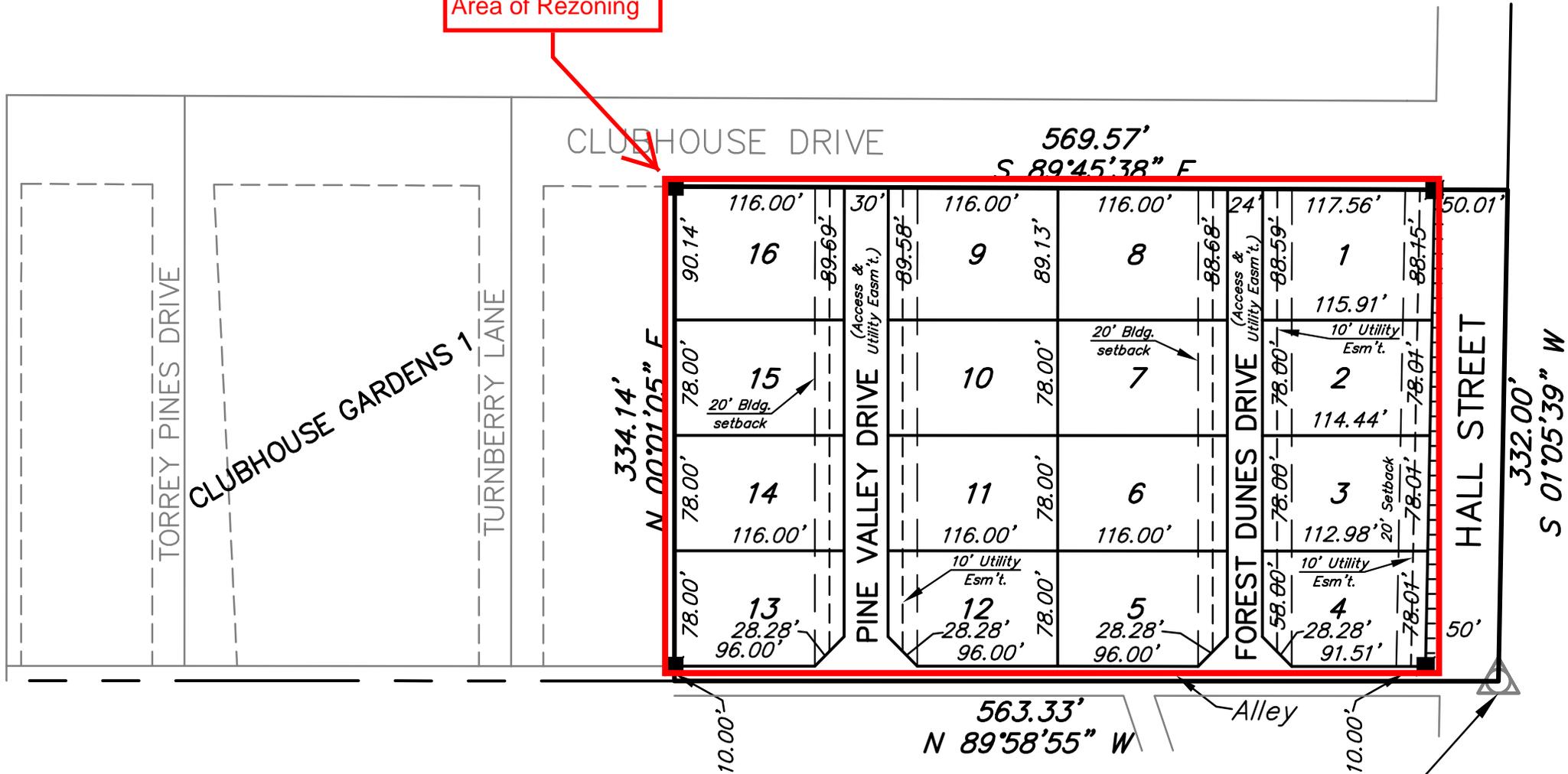
The request for the "R-3N" Single Family zoning classification does fit the overall scheme of the surrounding properties and that of the master plan. Being able to provide property for additional housing with minimal extensions of City streets or utilities is not only acceptable, but recommended. Staff does recommend the change of zoning from "A-L" Agriculture to "R-3N" Two-Family Neighborhood Zoning Classification.

Clubhouse Gardens II



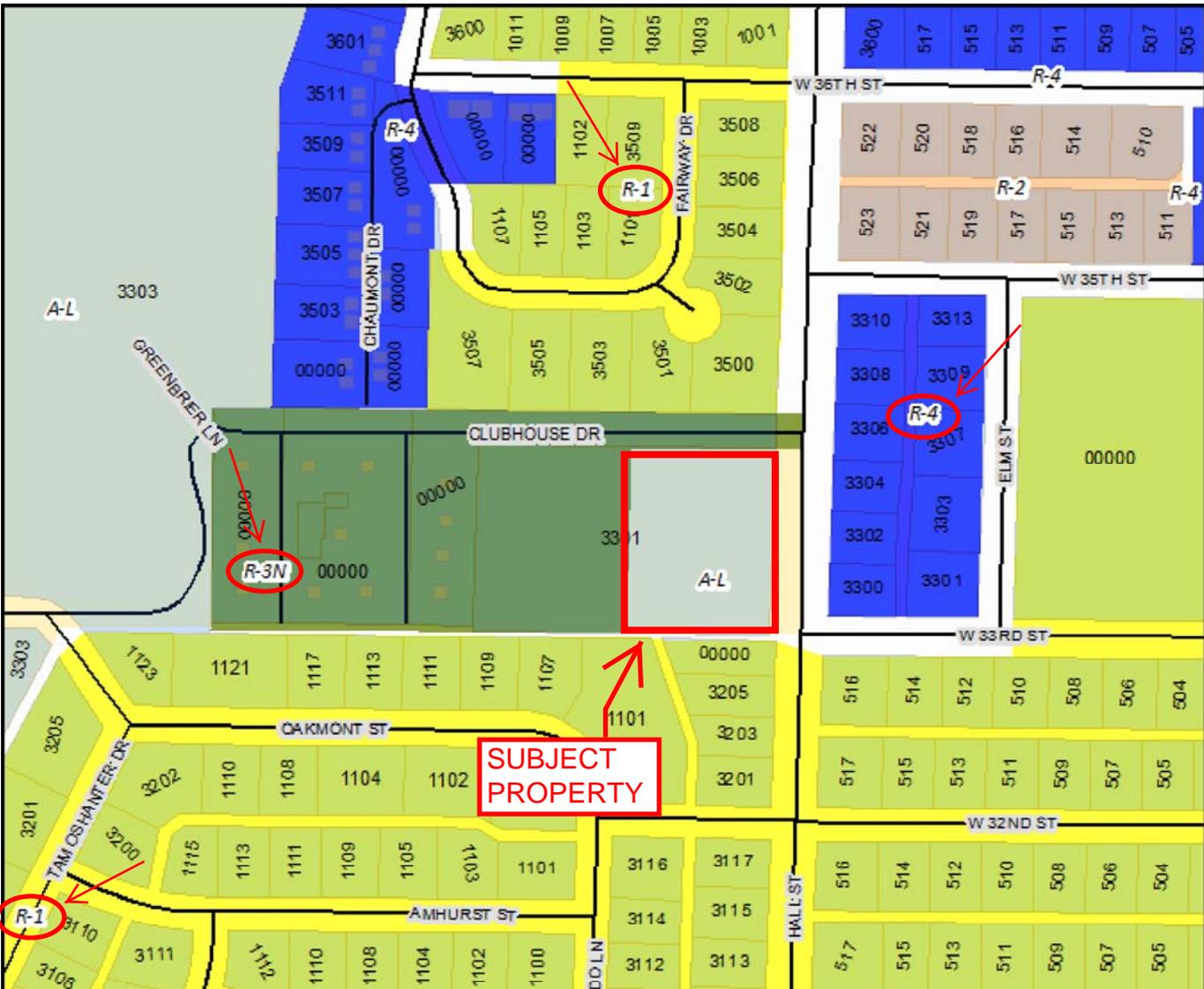
CLUBHOUSE GARDENS II

Area of Rezoning



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

Clubhouse Gardens II



(Published in The Hays Daily News January 25, 2015)

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 February 16, 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 "A-L" Agriculture to "R-3N" Two-Family Neighborhood Dwelling District on the following real estate:

That part of the Northeast Quarter of Section 29, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas described as follows:

Beginning at the southeast corner of said Northeast Quarter; thence on an assumed bearing of north 89 degrees 58 minutes 55 seconds west, along the south

line of said Northeast Quarter, a distance of 563.33 feet; thence North 00 degrees 01 minutes 05 seconds East a distance of 334.14 feet; thence South 89 degrees 45 minutes 38 seconds East a distance of 569.57 feet to a point on the east line of said Northeast Quarter; thence South 01 degrees 05 minutes 39 seconds West, along the east line of said Northeast Quarter, a distance of 332.00 feet to the point of beginning containing 4.331 acres. 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 this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Zoning Regulations will be considered by the Commission.



**THIS IS THE LIST OF PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY
THAT WERE NOTIFIED BY MAIL OF THE PUBLIC HEARING**

15-01Z

Parcel	Parcel Address	First Name	Last Name	Mailing Address	City	State	Zip
026-138-28-0-30-05-010.00-0	517 W 32ND ST	Jennifer J & Thomas J	Hallam	517 W 32nd St	Hays	KS	67601
026-139-29-0-10-01-038.13-2	3301 Turnberry Ln	P & W Development LLC		P O Box 1311	Hays	KS	67601
026-139-29-0-10-01-038.00-0	0 Torrey Pines Dr	Clubhouse Gardens Homeowners Assn Inc		P O Box 1311	Hays	KS	67601
026-139-29-0-10-01-038.09-2	3309 Turnberry Ln	Curtis A & Jennifer J	Kitson	3309 Turnberry Ln	Hays	KS	67601
026-139-29-0-10-01-038.14-2	3300 Turnberry Ln	Lynden D & Faye L	Klein	503 W 31st	Hays	KS	67601
026-139-29-0-10-01-038.15-2	3302 Turnberry Ln	Ken & Diane L	Gottschalk	P O Box 429	Hays	KS	67601
026-139-29-0-10-01-038.16-2	3304 Turnberry Ln	Ken & Diane L	Gottschalk	P O Box 429	Hays	KS	67601
026-139-29-0-10-01-038.17-2	3308 Turnberry Ln	Doug & Marcie M	Williams	1011 W 27th St	Hays	KS	67601
026-139-29-0-10-01-028.00-0	0 Fairway Dr	Chaumont Homeowners Association		3501 Unit A Chaumont Dr	Hays	KS	67601
026-139-29-0-10-01-029.00-0	3507 Fairway Dr	M & C Revocable Trust No 1		3507 Fairway Dr	Hays	KS	67601
026-139-29-0-10-01-030.00-0	3505 Fairway Dr	Thomas H & Glenn S	Alm	3505 Fairway Dr	Hays	KS	67601
026-139-20-0-10-01-031.00-0	3503 Fairway Dr	Susan F Wolf Living Trust		3503 Fairway Dr	Hays	KS	67601
026-139-29-0-10-01-032.00-0	3501 Fairway Dr	Michael A & Carla J	Hattan	3501 Fairway Dr	Hays	KS	67601
026-139-29-0-10-01-033.00-0	3500 Fairway Dr	Rex D & Deborah K	Ball	3500 Fairway Dr	Hays	KS	67601
026-139-28-0-20-10-003.00-0	3308 Hall St	Justin	Kilian	2008 Main St	Hays	KS	67601
026-138-28-0-20-10-004.00-0	3306 Hall St	Justin	Kilian	2008 Main St	Hays	KS	67601
026-138-28-0-20-10-005.00-0	3304 Hall St	P & W Residential Investmetns LLC		P O Box 1311	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
026-138-28-0-20-10-007.00-0	3300 Hall Street	Daniel N	Roberts	2918 Walnut St	Hays	KS	67601
026-138-28-0-20-10-009.00-0	3301 Elm St	James S & Jennifer	Wittman	3301 Elm St	Hays	KS	67601
026-138-28-0-20-10-009.00-0	3303 Elm St	Carol B Shepherd Trust		3303 Elm 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
026-138-28-0-20-10-012.00-0	3309 Elm st	Kenneth K	Kuhn	3309 Elm St Apt B	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
026-138-28-0-30-05-009.00-0	516 W 33rd St	Jeremy T Schumacher & Sharon Craig		516 W 33rd St	Hays	KS	67601
026-139-29-0-40-01-002.00-0	3205 Hall St	Marcus R Jr & Pauline M	Weigel	3205 Hall St	Hays	KS	67601
026-139-29-0-40-01-001.00-0	0 Hall St	Midwest Energy Inc		P O Box 898	Hays	KS	67601
026-139-29-0-40-01-005.00-0	1101 Oakmont St	Don G Jr & Millie M	Bickle	1101 Oakmont St	Hays	KS	67601
026-139-29-0-40-01-006.00-0	1107 Oakmont St	Loren J & Liana D	Pearson	1107 Oakmont St	Hays	KS	67601
026-139-29-0-40-01-007.00-0	1109 Oakmont St	Randy J & Nadine	Gottschalk	1109 Oakmont St	Hays	KS	67601
026-139-29-0-40-01-008.00-0	1111 Oakmont St	Eugene & Thelma Karlin Family Trust		1111 Oakmont St	Hays	KS	67601
026-139-29-0-40-01-009.00-0	1113 Oakmonth st	Ernest M & Mary Beth	Fisher	1113 Oakmont St	Hays	KS	67601
026-139-29-0-10-01-038.01-0	3301 Hall St	P & W Residential Investmetns LLC		P O Box 1311	Hays	KS	67601
026-139-29-0-40-02-002.00-0	1102 Oakmont St	Deanna K Doerfler Living Trust		1102 Oakmont St	Hays	KS	67601
026-139-29-0-40-02-001.00-0	1100 Oakmont St	Brian & Samantha	Butler	P O Box 1088	Hays	KS	67601
026-139-29-0-40-01-003.00-0	3203 Hall St	Rodney L & Lisa A	Marcotte	3707 Post Rd	Hays	KS	67601
026-138-28-0-20-10-005.00-0	3304 Hall St	P & W Residential Investments		P O Box 1311	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

Planning Commission Action Report

AGENDA ITEM:	Reconsider the Final Plat of Clubhouse Gardens II Addition (2 nd revision)
OWNER:	Paul & Wertenberger Investments
TYPE OF REVIEW:	Final Plat – Clubhouse Gardens II Addition
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent
DATE PREPARED:	February 11, 2015
AGENDA DATE:	February 16, 2015

SUMMARY AND RECOMMENDED ACTION:

The subject property, known as the proposed Clubhouse Gardens II Addition, was given approval by the Planning Commission in December, 2014. Prior to this item going to the City Commission for consideration, the owner/developer has requested a change in layout for one of the proposed blocks. The new draft changes the previously approved lots 9-16 (8 lots) into only 2 lots. **Staff recommends NOT approving the final plat as submitted due to concerns further explained below.**

BACKGROUND:

- The plat of Clubhouse Gardens I was approved in 2009 and is nearly built out at this time
- This revised draft contains one proposed private street that will not be dedicated and will not be maintained by the City
- The 2 large lots being considered in this draft do take the place of one of the earlier proposed private streets, therefore only one private street will be proposed within the new development
- The surrounding property primarily consists of single-family homes and the Country Club golf course.
- This is a continuation of an existing development and will complete the developable area for this property.

POINTS TO CONSIDER:

- Staff feels the proposed layout and the highest and best use for this property is as **single-family lots consistent in size to the other adjacent lots**.
- The 2 large lots are very inconsistent with the surrounding neighborhood when it comes to size. Other nearby lots are much smaller in size.
- The adopted comprehensive plan future land use map indicates this area to be low-density residential.
- Staff from the Public Works and Utilities Departments has been apprised of this proposed development. There are no known utility conflicts or issues. This plat was also taken before the Utility Advisory Committee with no issues noted. All easements as required are in place for future placement of any required utilities.
- As was done with the development of Clubhouse Gardens I Addition, sewer and water utilities will be constructed to City standards and will be accepted by the City who will then assume ownership and all future maintenance of those utilities.

PROS: (of the proposed large lot development)

- Eliminates one private street which could have an impact in the future
- Eliminates extensions of water and sewer along the eliminated street

CONS: (of the large lot development)

- Creates lots that are inconsistent with the existing neighborhood
- Inconsistent with the Comprehensive Plan concept of mixed use (too large of a discrepancy in lot size)
- Potential issues with landscape irrigation with new regulations now in place
- Less developed home sites per acre – tax base decreased

OPTIONS:

The following options are available for consideration:

- Do not approve the plat as submitted
- Approve the plat as submitted with the two large lots
- Request further changes or considerations to the plat

RECOMMENDATION:

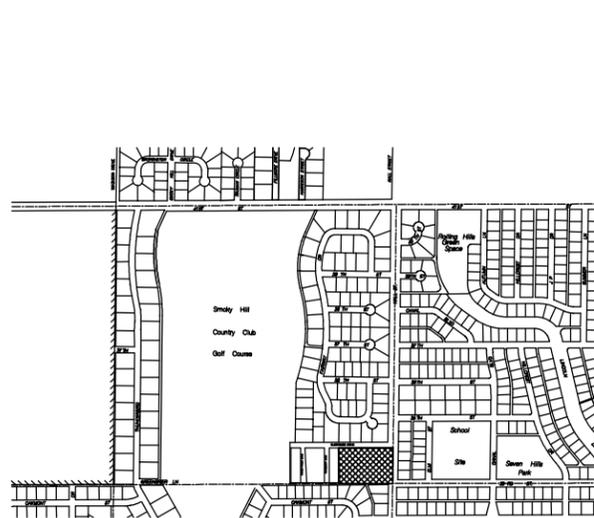
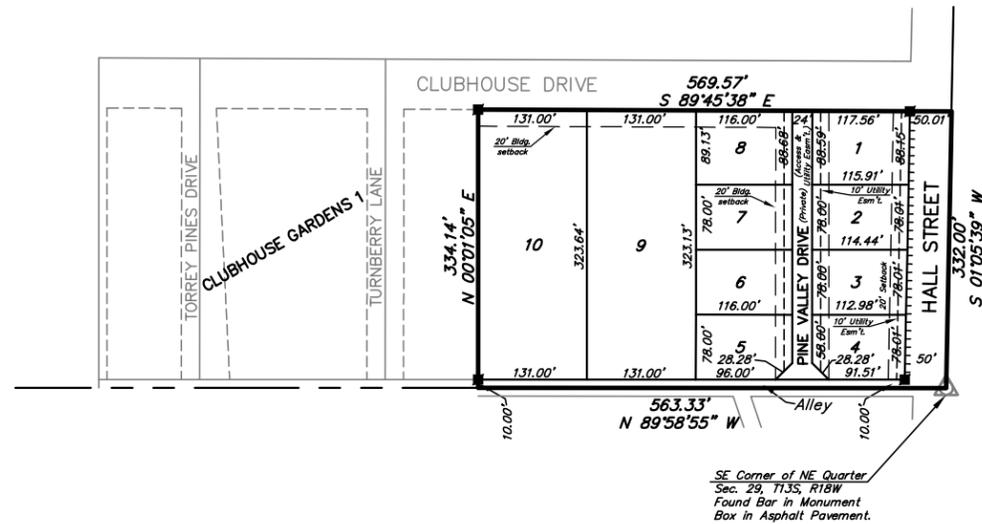
The continued in-fill of this property, as well as other properties similar to this one, should be encouraged. It allows for additional housing growth without expanding the boundaries of the City and annexing additional territory therefore reducing unwanted sprawl. However, the creation of the two large lots, each nearly one acre in size, is inconsistent with the surrounding area and may cause issues in the future that one cannot envision at this time. Due to possible issues that may arise in the future, and

having to speculate whether or not issues may arise, **staff recommends not approving this plat as submitted, but instead, keep the smaller lots as previously approved.**

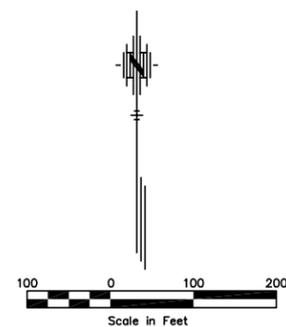
ATTACHMENTS:

- Final Plat Map
- Area Maps
- Plat Checklist

PLAT OF CLUBHOUSE GARDENS II AN ADDITION TO THE CITY OF HAYS, KANSAS



LOCATION MAP



LEGEND

■ Set 1/2" Bar w/ Cap
Stamped "RUDER RLS-918"

----- Access Control

APPROVALS:

This plat, Clubhouse Gardens II, has been submitted to and approved by the Hays Area Planning Commission this _____ day of _____, 20____.

CHAIRMAN

SECRETARY

The dedications shown on this plat accepted by the City Commission of the City of Hays, Kansas, this _____ day of _____, 20____.

MAYOR

ATTEST: _____, City Clerk

John T. Bird, Attorney for the City of Hays

DESCRIPTION

That part of the Northeast Quarter of Section 29, Township 13 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Beginning at the southeast corner of said Northeast Quarter; thence on an assumed bearing of North 89 degrees 58 minutes 55 seconds West, along the south line of said Northeast Quarter, a distance of 563.33 feet; thence North 00 degrees 01 minutes 05 seconds East a distance of 334.14 feet; thence South 89 degrees 45 minutes 38 seconds East a distance of 569.57 feet to a point on the east line of said Northeast Quarter; thence South 01 degrees 05 minutes 39 seconds West, along the east line of said Northeast Quarter, a distance of 332.00 feet to the point of beginning. This tract contains 4.331 acres.

STREETS, ALLEYS & EASEMENTS:

The Hall Street right of way and the alley as shown on this plat and not heretofore dedicated to and for public use are hereby dedicated. Easements are hereby dedicated for public use, as utility easement right-of-way, which are shown as lying between the dashed lines in widths indicated and as set forth on this plat. Said easements may be employed for the purpose of installing, repairing and maintaining water lines, sanitary sewer lines, gas lines, electric lines, telephone lines, and all other forms and types of public utilities, now or hereafter used, by the public over, under and along the strips marked "Utility Esm't."

REVIEW SURVEYOR'S CERTIFICATE:

State of Kansas, County of Ellis, ss:

I hereby certify that the review of this plat was found to be in compliance with the requirements of K.S.A. 58-2005. Approved this _____ day of _____, 20____.

OWNER'S CERTIFICATE:

Know all men by these presents, that we, the undersigned property owners of the land above described have caused the same to be surveyed and platted into Blocks, Streets, Alleys and Easements, the same to be known as "Clubhouse Gardens II", in Hays, Kansas. Hall Street and the alley are hereby dedicated to and for the use of the public, and the easements as indicated on the accompanying plat are hereby granted to the public for the purpose of constructing, operating, maintaining, and repairing all public utilities.

Paul & Wertenberger Investments, a Partnership

By Robert L. Wertenberger, Partner Steven L. Paul, Partner

NOTARY CERTIFICATE:

State of Kansas, County of Ellis, ss:
Be it remembered that on this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, came Robert L. Wertenberger, Partner, and Steven L. Paul, Partner, of Paul and Wertenberger Investments, a partnership, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my natarial seal the day and year above written.

Notary Public

My Commission Expires: _____

RECORDED:

State of Kansas, County of Ellis, ss:

This is to certify that this instrument was filed for record in the Register of Deeds Office on the _____ day of _____, 20____ in Book _____, Page _____.

REGISTER OF DEEDS DEPUTY

SURVEYOR'S CERTIFICATE:

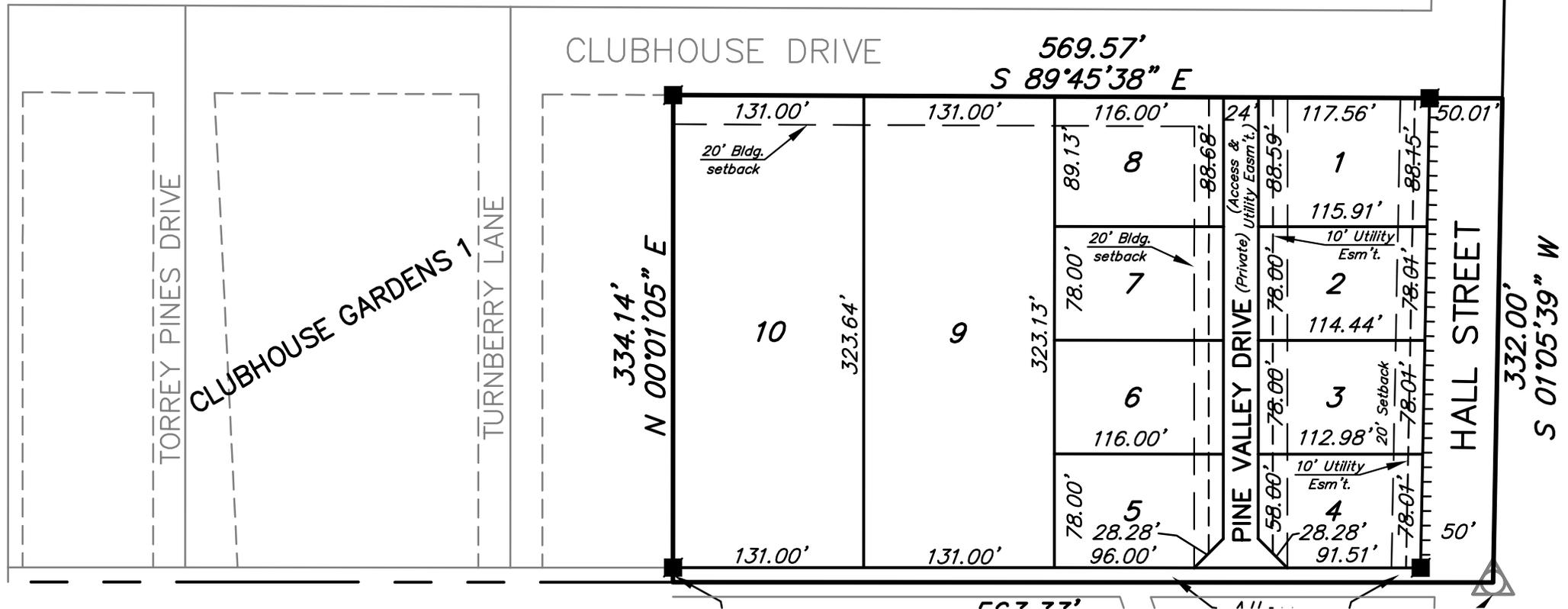
I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder Date



**RUDER ENGINEERING
& SURVEYING, LLC**
1376 Butterfield Trail Rd.
Hays, Kansas 67601
785-628-8134

CLUBHOUSE GARDENS II



Planning Commission Action Report

AGENDA ITEM: Replat of North Hays Addition (48th and General Hays Rd.)

OWNER: Miner Family Properties, LLC

TYPE OF REVIEW: Replat – North Hays Addition

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

PREPARATION DATE: February 10, 2015

AGENDA DATE: February 16, 2015

SUMMARY AND RECOMMENDED ACTION:

The subject property, known as the proposed Replat of North Hays Addition, is under consideration. The property will continue to be 2 lots; however, the lots will be oriented east/west vs. north/south. Another reason for platting will be to incorporate the “remnant” tracts into the parent tracts. Those tracts were deeded over from the City to the owner of the parent tracts. **Staff recommends approval of the replat and a favorable recommendation to the City Commission.**

BACKGROUND:

- The area of this development is within a highly desirable and developable area for commercial development.
- This property was recently annexed and rezoned to C-2 (General Commercial) (approved December 23, 2014)

POINTS TO CONSIDER:

- The plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.
- The replat changes the orientation of the existing platted lots and absorbs the currently platted remnant tracts into the parent tract.
- Staff from the Utilities Department has been apprised of this proposed development and agrees with the proposal. This plat was also taken before the Utility Advisory Committee with no issues noted. All easements as required are in place for future placement of any required utilities.

- Access to the platted lots will be controlled per the access requirements and restrictions of the current Development Policy. Access will be further reviewed as proposals for the development on specific lots are submitted.

RECOMMENDATION:

Staff recommends approving the replat as submitted and provide a favorable recommendation to the City Commission for approval of this replat.

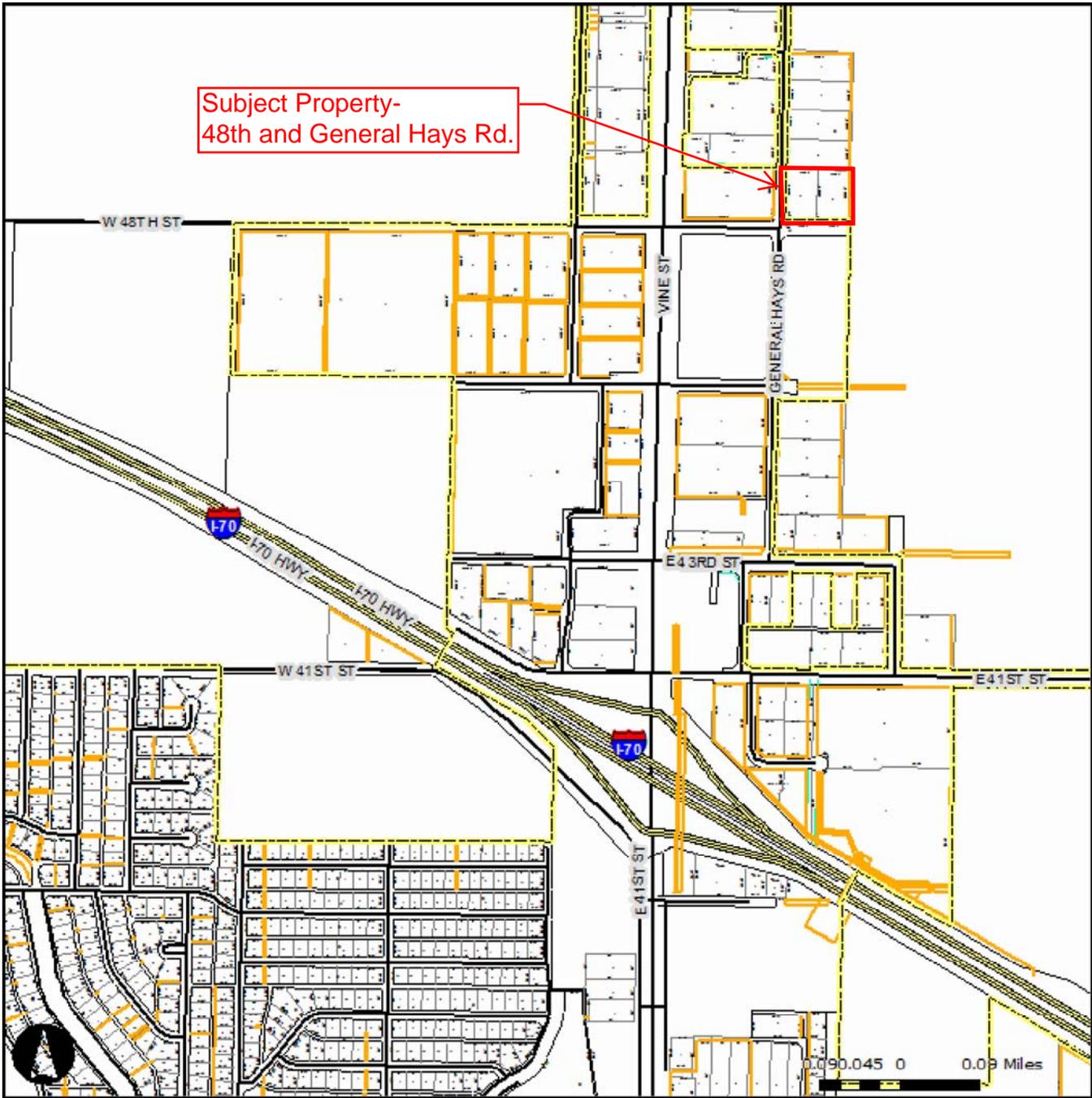
OPTIONS:

- Approve the replat as submitted
- Approve the plat with conditions or changes
- Do not approve the plat

ATTACHMENTS:

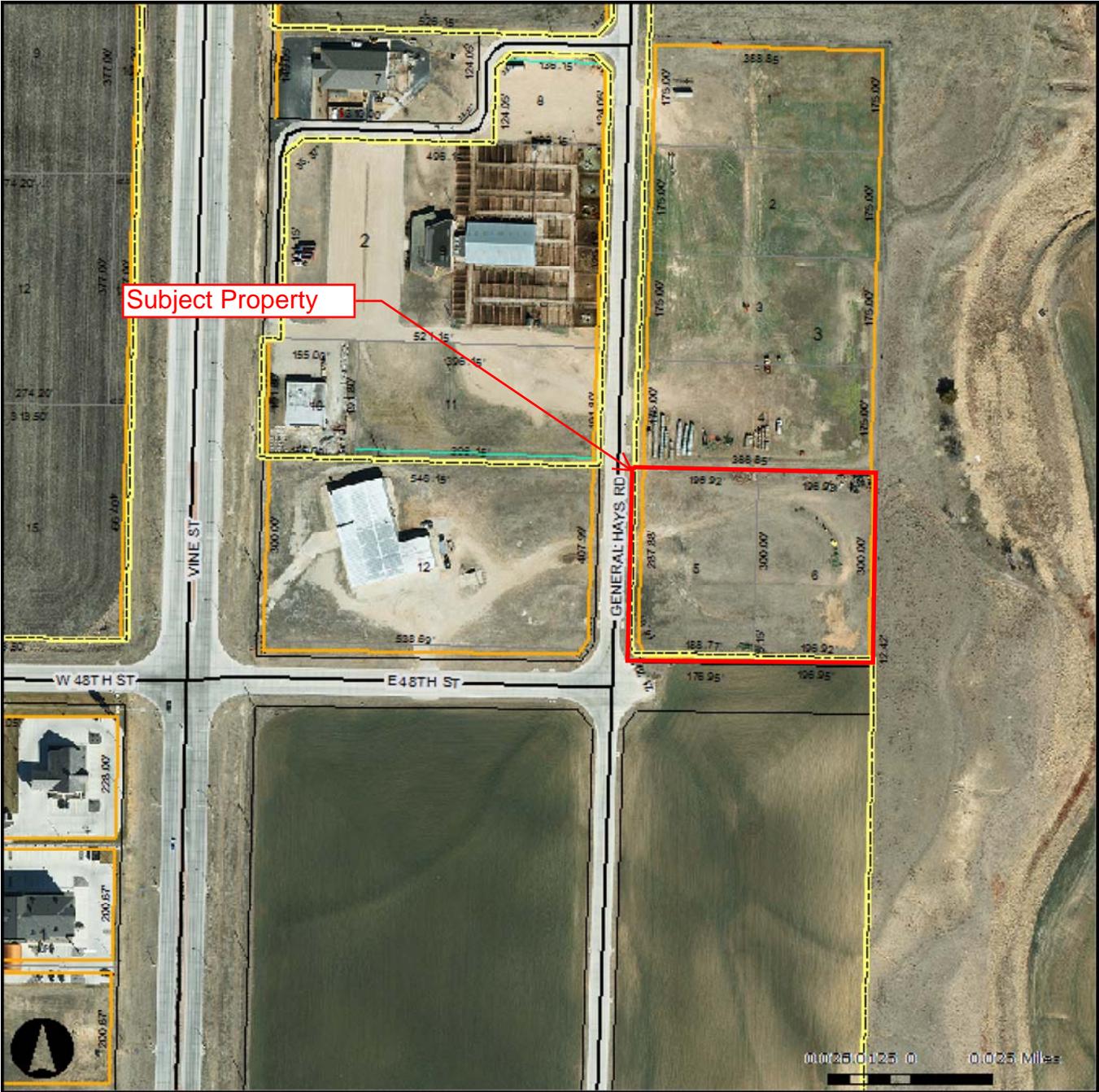
- Final Plat Map
- Area Maps
- Plat Checklist
- Plat Applications

Subject Property-
48th and General Hays Rd.



0.090.045 0 0.09 Miles

Subject Property



0.025 Miles



© 2012 Google

© 2012 Google



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

Case No. 15-01 F
Date Filed 02-11-15

Final
APPLICATION FOR PLAT APPROVAL

Name of Subdivision Replat of Lots 5-8, Block 3, North Hays Addition

General Location 48th Street & General Hays Road

Name of Applicant Daniel J. Miner

Address 2011 Deer Trail Road Phone 785-628-1190

Name of Agent Harvey Ruder - Ruder Engineering & Surveying, LLC

Address 1376 Butterfield Trail Rd Phone 785-259-1382

Name of Surveyor or Engineer Ruder Engineering & Surveying, LLC

Address 1376 Butterfield Trail Rd Phone 785-259-1382

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat: 2.843 Acres
2. Number of Lots:
 - a. Residential _____
 - b. Commercial 2
 - c. Industrial _____
 - d. Other _____Total Number of Lots 2
3. Minimum Lot Frontage: 142.50 feet
4. Minimum Lot Area: 56,317 Sq. feet
5. Existing Zoning C-2

REPLAT OF LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION HAYS, ELLIS COUNTY, KANSAS

APPROVALS:

This Replat of Lots 5-8, Block 3, North Hays Addition, has been submitted to and approved by the Hays Planning Commission this _____ day of _____, 20____.

CHAIRMAN

SECRETARY

MAYOR

ATTEST: _____, City Clerk

John T. Bird, Attorney for the City of Hays

DESCRIPTION

Lots 5-8, of Block 3, of the North Hays Addition to the City of Hays, Ellis County, Kansas.

EASEMENTS:

Easements are hereby dedicated for public use, as utility easement right-of-way, which are shown as lying between the dashed lines in widths indicated and as set forth on this plat, and said easements may be employed for the purpose of installing, repairing and maintaining gas lines, electric lines, telephone lines, and all other forms and types of public utilities, now or hereafter used, by the public over, under and along the strips marked "Utility Esm't."

RECORDED:

State of Kansas, County of Ellis, ss:

This is to certify that this instrument was filed for record in the Register of Deeds Office on the _____ day of _____, 20____ in Book _____, Page _____.

REGISTER OF DEEDS

DEPUTY

OWNER'S CERTIFICATE:

Know all men by these presents, that we, the undersigned property owners of the land above described have caused the same to be surveyed and platted into Lots, Alley and Easements, the same to be known as "Replat of Lots 5-8, Block 3, North Hays Addition", in Hays, Kansas. The easements as indicated on the accompanying plat are hereby granted to the public for the purpose of constructing, operating, maintaining, and repairing all public utilities.

Miner Family Properties, LLC

By: Daniel I. Miner, Member

REVIEW SURVEYOR'S CERTIFICATE:

State of Kansas, County of Ellis, ss:

I hereby certify that the review of this plat was found to be in compliance with the requirements of K.S.A. 58-2005. Approved this _____ day of _____, 20____.

NOTARY CERTIFICATE:

State of Kansas, County of Ellis, ss:

Be it remembered that on this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, came Daniel I. Miner of Miner Family Properties, LLC, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal, the day and year above written.

Notary Public

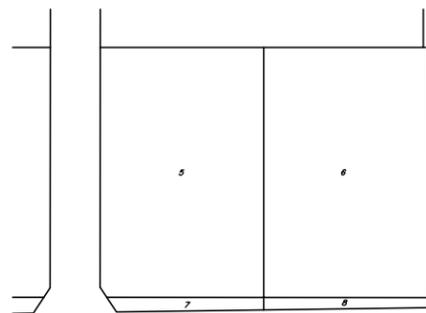
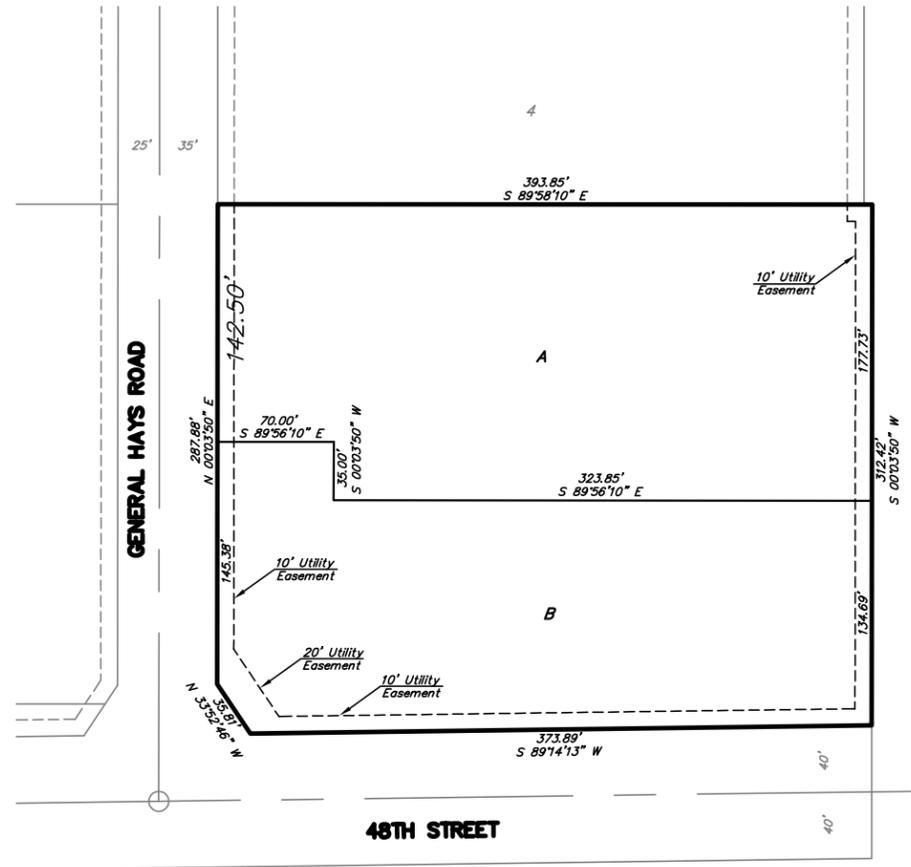
My Commission Expires: _____

SURVEYOR'S CERTIFICATE:

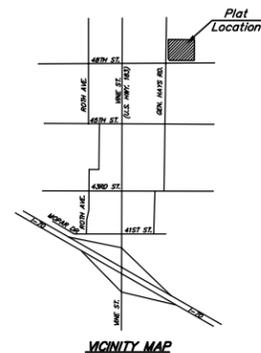
I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder

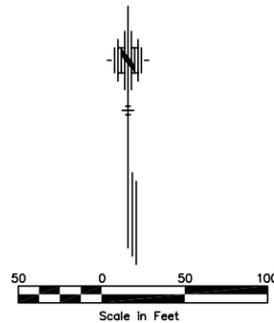
Date



ORIGINAL LOT LAYOUT

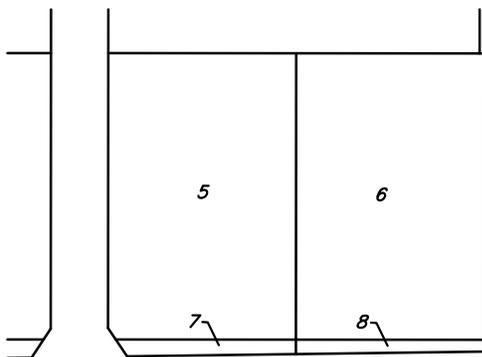
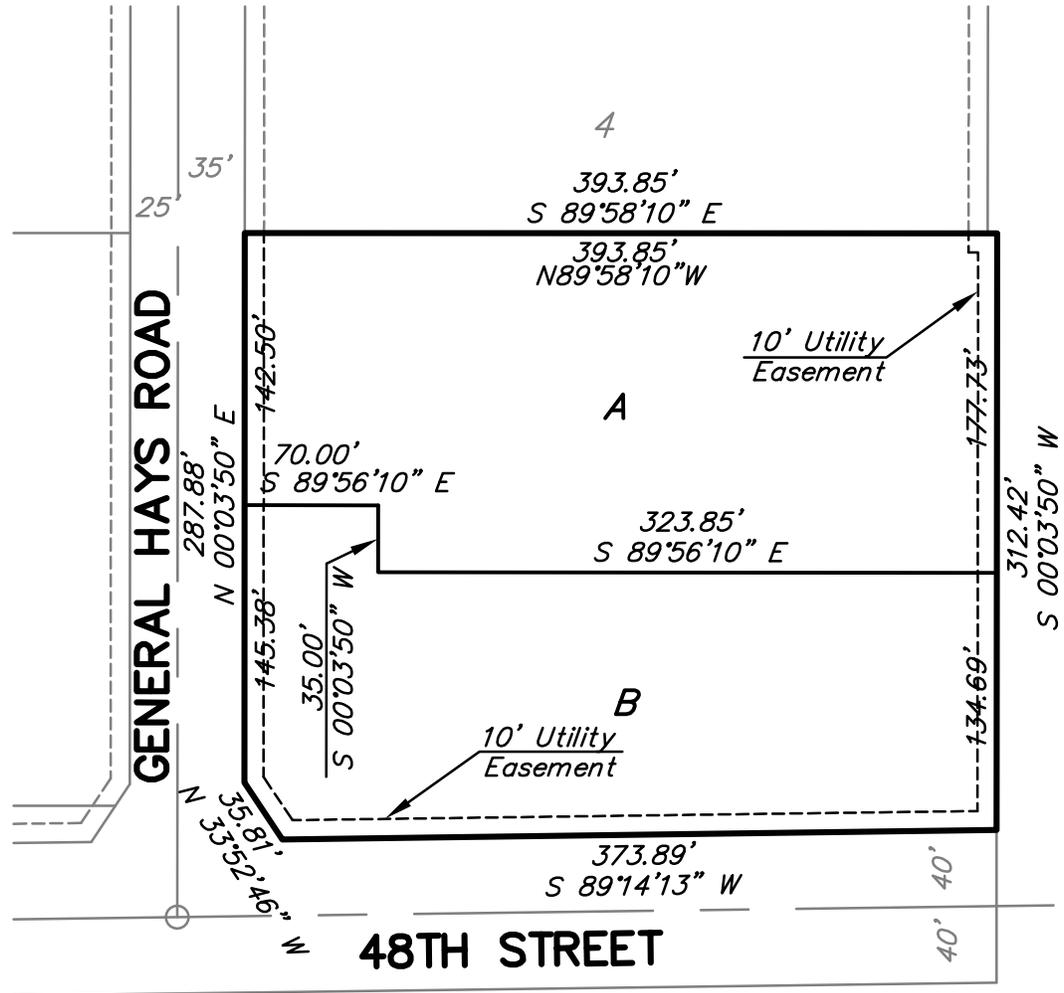
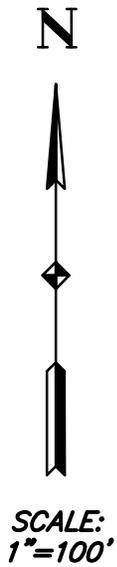


VICINITY MAP



Scale in Feet

REPLAT OF LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION HAYS, ELLIS COUNTY, KANSAS



ORIGINAL LOT LAYOUT

**RUDER ENGINEERING
& SURVEYING, LLC**
1376 Butterfield Trail Rd.
Hays, Kansas 67601
785-259-1382

FINAL PLAT CHECK-LIST

NAME OF SUBDIVISION: **REPLAT OF LOTS 5-8, BLOCK 3, NORTH HAYS ADDITION**

DATE: **02-11-2015**

NAME OF OWNER: **MINER FAMILY PROPERTIES LLC**

NAME OF SUBDIVIDER: **OWNER**

NAME OF PERSON WHO PREPARED THE PLAT: **RUDER ENGINEERING & SURVEYING, LLC**

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

Instructions:

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

A. Does the Final Plat show the following information?

	<u>YES</u>	<u>NO</u>
1. Name of Subdivision.	X	
2. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be 1 foot in 5,000.	X	
3. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments of the nearest established street lines, including the true angles and distances to such reference points or monuments.	X	
4. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curves to lot lines.	X	

	<u>YES</u>	<u>NO</u>
5. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	X	
6. Exact locations, widths and names of all streets and alleys to be dedicated.	X	
7. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	X	
8. Building setback lines on the front and side streets with dimensions.	X	
9. Name and address of the developer, surveyor or the licensed engineer making the plat.	X	
10. Scale of plat, 1" = 100' or larger, date of preparation and north point.	X	
11. Statement dedicating all easements.	X	
12. Statement dedicating all streets, alleys and all other public areas not previously dedicated.	X	
B. Were the original (on mylar, tracing cloth or similar material) and 20 copies submitted?		X
C. Signatures?		
1. Owner or owners and all mortgagers.		X
a. Notarization or notarizations.		X
2. Engineer, surveyor or person preparing plat.		X
D. Has a title opinion been submitted? (CERT OF TITLE)		X
E. Have the plat and dedication papers been submitted?		X
F. Deed restrictions:		
1. Are any deed restrictions planned for subdivision? N/A		
2. If so, has a copy been submitted? N/A		