

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

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

2. **CONSENT AGENDA.**

A. Minutes of the regular meeting of February 16, 2015.

Action: Consider approving the minutes of the February 16, 2015 meeting

3. **PUBLIC HEARING ITEMS. – None**

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

A. Zoning and Subdivision Regulations Rewrite - Presentation by Bret Keast with Kendig Keast Collaborative on discussion of Module 2 – Highlight key issues and consensus points. See following link for Module 2 draft regulations:

http://www.haysusa.com/City_of_Hays_Module_2_DRAFT_Clean_02.16.15.pdf

Action: No formal action required on this item at this time

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

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

B. Other

6. **ADJOURNMENT**

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
FEBRUARY 16, 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, February 16, 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 Travis Rickford Tom Denning Pam Rein
Kris Munsch Justin McClung Matthew Wheeler (arrived 6:39)

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.

Citizen Comments on items not on the agenda: Alan Moore came before the commission to explain that he was a participant at the last meeting and he expressed his appreciation and gratitude to the Planning Commission for their professionalism and deliberation with the support of City Staff that arrived at a reasonable decision on the recommendation of approval of the Z M M Addition Development. He thanked them for their time and efforts.

Amend agenda - Move item 4 A (Clubhouse Addition II Plat) before item 3 A Rezoning): Paul Phillips asked for a motion to amend the agenda as stated above.

Pam Rein moved, Kris Munsch moved to amend the agenda to move item # 4A (Clubhouse Gardens Addition II Final Plat) before item 3A (Rezoning of Clubhouse Gardens Addition II).

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

2. CONSENT AGENDA:

A. Minutes: Kris Munsch moved, Travis Rickford seconded the motion to approve the minutes from the January 19, 2015 meeting. There were no additions or corrections to those minutes.

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

4. NON-PUBLIC HEARING ITEMS:

A. Reconsider Final Plat of Clubhouse Gardens II: Jesse Rohr provided a power point presentation that included the location of the subject property on the overhead visual. He explained that this was the third time the proposed final plat has come before the Planning Commission. Because it has not yet gone before the City Commission, revisions can still be considered.

The developer has requested a change in layout of one of the proposed blocks to make it two lots rather than the 8 lots (9-16) and it also eliminates a private street.

This is the continuation of an existing development known as Clubhouse Gardens I that is nearly built out.

He listed "Pros" and "Cons" to this proposed plat to assist in their decision.

Pros:

- Eliminates one private street
- Eliminates extensions of water and sewer along the eliminated street

Cons:

- Creates lots that are inconsistent with the existing neighborhood particularly with the Clubhouse Gardens I.
- Inconsistent with the comprehensive plan concept of mixed use because of inconsistency in lot size (too large of lot) - Proposed lot size 43,000 sq ft
- Potential Issues with landscape irrigation with new regulations (allow 5,000 sq ft of turf & 5,000 sq ft non-irrigated landscaping)
- Less developed home sites per acre – lesser tax base

Options:

- 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

He explained that the Planning Commission is the recommending body to the City Commission. The request would go before the City Commission for final action.

Staff recommends not approving this plat as submitted because the creation of 2 large lots is inconsistent with the surrounding area and it is possible unforeseen issues may arise. They recommend approval of the previous plat with the smaller lots.

Lou Caplan asked why the developer wanted to make this change.

Bob Wertenberger, of Paul Wertenberger Investments, and Doug Williams, a real estate broker, came before the commission to address the concerns. Doug Williams stated that they feel there is a need for larger lots. He has a contract pending for two other lots about the size of the two proposed larger lots. Mr. Wertenberger asked if a house could be built on multiple lots. Jesse Rohr answered that under current regulations, one house could be built on multiple lots.

Mr. Wertenberger explained that since they were at this juncture of the platting process, this would be the time to make the changes. It would be a nice clean deal to purchase one lot rather than 4 lots for those respective buyers. This development is infill and not addition to the outskirts to the City.

Bob Wertenberger disputed each of the cons listed by City Staff as listed below.

- The larger lots would not create inconsistency to the neighborhood; he pointed out several neighboring homes that were built on large lots (128' by 200' and 100' X 148')
- The larger lots would be consistent with the comprehensive plan because this would meet the low density residential recommended for this property.
- Building a home on a larger lot would lessen the impervious surface compared to smaller lots since they would be limited to 5,000 sq ft of turf and 5,000 sq ft of non-irrigated landscaping.
- Questioned the reason for using the tax base as one of the reasons not to approve the plat. He begged to differ to speculate the property values of homes that fit a smaller lot versus a large home on one lot. He argued that it is a fallacy to speculate and out of the realm why everyone is here.

Paul Phillips asked the reason they requested a rezoning to "R-3N" (duplexes) that would be a greater density. He also asked why not be consistent and have all of them be larger lots. Bob Wertenberger answered that the zoning fits the needs of what they want to develop. There would not be that great of use to make all of the lots larger.

The whole development is not a standard development. It is an anomaly having a access from a private street (Clubhouse Drive) and being built within an area that is built around.

Travis Rickford and Lou Caplan asked about the access to the larger lots. Bob Wertenberger answered that the access would be from Clubhouse Drive. The southern part of the lot would be the alley.

Lou Caplan asked about the setbacks. Jesse Rohr answered that they would have to meet the required setbacks as one parcel.

To combine the single lots to one parcel, there would still be the easement (street).

Kris Munsch asked the developer if they think there would be the chance someone would want to build a \$700,000.00 or nice sized home on each of those lots. Doug Williams answered that sooner or later it would happen. There are not lots this size to accommodate those respective buyers.

Kris Munsch pointed out that it would have been easier to see this proposed plat first (10 lots) before the one with 16 lots; although he was in favor of the proposed plat with the two larger lots. If they can build one house on four lots, it would be easier to do it this way and prevent any issues with the legal description.

Tom Denning asked the location of the utilities. Bob Wertenberger answered that there would be a private sewer for lots 9 and 10 and city water to the front of the lots that are tied to Turnberry Lane.

Pam Rein asked City Staff if they think there is a chance the private streets would be turned over to the city for maintenance. She also asked if private streets would be disallowed as they rewrite the zoning and subdivision regulations. Jesse Rohr answered that he did not see any reason the private streets would be turned over to the city. This is a unique development that has been built around over the years. Clubhouse Drive is a long driveway.

Matthew Wheeler asked if there would be any easements. Jesse Rohr answered that there are no right of way or cross easements. Kris Munsch stated that for that alone it would be easier to plat it this way. It is also good to eliminate a street.

Matthew Wheeler asked if they can do a lot split. Jesse Rohr answered that because there is no access to the utilities; there cannot be a lot split.

Pam Rein stated that she was in favor of the proposed plat. If one home can be built on four lots, she would rather see one large lot since it can be done and they have the legal right; they should do it.

Jesse Rohr pointed out that with the potential new zoning and subdivision regulations, the consolidation of lots may be a little more burden.

Matthew Wheeler asked about the setbacks from the street. Jesse Rohr stated that the private street is a private parcel. Setbacks are rarely an issue since there would be plenty of buildable area.

Paul Phillips asked Jesse Rohr to restate the pros and cons and why city staff recommends not approving the plat as submitted. Jesse Rohr read back this information as stated above. There is nothing to stop them from having the two larger lots.

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

Bob Wolf, owner of the home on the north side, was in favor of the plat as presented. He stated that he would prefer to see two homes rather than 8 homes because of the traffic issues. There is already a high volume of traffic in that area. He did not believe there was any problem with the proposed homes along Hall Street; there are high end duplexes across Hall Street.

Loren Pearson, owner of property across the alley, was concerned about the rezoning request for duplexes and was happy to see this proposed plat. His main concern was the traffic issues if there was going to be a higher density of residential dwellings.

Pam Rein moved, Kris Munsch seconded the motion to recommend to the City Commission to approve the revised final plat of Clubhouse Gardens II as presented.

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

3. PUBLIC HEARING ITEMS:

A. Public Hearing for the rezoning request for 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 on the overhead visual showing the location of the property at 33rd and Hall and zoning of the surrounding properties. He explained that the applicant is requesting to rezone the proposed Clubhouse Gardens II Addition from "A-L" Agriculture to "R-3N" Two Family Neighborhood Dwelling District. This is an infill development.

The adjacent properties are zoned as follows:

- 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

The proposed zoning allows single family or two family dwelling units. The first phase was zoned the same and has developed into single family homes.

The zoning classification is compatible to the comprehensive plan per the metric scale for that area. The map reflects a good mix of different districts in a small area.

The state statues offer two options; to approve or deny the request. Either option will go before the City Commission.

Jesse Rohr stated that staff recommends approval of the rezoning.

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.

Paul Phillips asked if any comments from the audience. There were no comments.

He closed the public hearing.

Kris Munsch stated that it was good infill and it makes perfect sense and he thinks it is a good idea.

Paul Phillips informed the commission and the audience of potential uses allowed and exceptions within the "R-3N" zoning district per the zoning and subdivision regulations that are to be considered. 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 entertained a motion on Staff Findings of Fact

Lou Caplan moved, Travis Rickford seconded the motion to approve Staff Findings of Fact.

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

Paul Phillips read the 8 considerations to consider for a rezoning request.

The substantive motion:

Matthew Wheeler moved, Lou Caplan seconded the motion to recommend to the City Commission to approve the change of zoning classification of the area of the proposed Clubhouse Gardens II from "A-L" Agriculture District to "R-3N" Two Family Neighbor Dwelling District based on the character of the neighborhood and conformity with the master plan.

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

Paul Phillips informed all that the Planning Commission is the recommending body but the City Commission has the final word. Jesse Rohr stated that the final plat

and rezoning recommendation will go before the City Commission at the same time.

4. NON-PUBLIC HEARING ITEMS:

B. Replat of Lots 5-8, Block 3, of the North Hays Addition: 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 at 48th Street and General Hays Road. The reasons for the replat are to change the configuration of the two lots to east/west instead of north/south and incorporate the remnant tracts into the parent tracts. The City had owned the remnant tracts around the property and this will merge them into the respective lots.

This property was recently annexed and rezoned to "C-2" General Commercial on December 23, 2014.

The plat does meet the requirements of the zoning and subdivision regulations. The replat has gone before the Utility Advisory Committee and they agree with the proposal for all required easements.

The off-set on the lot line of the property is an existing driveway that is planned to be shared by both lots rather than create another driveway. The restrictions become greater if a driveway becomes closer to General Hays Road.

Staff recommends approving the plat for the recommendation of approval to the City Commission.

The options are as follows:

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

He asked if there were any questions. There were no comments from the audience.

Justin McClung asked if there were plans to extend 48th Street. Jesse Rohr answered that it is undetermined how soon 48th Street would be extended. There is a provision written in the annexation ordinance that lots adjacent to 48th Street would be required to participate in a future benefit district for the development of 48th street.

Lou Caplan pointed out that it looked as though there was a drop off to the east that would prevent development. Jesse Rohr stated that the water and sewer lines were not extended any further than the drop off point of the property.

Paul Phillips entertained a motion.

Kris Munch moved and Justin McClung seconded the motion to recommend to the City Commission to approve the reconfiguration of the plat identified as Replat of Lots 5-8, Block 3, North Hays Addition.

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

5. OFF AGENDA ITEMS/COMMUNICATIONS:

A. City Commission Action and Planning and Development Updates on Planning Commission issues. Jesse Rohr presented the updates.

ZMM Development Addition: The plat and the rezoning of Lots 7 thru 20 from "R-1" Single Family Dwelling District to "R-3" Two Family Residential was approved by the City Commission on February 12, 2015.

Tallgrass Addition Phase 5 – Resolution to Establish Benefit District (17th Street, Tallgrass Drive, and Prairie Run Court): The city commission approved a resolution authorizing the creation of a special benefit district for infrastructure improvements for the development of 33 lots along 17th Street, Tallgrass Drive and Prairie Run Court.

Discussion of a Turf Conversion Rebate Program: The City Commission has discussed a rebate program to incentivize home/business owners to convert irrigated cool-season to drought tolerant grasses or xeriscape.

B. Update on the Zoning and Subdivision Regulations Rewrite: Jesse Rohr stated that Module 2 would be e-mailed to the Planning Commission the next day.

The presentation of Module 2 would be at the meeting on March 16, 2015 as well as presentation to the open meetings during the day for focus groups.

The plans are for Module 3 to be presented in May, although the consultant cannot make it on the regular meeting date of May 18th. It was suggested the meeting date be changed to May 20, 2015 for the presentation. An e-mail would be sent out to the commission to determine if the date will work for them.

C. Other: Paul Phillips pointed out that there was an e-mail sent out of notification of the following:

Planning Coordinator Position: The City will be hiring a Planning Coordinator.

Exposed Zoning Areas: The exposed zoning areas were identified on a map that may need to be addressed.

Construction of 41st Street: Pam Rein asked if there would be any improvements on Hall Street from 45th Street to the bridge. I.D. Creech, Public Works Director,

answered, that per the new state statute since the property on both sides of the respective road are in the county, the city would not be able to make improvements. Although after the construction of 41st Street, they plan to participate with the county to install a pedestrian walkway like is being done on 45th Street.

Sidewalks Paul Phillips asked if is required that sidewalk be installed in developments even though a home has not been built yet. He noted a well established neighborhood where the sidewalk ends and begins after an empty lot.

I.D. Creech, Director of Public Works, answered that they are addressing areas where there are gaps with no sidewalks. It has been discussed to revise the development policy to trigger that all sidewalks be installed after a percentage of the development has been developed.

There are some monies set aside for a rebate for replacement of deteriorated sidewalk and gaps between sidewalks. They are trying to address the properties that were annexed without sidewalks.

6. ADJOURNMENT: Kris Munch moved, Lou Caplan seconded the motion to adjourn at 7:34 p.m. approved by consensus.

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