

**HAYS AREA PLANNING COMMISSION MEETING AGENDA**  
**CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS**  
**APRIL 21, 2014**  
**6:30 P.M.**

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

**2. CONSENT AGENDA.**

A. Minutes of the regular meeting of February 17, 2014.

*Action: Consider approving the minutes of the 2/17/14 meeting.*

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

A. Update on contract with Kendig Keast Collaborative for Rewrite of Zoning Regulations

B. Distribution and review of iPad usage for agendas.

C. Upcoming training Opportunities.

**4. OFF AGENDA ITEMS/COMMUNICATIONS.**

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

B. Other.

**5. ADJOURNMENT:**

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  
FEBRUARY 17, 2014  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER:** The Hays Area Planning Commission met in regular session Monday, February 17, 2014 at 6:30 p.m. in Commission Chambers at City Hall. Acting Chairman Paul Phillips declared that a quorum was present and called the meeting to order.

**Roll Call:**

<b>Present:</b>	Paul Phillips	Pam Rein	Travis Rickford
	Tom Denning	Jake Glover	Matthew Wheeler

<b>Absent:</b>	Larry Gould	Lou Caplan	Jim Fouts
----------------	-------------	------------	-----------

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

Paul Phillips explained that the first item is to make changes to the agenda. The City Manager will update the commission on water issues. The rezoning and final plat of the Geist Addition will be done together in sequence.

**2. MINUTES:** Travis Rickford moved, Pam Rein seconded the motion to approve the minutes as presented from the January 20, 2014 meeting. There were no additions or corrections to those minutes.

**Vote:**

<b>AYES:</b>	Paul Phillips	Pam Rein	Travis Rickford
	Tom Denning	Jake Glover	Matthew Wheeler

**5. (A) UPDATE FROM THE CITY MANAGER ON THE R9 RANCH:** Toby Dougherty, City Manager, came before the commission to update the commission on the water issues. He handed out a packet of information that included past water studies and the information on the R9 Ranch as a potential water supply.

The City Commission approved an ordinance directing him to begin the regulatory paperwork to transfer water from the R9 Ranch to the City of Hays. He identified the ranch as the most viable, long-term water solution for the City.

The City will begin the process of filing an application with the Division of Water Resources to change the use of water and change its point of diversion. It will trigger the State's Water Transfer Act, a never-before used legal provision, that kicks in when 2,000 acre feet or more of water will be moved more than 35 miles from the source.

The transfer act will require a public hearing and evidence to justify the transfer. The hearing panel will include the State's Chief Engineer, the Director of the Kansas Water Division Office, and the Secretary of the Kansas Department of Health and Environment. It may be there is a change in the regulatory side that the water may not be available. He explained that this will be a lengthy project depending on who intervenes.

Paul Phillips asked if it will be open to litigation as the 3 member panel determines their decision. Toby Dougherty answered that it is open to litigation on either side. John Bird, answered that it is anticipated and if not that would be great.

Jake Glover voiced his appreciation to Toby Dougherty of the informed update. He asked what duties and responsibilities are expected of the commission and how they can help. Toby Dougherty answered that this is in the preliminary stages and their understanding where they are in the process is important. It is not a done deal and from a governing point it is business as usual.

Toby Dougherty pointed out there were two questions and the first question needs to be answered before the second as follows:

First - Can we bring up water from the ranch?

Second - Should we bring water up from the ranch?

**3 (A). PUBLIC HEARING FOR REZONING OF THE PROPOSED GEIST ADDTION FROM "A-L" AGRICULTURE TO "C-O" OFFICE & INSTITUTION DISTRICT:** Jesse Rohr presented a power point presentation that included the site map and surrounding zoning districts of the proposed development of the Geist Addition located south of 22<sup>nd</sup> Street between Canterbury and Wheatland. The property is an island of un-annexed territory with development around it that should be brought into the City limits for orderly development. The developer has submitted applications for the rezoning, final plat and annexation. The final plat reflects four proposed commercial lots.

The rezoning request is to change the zoning classification from "A-L" Agriculture to "C-O" Office and Institution District. This is a good fit for the property because of the compatible zoning districts surrounding it as follows: "C-O" to the north (Hays Medical Center); "C-O" (Medical Office Buildings) and "R-2" single family to the

west; "R-2" single family and "R-4" multi-family across the alley to the south; "R-3" two-family to the east with multi-family further to the east.

The adopted comprehensive plan future land use map reflects the area as medium density residential and by definition the "C-O" zoning classification would be compatible with this area. Per Section 71-434 of the zoning regulations, *"Uses in this district are intended to be compatible with adjoining residential districts."* There are similarities to the land uses in the area.

He stated the zoning uses allowed by right and exception in the "C-O" zoning district. The exception would be that a special use permit would be required from the Board of Zoning if there was a request for residential use.

The necessary right-of-way dedication is reflected on the plat; particularly the 20' needed adjacent to Canterbury Drive. The full 50' of Canterbury right-of-way dedication is part of the plat.

Per the inquiry of Tom Denning at the last meeting, if there should be access control; the city did require access control requirements and restrictions per the corridor management policy that are reflected on the final plat at the intersections along Canterbury and 22<sup>nd</sup> and Wheatland and 22<sup>nd</sup> Street.

There is a drainage way within the 100 year flood plain that has been dedicated and will be preserved through the platting process. The drainage area would be maintained by the City Parks Department along with the remainder of the drainage area already maintained by them. City Parks Department has reviewed and agreed with the proposal as submitted.

The Utility Advisory Committee has reviewed and agreed with the proposed plat. The proposed plat includes all required easements.

The property is proposed to be annexed to the city that would force upon it the Code of Ordinances by the City of Hays, Kansas. The public utilities are in place including public water and sewer. Utilities staff has reviewed and agreed with the proposal as submitted.

Jesse Rohr presented the options that the commission could consider. Staff's recommendation is to approve the rezoning request and final plat as submitted.

Tom Denning asked how the rezoning would affect the existing home on lot one; asking if they would have to apply for a special use permit. Jesse Rohr explained that it would remain as existing, non-conforming and allowed to stay as long as the use is the same. If the use would change, then they would have to meet the requirements of the "C-O" zoning district.

Paul Phillips explained that per the Kansas Open Meetings Act, that the first part of the hearing would be a public hearing for the rezoning request. Then the public

hearing would be closed for the commission members to discuss this request among themselves to approve or disapprove Staff Finding of Fact and a substantive motion of their recommendation to the governing body.

He asked for comments from the audience.

Martha Lang, property owner of 2403 E 21<sup>st</sup>, came before the commission to ask what development is proposed for these lots and if the property has been sold by Mr. Geist. Paul Phillips and Jesse Rohr explained that the Planning Commission has to determine their action on consideration of all the potential allowed uses and exceptions listed within the "C-O" zoning district. They are not approving the plans for the lots.

She asked why, "they as property owners abutting the subject property from the alley, couldn't know what is planned for development in case they need to protest".

Galen Romme, Romme Real Estate, agent for the developer, came before the commission to explain that one lot is under contract for a government office building. There are currently no buyers for the other three lots. This is the reason they would not know what development will be on those lots. The reason they are rezoning all the lots is to stay compatible with the land uses.

Mrs. Lang asked which lot would be for the proposed government office building. Galen Romme explained it would be the proposed lot three.

Paul Phillips explained that the planning commission is only approving the rezoning not the plans proposed for any of the lots.

There were no more comments from the audience.

Paul Phillips closed the public hearing for the commission to discuss the request for the rezoning. The commission members will make a motion to approve or disapprove staff findings of fact and a substantive motion for their recommendation to the governing body based on any of the listed factors for consideration. He read them to the commission.

Paul Phillips entertained a motion for Staff Findings of Fact.

Jake Glover moved, Tom Denning seconded the motion to approve Staff Findings of Fact.

Vote:

AYES:	Paul Phillips	Pam Rein	Travis Rickford
	Tom Denning	Jake Glover	Matthew Wheeler

Jake Glover moved, Pam Rein seconded the motion to recommend to the governing body to change the zoning classification of the proposed Geist Addition from "A-L" Agriculture to "C-O" Office and Institution District based on the following factors: The zoning and uses of property nearby and staff findings of fact.

Jake Glover explained to the audience that the "C-O" rezoning of this island of property would be in the best interest of the city to protect the city from potential misuse of the land as it is currently zoned. The "C-O" zoning classification would better align with what is already there.

Vote:

AYES:	Paul Phillips	Pam Rein	Travis Rickford
	Tom Denning	Jake Glover	Matthew Wheeler

**4 (A). CONSIDER THE FINAL PLAT OF THE GEIST ADDITION:** Jesse Rohr explained that the final plat meets the required easements, access control, and setback lines that are in place and it captures the drainage easement that is within the 100 year flood plain.

Pam Rein moved, Travis Rickford seconded the motion to recommend to the governing body for approval of the final plat of the Geist Addition.

Vote:

AYES:	Paul Phillips	Pam Rein	Travis Rickford
	Tom Denning	Jake Glover	Matthew Wheeler

Jesse Rohr explained that the annexation, rezoning and final plat will go before the City Commission Work Session on March 6, 2014 and for final action at the meeting on March 13, 2014.

**3. (B) PUBLIC HEARING TO CONSIDER CHANGES TO THE LANDSCAPE AND IRRIGATION REGULATIONS WITHIN THE CITY ORDINANCE CHAPTER 71, ARTICLE VI:**

Nicholas Willis, Stormwater/Water Conservation Superintendent, presented a power point presentation to explain the update on the water situation as part of the public hearing. He presented a chart reflecting the measurement of a city well and a well at the Smoky Hill River well fields that are at the lowest water level on record since the droughts in 1991 and 1985 respectively.

He provided the status of the December water level reading of Cedar Bluff Reservoir to show that there is no water available for release. There were 1,186 acre feet released in early 2013 to fill the Smoky Hill Well fields. With the drought, the well fields are again declining.

He presented a chart reflecting the U.S. Seasonal Drought Outlook that reflected continued drought. A chart reflected precipitation averages. Dry Springs pose a great concern of no rain water to replenish the aquifer.

He pointed out that Hays is significantly larger than during prior bad droughts. The in-town private wells are in very poor shape. There is no state action to protect senior water rights from heavy irrigation use of alluvial aquifers feeding Big Creek, Cedar Bluff and the Smoky Hill River.

He presented a list of what the city is doing to conserve water supplies.

- Increase water rates for outdoor use
- Replacement of city-owned fixtures
- \$100K for toilet rebates approved
- \$45K for urinal rebates approved
- Propose adoption of Green Building Code
- Distribution system leak detection
- Hiring of Water Conservation Specialist

He presented an extrapolation of streets in different areas of town to reflect that there is greater water usage in the newer developments pointing out the figures of increased water usage as development continues throughout the city.

He explained that from the rules and regulations of the Kansas Water Appropriation Act for water wells by the chief engineer, the hydrologic units shall be closed to further new surface water and groundwater appropriations except for domestic use, temporary permits and term permits for 5 years or less.

He explained what would trigger the compliance to the proposed regulations:

- Construction of new Irrigation System
- Increase in irrigated area greater than 400 square feet
- Connection of existing irrigation to City's potable system
- Alterations resulting in changes requiring more irrigation than already required.

He explained what is not being regulated:

- Irrigation with non-domestic water rights
- Participation in City Rebate Programs
- Public Properties
- Replacement of 50% of system without increasing irrigation needs
- Replacement and movement of heads without increasing irrigation needs

The new proposed regulations would allow the following:

- All Properties: Maximum irrigated area of 10,000 square feet

- Residential Properties: Maximum 5,000 square feet of turf of which 2,000 square feet of cool season turf and balance in xeriscape
- Commercial Requirements – allow 5,000 square feet of irrigated turf. No more than 30% of 2,000 sq feet cool season turf and the minimum 30% of xeriscaping.

Overhead irrigation shall not be allowed within 5 feet of driveways, sidewalks and hardscape to prevent water runoff on windy days. Irrigation system plans must be submitted for approval with the lawn sprinkler irrigation permit application.

Language was added to accommodate shelter belt plantings.

It was city staff's recommendation to recommend these regulations as written to the governing body.

Paul Phillips asked if there was anyone in the audience for comments.

Darren Rueschhoff, owner of Darren's Lawn Service, stated they he liked the buffer zone around the parking areas and sidewalks; although he thought 5 feet was to extreme for aesthetic reasons. He suggested three or four feet would be more aesthetically pleasing for the design. He asked about the plan if a landscaping and irrigation plan to be submitted at that time.

Jesse Rohr explained that the trigger is permanent irrigation system. He explained that the landscape plans will only apply to commercial areas, not residential areas. The irrigation plans will need to be filed for all zoning classifications with the installation of an irrigation system. They will have to comply with the City's regulations.

Jake Glover asked for more clarification regarding the 5 foot distance requirement. Travis Rickford asked about the different irrigation heads and if there is a significant cost difference of having it 3 feet versus five feet from the hard surface. He preferred it be 3 feet. Jesse Rohr explained that the type of heads being used would weigh in on the cost. One of the contractors stated that there would be a significant cost difference.

Paul Phillips stated that the reason for the 5 foot distance is to prevent from getting a ticket to ultimately prevent water from running down the street.

There were several suggestions by several of the planning commission that would entail percentages.

I.D. Creech, Director of Public Works, explained that if the determination had to be done as percentages, this would be a mathematical process that would not work as a very efficient method.

Pam Rein stated that she thought the five foot distance should remain.

Nick Willis explained that the Planning Commission's realm of jurisdiction and the Building Trades Board area of jurisdiction would go hand in hand for water conservation. The Building Trades Board has recommended to the City Commission to adopt the supplement of the 2012 green plumbing and mechanical code that would include regulations on the amount of pressure on the irrigation heads.

It was pointed out that there could be a drip irrigation system and foliage next to the hard surface; just not overhead sprinklers.

The commission chose to keep the regulations as written.

Matthew Wheeler moved, Pam Rein seconded the motion to recommend to the governing body to approve the ordinance as presented for changes to the Landscape and irrigation regulations within the City Ordinance, Chapter 71, Article VI.

Vote:

AYES:	Paul Phillips	Pam Rein	Travis Rickford
	Tom Denning	Jake Glover	Matthew Wheeler

**5. (B) CITY COMMISSION ACTION AND PLANNING AND DEVELOPMENT UPDATES ON PLANNING COMMISSION RELATED ISSUES:** None.

**6. OTHER: ZONING REWRITE CONSULTANT** Jesse Rohr voiced appreciation to Matthew Wheeler and Travis Rickford for their assistance on the selection committee for a search for a consultant for the rezoning rewrite.

Matthew Wheeler commended the city staff committee members of I.D. Creech, Jesse Rohr and Nick Willis, for their great job of communication and keeping the scheduled meetings on track.

The committee selected three of what they thought were the best of the nine proposals submitted for the project. They conducted three interviews and selected Kendig Keast Collaborative of Sugar Land, Texas. They were the most forward thinking and apply advanced modern technology.

**7. OTHER: 41<sup>ST</sup> RECONSTRUCTION:** John Braun explained the process of the reconstruction of 41<sup>st</sup> Street as it is set to begin on March 24, 2014. He informed them of the public information open house meeting on March 11, 2014 at 5:30 p.m. at KDOT on Frontier Road by the bypass. Notification letters will be sent out of the public information meeting to the abutting property owners along the area being reconstructed.

**8. OTHER: 13<sup>TH</sup> STREET FROM MAIN TO MILNER:** John Braun explained that the comprehensive plan identified 13<sup>th</sup> Street from Main to Milner as a gateway to downtown that needed aesthetic improvement. The 2014 budget included funds for the design and construction of improvements to this section of 13<sup>th</sup> Street.

The engineering consultant, Driggs Design Group PA of Hays will be available at the informational meeting on March 5, 2014 at 5:30 p.m. at Commission Chambers at City Hall. Notification of the informational meeting will be sent to the nearby property owners.

It will go before the City Commission Work Session on March 20, 2014 to present the concept and forward to the meeting for action. If the project is approved it will be started in the year of 2015.

**9. OTHER: 2014 STREET MAINTENANCE:** John Braun explained that bid for the respective 2014 Street Maintenance projects would be going before the City Commission for approval. The work would begin as soon as bids are approved.

**10. OTHER: WATERLINE PROJECT ON FORT STREET:** John Braun explained the waterline project on Fort Street has begun.

**Adjournment:** Chairman Paul Phillips adjourned the meeting at 7:49 p.m.

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

Elk Grove, California | Phoenix, Arizona | Sugar Land, Texas | Sturgeon Bay, Wisconsin

# KENDIG KEAST

COLLABORATIVE

# POLICY TO PRACTICE

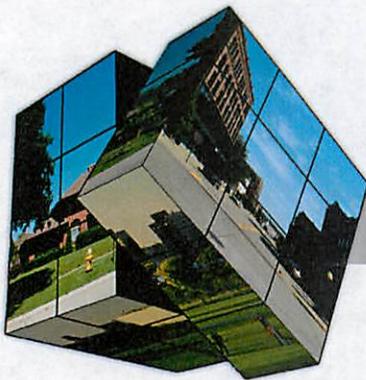
**Review and Re-write of  
Zoning and Subdivision Regulations  
City of Hays, Kansas**

January 10, 2014

IN ASSOCIATION WITH  
ENCODE-360, LLC

## ABOUT THE KKC TEAM

- ◆ Multi-disciplined team of community and environmental planners and land and urban designers
- ◆ Not just code writers — plan implementers
- ◆ Methodical problem solvers with multiple perspectives
- ◆ In-the-trenches experience with local government
- ◆ Leading innovators in the field
- ◆ Professional facilitators and consensus-builders
- ◆ Accustomed to working in rural, small - town environments



Solving regulatory “puzzles” requires a team that can see the issues – and their interdependencies – from all sides.



## KENDIG KEAST COLLABORATIVE

- ◆ **Policy-to-practice implementation expertise**
  - » 100+ strategic assessments, amendments, and complete rewrites
  - » Regulatory programs based on informed community decisions about likely costs and potential trade-offs of plan policies
- ◆ **Leading innovators / educators**
  - » Character-based districts and standards; housing palette; site capacity / resource protection; neighborhood conservation; performance standards
  - » Multiple pathways to “yes” for responsible / “sustainable” development that support community values and objectives
  - » Authors of *A GUIDE TO PLANNING FOR COMMUNITY CHARACTER*; *COMMUNITY CHARACTER: PRINCIPLES FOR DESIGN AND PLANNING*; & *PERFORMANCE ZONING*
- ◆ **Multiple disciplines and broad perspectives**
- ◆ **Creators of enCode360™ — the most feature-rich, Internet-based code publishing software on the market**

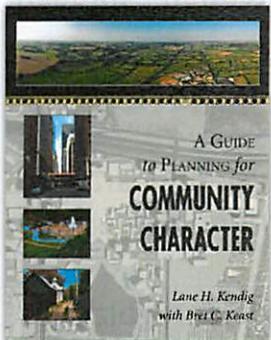
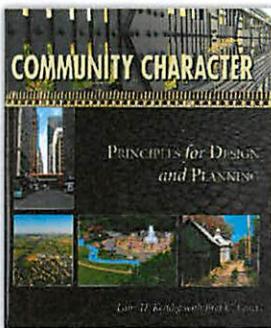
**New development should be distributed in ways that maximize benefit and minimize unnecessary costs to the entire community. It should use land efficiently, be environmentally and economically sustainable, and reinforce the quality and character of Hays.**

- City of Hays Comprehensive Plan (Chapter 5, The Development Vision)

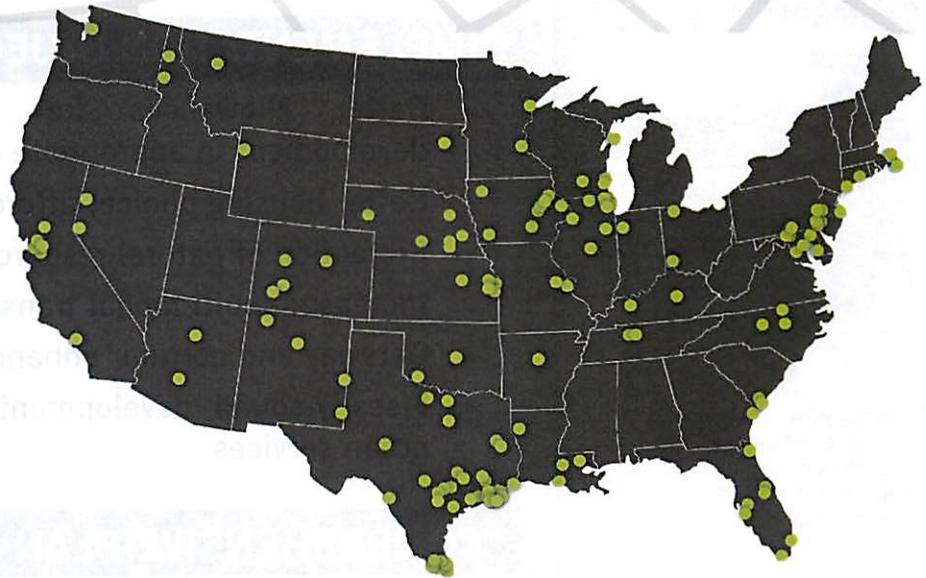
## KKC'S PROBLEM-SOLVING

- ◆ **We understand how to:**
  - » Develop and calibrate districts that are based on character, which account for both use and form, including mixed uses
  - » Draft and apply performance and place-based standards to improve the quality and appearance of the City over time
  - » Achieve sustainable development outcomes through resource protection standards and incentives, together with site capacity provisions (design with nature)
  - » Provide increased flexibility through administrative approvals and procedural streamlining
  - » Provide a flexible and broad palette of quality, affordable housing options and choices of living

The use of Community Character ensures development outcomes that are deliberate, predictable, and consistent with community objectives



*KKC specializes in small and medium sized communities in rural, freestanding environments.*



PLAN IMPLEMENTATION EXPERIENCE IN  
**MORE THAN 100**  
 COMMUNITIES ACROSS THE COUNTRY

### COMPARABLE PROJECTS

- ◆ Altus, OK
- ◆ Centennial, CO
- ◆ Edinburg, TX
- ◆ Fremont, NE
- ◆ Olathe, KS
- ◆ Seguin, TX
- ◆ Sioux City, IA
- ◆ Valparaiso, IN
- ◆ Zachary, LA

### RECENT APA AWARDS

- ◆ Centennial, CO
- ◆ Edinburg, TX
- ◆ Tangipahoa Parish, LA
- ◆ Valparaiso, IN
- ◆ Zachary, LA

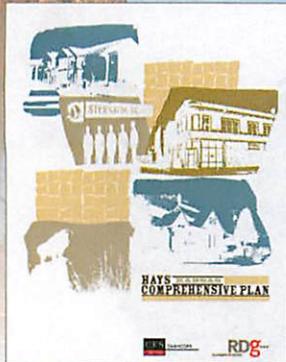
### RECENT CODE PROJECTS

- ◆ Altus, OK
- ◆ Bainbridge Township, OH
- ◆ Bellaire, TX
- ◆ Cuero, TX
- ◆ Durango, CO
- ◆ Edinburg, TX\*
- ◆ Florence, SC\*
- ◆ Fremont, NE\*
- ◆ Galveston, TX
- ◆ Kerrville, TX\*
- ◆ Nassau Bay, TX
- ◆ Pflugerville, TX
- ◆ Sioux City, IA
- ◆ Slidell, LA
- ◆ Jersey Village, TX
- ◆ Seguin, TX
- ◆ McAllen, TX
- ◆ Valparaiso, IN\*

\* DENOTES COLLEGE TOWN EXP.



## Plan Implementation



The primary focus is to review and re-write the City's zoning and subdivision regulations to implement the 2012 Comprehensive Plan.

## Neighborhood Conservation



Neighborhood conservation districts are for the purpose of enabling infill and redevelopment, promoting reinvestment, preserving neighborhood character and integrity, and doing so without requiring variances.

## Improved Readability



Permitted uses in R-3N district



Permitted use table in enCode-360™



## IMPLEMENTATION OBJECTIVES

- ◆ Better allowances for human-scaled, mixed-use development in appropriate areas
- ◆ Better housing choice, affordability, and diversity
- ◆ Protection of natural resources
- ◆ Increased multi-modal transportation options
- ◆ Gateway and corridor enhancement
- ◆ Fiscally-sound development policy and cost efficient urban services

## COMPREHENSIVE PLAN OBSERVATIONS

- ◆ Improved standards are needed to address stormwater management, low impact development, and open space protection
- ◆ Revised standards are needed to consolidate districts that do not result in areas of differing character (e.g., urban vs. suburban)
- ◆ Existing neighborhoods warrant protection through conservation districts and standards
- ◆ Minimum design standards for single family attached and multi-family housing is needed
- ◆ Improved landscaping and “protective appearance” standards will be needed to improve corridor appearance and community livability
- ◆ Improvements will be needed in the subdivision regulations to implement Complete Streets objectives

## EXISTING REGULATIONS OBSERVATIONS

- ◆ The land use tables will need to be streamlined for improved readability and usability
- ◆ The districts may be simplified and reduced in number by defining them according to their character rather than their land use
- ◆ Improved clarity and specificity of standards will achieve a more certain and fair process with predictable outcomes



To improve corridor appearance and walkability, different standards are needed in differing areas of character. For example, more auto-oriented areas of Hays (top photo) will need greater landscape standards than the more walkable, pedestrian areas in downtown (bottom photo).



“Our landscape can accommodate cars and large-format retail without being dominated by parking lots, traffic noise, and separated by buildings that do not relate to each other.”

“City environments should provide choice - places that offer both walkable scale and greater space.”



KENDIG KEAST  
COLLABORATIVE

## IMPLEMENT PLANS

- ◆ Plans provide the basis for code:
  - » 2012 Comprehensive Plan
  - » Small City and Rural Smart Growth Priority Fixes
  - » The Bike Hays Master Plan
  - » Neighborhood Revitalization Downtown Development Plan
  - » Development Policy

## BE AS SIMPLE AS POSSIBLE

- ◆ Use plain language and illustrative graphics
- ◆ Clearly separate rules, procedures, and definitions
- ◆ Carefully consider mandatory / permissive vocabulary, particularly with reference to design guidelines
- ◆ Create added flexibility and multiple paths to “yes”

## USE THE MARKET TO ACHIEVE OBJECTIVES

- ◆ Create standards and processes such that *good development* is the rule rather than the exception
- ◆ Streamline approvals so as to eliminate unnecessary process, reduce time, and avoid costly submittal requirements

## CREATE VALUE

- ◆ Enhance community character with performance, form, and / or design standards
- ◆ Incorporate up-to-date best practices for responsible / “sustainable” development
- ◆ Conserve the character and quality of existing neighborhoods

## ONE SIZE DOES NOT FIT ALL

- ◆ No “magic bullet” approach will solve all of the land use challenges of a City — we never start with the solution and then work backwards to the problem
- ◆ Regulations should support the things the community values — what makes the place unique

## KENDIG KEAST COLLABORATIVE



**BRET KEAST, AICP**  
PRESIDENT



**GARY MITCHELL, AICP**  
VICE PRESIDENT



**MATT BUCCHIN, AICP, LEED GREEN ASSOCIATE**  
SENIOR ASSOCIATE



**AARON TULEY, AICP**  
SENIOR ASSOCIATE



**JESSICA DUET**  
ASSOCIATE PLANNER



**FRANCES KELLERMAN, LEED-GA**  
ASSOCIATE PLANNER



**MICHELLE QUEEN**  
ASSOCIATE PLANNER / URBAN DESIGNER

## ENCODE-360, LLC



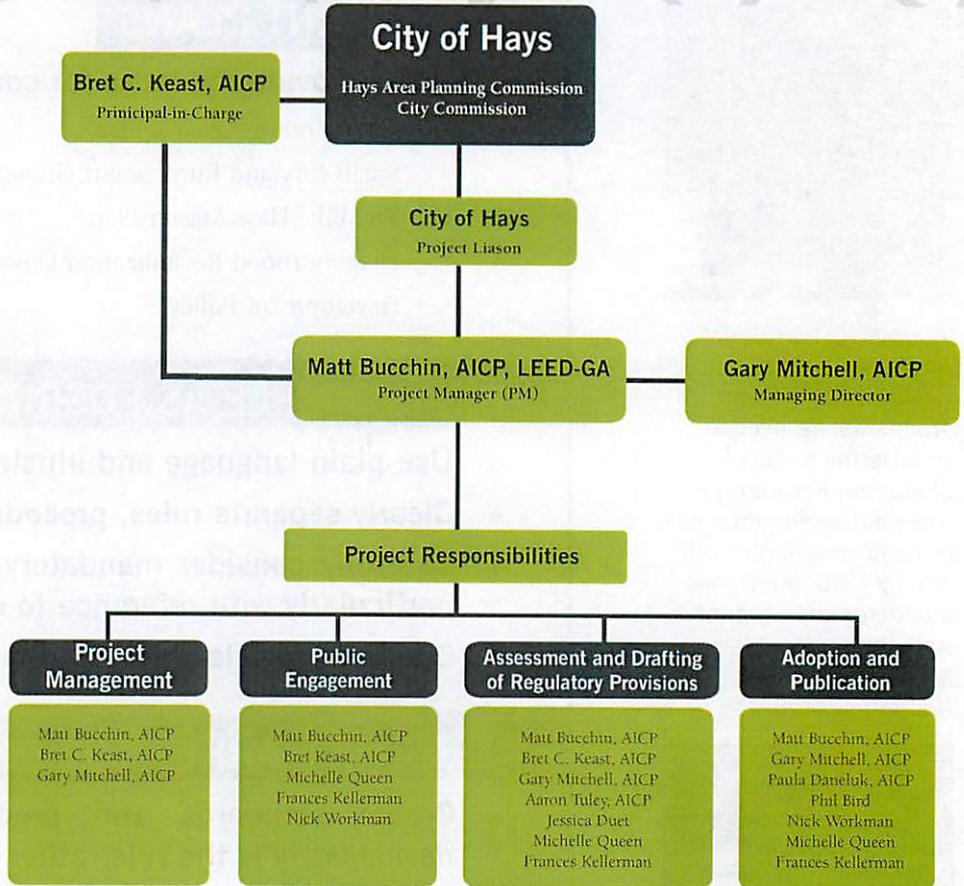
**PAULA DANELUK, AICP**  
BUSINESS DEVELOPMENT MANAGER



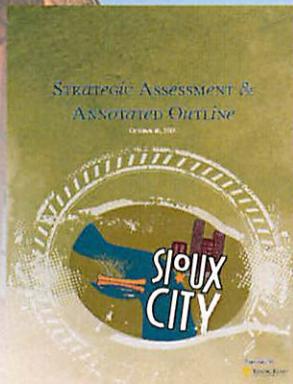
**PHIL BIRD**  
SOFTWARE ARCHITECT AND TECHNICAL SUPPORT



**NICK WORKMAN**  
BUILD TECHNICIAN



- ◆ Multi-disciplined team with the requisite skills and availability to complete the work, including community planners, land planners, zoning administrators, modelers, landscape architects, urban designers, economists, demographers, illustrators, graphic artists, and trained facilitators
- ◆ State and Midwest local government and private consulting experience
- ◆ Perspectives and insights brought to local projects from a national practice
- ◆ Reputation for innovation and repeated success in solving complex and sometimes unpopular problems
- ◆ Strategic partnership with enCode-360™



The top image is the cover of the Strategic Assessment and Annotated Outline written for Sioux City.

Public engagement in Centennial, Colorado during the drafting of their first land development code.



## ACTIVITY 1: PUBLIC PARTICIPATION

- ◆ Project website (optional)
- ◆ Hays Area Planning Commission Work Sessions
- ◆ Joint Hays Area Planning Commission and City Commission Meetings
- ◆ Open door interest group meetings
- ◆ Developers forum

## ACTIVITY 2: ANALYTIC AND STRATEGIC FRAMEWORK

- ◆ Policy and statutory review, regulatory critique, and observation of development outcomes
- ◆ Interviews of “power” and “casual” users
- ◆ Proposed strategic approach and annotated outline of ordinance content and organization
- ◆ Build consensus and solicit support for the proposed approach

## DECISION POINT

- ◆ Joint Hays Area Planning Commission and City Commission Meeting

## ACTIVITY 3: ZONING AND SUBDIVISION REGULATION DRAFTING

- ◆ Draft and deliver three code modules using enCode-360™
- ◆ Presentation, discussion, and feedback from the Hays Area Planning Commission on regulatory provisions and zoning map
- ◆ Review and preparation of public hearing draft
- ◆ Concurrent update to the Development Procedures Policy document

## ACTIVITY 4: ADOPTION AND DELIVERY

- ◆ Public hearing and final adoption
- ◆ Publication in enCode-360™

## ACTIVITY 5: SUPPLEMENTAL SERVICES

- ◆ Training of staff and public officials on the administration and enforcement of the new ordinances (or UDC)
- ◆ Development guidebook including application requirements, forms, and flow diagrams
- ◆ Preparation of a Unified Development Code in lieu of independent ordinances



Project website example from Bay City, Texas

## PROJECT START-UP

- ◆ Project schedule
- ◆ Input to stakeholder groups

## PROJECT WEBSITE (OPTIONAL)

- ◆ Upcoming public involvement activities
- ◆ Meeting agendas and summaries
- ◆ Public draft deliverables

## PROPOSED STRATEGIC APPROACH AND ANNOTATED OUTLINE

- ◆ Strategic approach for rewrite of regulations
- ◆ Outline of content and organization of the new regulations

## THREE MODULE DRAFTS AND REVISIONS

- ◆ Illustrative presentations
- ◆ Draft ordinances in enCode-90°, MS Word / Adobe PDF
- ◆ Revised and final draft regulations

## DRAFT CITYWIDE ZONING MAP

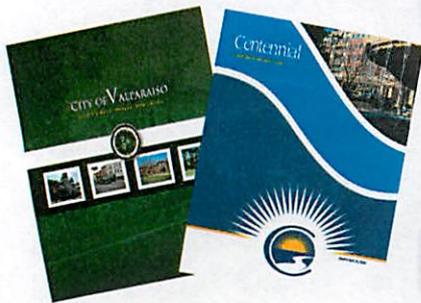
- ◆ Memorandum of strategic direction regarding map amendments
- ◆ GIS map provided in GIS online and electronic file formats

## FINAL ADOPTED REGULATIONS AND ZONING MAP

- ◆ Published online in enCode-90°
- ◆ MS Word and Adobe PDF export

## STAFF TRAINING ON ENCODE-360™

- ◆ User Guide
- ◆ Facilitated online training for in-house use of enCode-90° Maintenance Module



Zoning map amendments are oftentimes necessary as part of a rewrite process.

## BENEFITS

- ◆ Savings of time and streamlined processes
- ◆ Reduced costs
- ◆ Less demand on staff time
- ◆ Customer satisfaction
- ◆ Increased transparency
- ◆ Improved navigability
- ◆ Value added features
- ◆ User - friendly web interface

“I remain quite impressed by your product.”

- Mitchell Silver, AICP,  
President, American  
Planning Association

“We have been using this system for over 10 years to host our complete County Code. Its speed, reliability, and ease in use has lightened our department’s workload. And our citizens are very pleased with the Code’s accessibility.”

- Assistant County Attorney,  
Carroll County, Maryland

## ENCODE-90° STANDARD FEATURES

- ◆ Adobe PDF and MS Word generators
- ◆ At-a-glance, pop-up definitions
- ◆ Mobile device access
- ◆ In-line illustrations, graphics, and tables
- ◆ Public commenting on pending amendments
- ◆ Social media integration
- ◆ Video animation
- ◆ Internal and external hyperlinking

## ENCODE-180° UPGRADE FEATURES

- ◆ Custom site branding
- ◆ e-Reader styled viewer and printer
- ◆ Embedded landscaping, parking, bufferyard calculators
- ◆ GIS interactive maps

## ENCODE-360° UPGRADE FEATURES

- ◆ Agenda, minutes, and application download
- ◆ Forward and retroactive archiving
- ◆ MLS lease / sale mapping
- ◆ Ordinance library
- ◆ Permit system integration
- ◆ Sponsor / advertiser weblinks
- ◆ User - subscription / notification

enCode-90° will provide the City with a robust, web-enabled code; offering a \$15,000 value at no extra cost.

In-line graphics and tables



Online Commenting



Custom Site Branding



Calculators

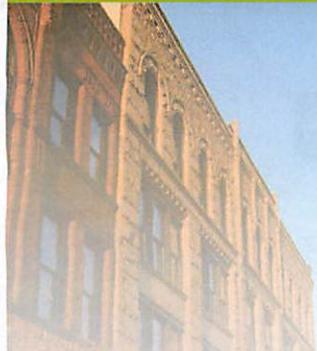


Interactive Maps



Archiving





## ACTIVITY 1 - PUBLIC PARTICIPATION

### A. Public Participation

- A.1. Managing and Designing the Outreach and Education Process
- A.2. Providing Public Information
- A.3. Engaging the Public

## ACTIVITY 2 - ANALYTIC AND STRATEGIC FRAMEWORK

### B. Project Orientation

- B.1. Logistics and Preliminaries
- B.2. Review and Incorporate Existing Documents
- B.3. Introduction to Hays Area Planning Commission and City Commission
- B.4. (OPTIONAL) Project Web Site
- B.5. Interview Stakeholders
- B.6. Conduct Field Reconnaissance

### C. Regulation Analysis/Evaluation

- C.1. Proposed Strategic Approach

### D. Annotated Outline

- D.1. Annotated Outline
- D.2. Build Consensus for the Approach and Outline

## ACTIVITY 3 - REGULATION DRAFTING

### E. Discussion Draft Regulations

- E.1. Draft and Deliver Code Modules

### F. Discussion Draft Citywide Zoning Map

- F.1. Prepare Draft Citywide Zoning Map

### G. Public Hearing Draft Regulations and Citywide Zoning Map

- G.1. Publish Code Modules and Public Hearing Draft Zoning and Subdivision Regs / Map

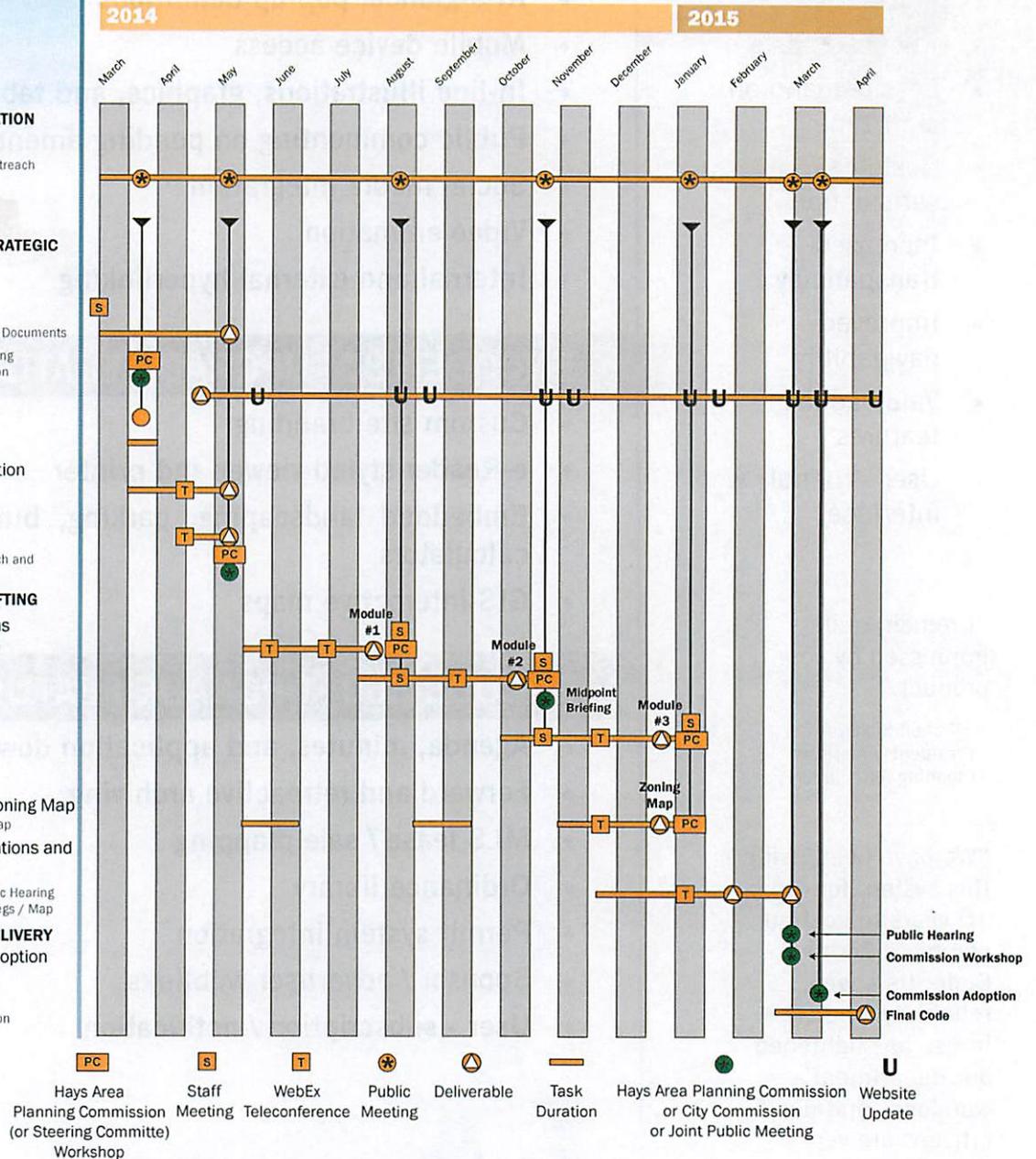
## ACTIVITY 4 - ADOPTION AND DELIVERY

### H. Public Hearing and Final Adoption

- H.1. Conduct Adoption Hearings

### I. Regulation Implementation

- I.1. Publish the Zoning and Subdivision Regulations Electronically



“...brilliance, imagination, skill and deep experience...a crackerjack consultant ...”

“KKC’s innovative use of GIS and 3D technologies to visually depict the potential impacts [of] . . . the proposed zoning changes . . . was invaluable to the process.”

“ . . . a fantastic job making sense of the information and answering questions.”

## UNDERSTANDING

- ◆ KKC brings state, Midwest and national experience, but we understand and appreciate the uniqueness of Hays and its development issues and objectives
- ◆ KKC respects project participants, meets them “where they are,” and builds understanding, trust, and meaningful participation
- ◆ Immersive approach with each of our clients

## PERSPECTIVE

- ◆ KKC’s staff speaks the relevant “languages”
- ◆ KKC provides a multi-faceted analysis

## BROAD AND DEEP EXPERIENCE

- ◆ 100+ zoning and land development codes for communities of similar size, context, and development characteristics
- ◆ Authors and nationally recognized leaders:
  - » Community character
  - » Neighborhood conservation
  - » Affordable housing
  - » Resource protection
  - » Sustainability
- ◆ APA meritorious awards for last four code projects
- ◆ Municipal planning backgrounds of our staff
- ◆ “Policy to Practice” experience and perspective

## CLIENT SERVICE

- ◆ Timely service, with flexibility to adapt to new issues and client requests
- ◆ Thorough analysis and quality writing
- ◆ Adaptive, appropriate technologies

