

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
MAY 16, 2016
6:30 PM

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

2. **CONSENT AGENDA.**

A. Minutes of the meeting of April 18, 2016

Action: Consider approving the minutes of the April 18, 2016 meeting

3. **PUBLIC HEARING ITEMS**

A. Public Hearing on the Unified Development Code (Available at the following link):

<http://online.encodeplus.com/regs/hays-ks/doc-viewer.aspx#secid-0> and at
www.haysusa.com

Action: Consider a recommendation to the City Commission to adopt the Unified Development Code.

4. **NON-PUBLIC HEARING ITEMS:** None

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

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

6. **ADJOURNMENT.**

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
APRIL 18, 2016
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, April 18, 2016 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
Darrell Hamlin
Tom Denning
Robert Readle
Larry Gould

Absent Chris Crawford
Kris Munsch

City Staff in attendance: Jacob Wood, Assistant City Manager, Greg Sund, Director of Public Works, John Braun, Assistant Director of Public Works, Jesse Rohr, Superintendent and Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

No Changes to the Agenda

2. CONSENT AGENDA:

A. Minutes: The minutes from the March 21, 2016 meeting were approved as written. There were no additions or corrections to those minutes.

B. New Planning Commissioner: Jesse Rohr introduced and welcomed the new Planning Commissioner, Larry Gould who will fill an unexpired term. He has been off a couple years after serving 26 years on the Planning Commission.

3. PUBLIC HEARING ITEMS: - NONE

4. NON-PUBLIC HEARING ITEMS:

A. Consider a final plat for the proposed Blue Sky Acres Addition located on a tract of land in the SE/4 of Section 16, Township 14 South, Range 18 West of the

6th p.m. (250th Avenue west of VonFeldt's Addition south on U.S. Highway 183).
(Case # 16-01F) Jesse Rohr presented a power point presentation on the overhead visual of the site location and information associated with the above final plat. The property is located within the City's extraterritorial jurisdiction area approximately 2 miles south of Hays on the west side of U.S. Highway 183. It is west of the existing VonFeldt Development (platted in 1977). There are six lots ranging in size from 2 ½ acres to 3 acres. The preliminary plat was approved in February, 2016.

The road (Randall Lane) platted within the VonFeldt Addition Plat extends west approximately 650 feet into the Blue Sky Acres proposed plat. The roads (Randall Lane and Mary's Lane) in the proposed plat would be privately controlled and would be built to county standards and maintained privately. There is a temporary turn around platted at the end of the roadways to use if needed; although both roads may not be constructed much past the intersection if there is access to all lots. That would be determined by the developer.

Jesse Rohr presented a timeline from the time the owner inquired about the process to develop the property before the purchase. The request has gone before the Utility Advisory Committee and has been rezoned to "R-S" Residential Suburban (January, 2016). This stage is the review for approval of the final plat for a recommendation to the County and then the City Commission.

He informed the Commission of their options:

- Approve the final plat as submitted
- Request further changes to the plat
- Do not approve the plat

The final plat seems to meet the requirements of the current subdivision regulations in regard to lot size, setbacks and specific utility requirements. The property was zoned from agriculture to residential suburban for this type of development.

Staff recommends approving the final plat as submitted for a recommendation to the county and city for approval.

Paul Phillips asked for any comments from the audience.

Kevin Parker, 1033 250th Avenue, came before the commission, to read off the concerns on behalf of Bryan Church who resides at 1039 250th Avenue and was not able to attend:

1. Traffic access from the north entrance off of U. S. Highway 183 crosses his private property.
2. What legal right does the developer have to improve the existing portion of Randall Lane?

3. Question 9 of the final plat application – Why is the answer “No” to the question to the Health Department’s approval of the septic systems and wells?

4. Question 10 of the final plat application – What is the calculated square footage of the street for the Blue Sky Portion?

5. In regard to Section 59-37: No alley should have dead ends; although there are two dead end alleys on this plat.

6. In regard to the alley, it reflects an alley should be 20 feet wide; although it is a 10 foot alley.

Jesse Rohr answered the above questions:

1. He explained that there is an offset to the access drive off of U.S. 183 to Randall Lane that crosses Brian Church’s private property. This is a private, civil matter that has no bearing on this plat. Access off of U.S. Highway 183 is KDOT right of way. There is allowed only so much distance between access drives so if there is the change to move the access to the south to match Randall Drive, it could possibly trigger closing the access entrance that is further to the south. It would be at the developer’s expense to move the drive if desired.

2. He noted that the engineer for the development was in attendance if anyone has a question for him. Since that portion of the roadway is County right of way, it can be improved under the County’s direction. It would have to be built to County standards at the developer’s expense.

3. The Ellis County Environmental Office has not approved the sanitary sewer for the lots but is aware of the development; the approval comes when individual applicants request a septic sewer permit from the County and inspections/approvals are given at that time.

4. The road length can be verified by the project engineer.

5. In regard to the question on the dead end alley, it can be platted this way when it is adjacent to open space with the possibility of extension in the future. This could be platted the same way in the city if the plat is next to open space subject to future development.

6. The alley in the VonFeldt Subdivision plat makes up 10 feet and the Blue Sky Acres plat makes up 10 feet for a total of a 20 foot alley. He pointed out that even though it is platted as an alley, it may or may not be an improved alley depending upon the wishes of the developer, residents and/or the County.

Larry Gould asked about the City's alley policy and if they are trying to minimize alleys. He asked what the County's approach was on alleys. Jesse Rohr answered that alleys are allowed, although most developers choose not to put them in due to cost and long term maintenance by the City. The County's approach to alleys will be part of the County discussion if this plat is recommended to go forward.

Matthew Wheeler asked for clarification that if a road is not needed to go all the way through on Mary's Lane and Randall Lane, then it would not be required to be built and would negate the emergency turn around. Jesse Rohr answered that is correct. It is possible the road would go just far enough for access to all six lots. There would be minimal traffic and it may not be necessary to have the road all the way through unless required by the County or emergency personnel.

Paul Phillips asked if it would be better for access from U.S. 183 to be directly to Randall Lane. Jesse Rohr answered that the access may be safer with a jog over rather than a straight shot to the highway. If it is asked that KDOT move the entrance to the south to align with Randall Lane, it may trigger that the second entrance to the South go away because there is to be limited entrances onto a state highway. The two entrances were put in long before the current KDOT regulations.

Paul Phillips read the options to consider for a motion that Jesse Rohr had read above.

Lou Caplan moved and Tom Denning seconded the motion to recommend to the County Commission and the City Commission for approval of the Blue Sky Acres final plat that it meets the requirements of a final plat.

Larry Gould asked to be reminded what had occurred originally about an opposition associated with the development. Jesse Rohr explained that there had not been any opposition to the plat, although originally there was opposition to the rezoning.

Matthew Wheeler and Jesse Rohr explained that the Planning Commission recommended to the City Commission to deny (6-1) the rezoning on October 19, 2015 primarily due to not being in conformance with the Comprehensive Plan. The City Commission sent it back to the Planning Commission for further consideration. They felt that the City would not grow south because the State land between the City and subject property would prevent contiguous development; therefore justification for reason to approve the rezoning.

The Planning Commission made a motion at that time to recommend to the City to deny the rezoning (6-3) because the development would not be in compliance with the Comprehensive Plan although the City Commission took official action on January 14, 2016 in favor of the rezoning.

AYES:

Paul Phillips
Lou Caplan
Matthew Wheeler
Darrell Hamlin
Tom Denning
Robert Readle

NAY:

Larry Gould

B. Consider a final plat for the Heart of America Second Addition located on a tract in the SW/4 of Section 1, Township 14 South, Range 18 West of the 6th p.m. (900 Block of Commerce Parkway). (Case # 16-02F) Jesse Rohr presented a power point presentation on the overhead visual of the site location and information associated with the above final plat consisting of 3 lots located adjacent to Commerce Parkway north of Highway 40 that abut two platted annexed developments; Heart of America First Addition (Glassman Corporation) and the Army Reserve Addition. The improved portion of 9th Street is annexed into the City. It is zoned as "Light Industrial" north of 9th Street and "Heavy Industrial" for the remainder for a mix of commercial and industrial uses. The applicant has submitted a "Consent to Annex" also.

He noted that the owner and engineer were present if there are any questions to be addressed to them.

The street and utilities will be extended in one construction project to City standards during the development phase. Ninth Street will be improved to a point yet to be determined.

The preliminary plat was approved by the Planning Commission in 2008. It is a long standing slow development where the developers make improvements as a demand occurs.

If the final plat and annexation are approved, the developer plans to submit a petition for special assessment to extend water, sewer and streets. Lot 1 is encumbered by a drainage area; thus the reason for the shift of the property line.

He informed the commission of their options as follows:

- Approve the final plat as submitted
- Request further changes to the plat
- Do not approve the plat

Staff recommends approving the final as submitted and send it before the City Commission for approval along with consent to annex.

The plat seems to meet the requirements of the current subdivision regulations in lot size, setbacks and specific utility requirements and in conformance with the Comprehensive Plan and Future Land Use Map. The property is zoned for this type of development. The lots range in size from 2 acres to 6 acres.

Larry Gould asked if the Commerce Parkway Overlay District covered this property. He pointed out the importance to inform the developer of the development standards under this district.

Jesse Rohr explained that the Commerce Parkway Overlay District is not identified as part of the new zoning and subdivision regulations although they would require comparable standards. Depending when the final plat is approved will determine if they would be under the Commerce Parkway Overlay District or the new set of regulations. They have been made aware of this.

Paul Phillips asked how far east the Commerce Parkway Overlay District extended past Commerce Parkway and about access. Jesse Rohr answered that he would check how far east the Commerce Parkway Overlay district extends.

It was asked about the improvement of 9th Street. Jesse Rohr explained that in order to facilitate the development in 2009, the owner paid for their share of the entire width of the street. The street portion associated with the proposed development would be completed in one construction project for the street, water and sewer extensions. Assessment for the improvement costs would go to the lot owners.

Paul Philips restated the options to the commission.

Larry Gould moved and Lou Caplan seconded the motion to recommend to the City Commission for the approval of the Heart of America Second Addition Final Plat.

Paul Phillips
Lou Caplan
Matthew Wheeler
Darrell Hamlin
Tom Denning
Larry Gould
Robert Readle

C. Discussion on the draft of the Unified Development Code with changes to date. Jesse Rohr presented the time line to date of the Unified Development Code Project.

He distributed a list of changes from the last meetings discussion from the presentation by Bret Keast, consultant from Kendig Keast Collaborative. He also distributed a copy of the pages that related from the set of the draft regulations.

Some of the changes were to the sign regulations. Larry Gould asked if there were standards to remove signs. He gave examples of deteriorating signs that are still standing from closed businesses. Jesse Rohr answered that the new regulations address that.

He provided a tentative schedule:

April, 2016 - Set the Public Hearing
May, 2016 - Public Hearing
June, 2016 - City Commission Work Session
July, 2016 - City Commission Adoption

Paul Phillips pointed out a concern that since there is some turnover of membership to the Planning Commission if the schedule should be delayed to give new members time to come up to speed. Jesse Rohr answered that is a risk they run if they delay and membership on the Planning Commission could still change. It may require one on one meetings with new members.

Paul Phillips wanted it to be part of the record. The Commission was in consensus not to delay the process.

Jesse Rohr pointed out that the consultant will present the UDC draft at the Public Hearing.

Paul Phillips entertained a motion.

Matthew Wheeler moved, Lou Caplan seconded the motion to set a public hearing for May 16, 2016 for discussion of the Unified Development Code.

Paul Phillips
Lou Caplan
Matthew Wheeler
Darrell Hamlin
Tom Denning
Robert Readle

Jesse Rohr explained the location of the draft of the UDC on the city web page so the Commission can review it before the Public Hearing.

5. OFF AGENDA ITEMS/COMMUNICATIONS:

Planning Commissioner – Chris Crawford - Jesse Rohr explained that Chris Crawford, three mile representative as a member of the Planning Commission, has accepted a position as Provost at Black Hills State University and will be relocating, therefore stepping down from the Planning Commission.

Planning Commissioner – Tom Denning - Jesse Rohr explained that Planning Commissioner Tom Denning is stepping down from the Planning Commission. He has served seven years.

Jesse Rohr presented Tom Denning with a certificate of recognition and gratitude from the city for his work on the Planning Commission. Jesse Rohr acknowledged his work on the Planning Commission and pointed out that he represented the 3 mile extraterritorial jurisdiction very well.

Paul Phillips recognized Tom Denning and stated that the Planning Commission appreciated and acknowledged his meticulous work on the Commission.

6. ADJOURNMENT: Paul Phillips adjourned the meeting at 8:05 P.M.

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

Planning Commission Action Report

AGENDA ITEM:	Public Hearing for the Unified Development Code
OWNER:	N/A
TYPE OF REVIEW:	Public Hearing – Consider Recommendation to City Commission
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent Bret Keast, Kendig Keast Collaborative
DATE PREPARED:	May 10, 2016
AGENDA DATE:	May 16, 2016

SUMMARY AND RECOMMENDED ACTION:

The drafting of the zoning and subdivision regulations, now known as the Unified Development Code (UDC), has been ongoing since June of 2014. The project has been challenging, thought-provoking, sometimes perplexing, but overall very productive. Since this project was started in 2014, thanks to input from staff, developers, realtors, contractors, engineers, the consultant, and other various community interest groups, many changes occurred to the document that significantly change the regulations from what is currently adopted. It is felt that the goals of the rewrite have been met and the final outcome will be a successful one. Pending the completion of the Public Hearing, staff recommends sending the draft UDC forward to the City Commission for consideration and adoption.

BACKGROUND:

- The project has been ongoing since June, 2014. This equates to 23 months of work thus far that has gone into drafting this set of regulations.
- Utilized input from staff, developers, realtors, contractors, engineers, the consultant, and other various community interest groups.
- The existing code did not provide the adequate foundation to support an overhaul therefore the complete rewrite was recommended vs. amending the current code

- Rewriting the Zoning and Subdivision Regulations was the top recommendation of the adopted 2012 Comprehensive Plan.

GOALS OF THE UDC:

- First and foremost, to align the code with the goals and policy direction of the Comprehensive Plan.
- To use urban services and infrastructure efficiently - Promote fiscal responsibility
- Encourage reinvestment in existing neighborhoods
- Improve predictability, efficiency and ease of development procedures and processes
- To encourage “human-scaled” design in major activity centers.
- To encourage and facilitate mixed land uses.
- To create housing opportunities and choices.
- To preserve and protect the character and viability of existing neighborhoods.
- To keep the city connected and provide transportation options.
- To preserve open space in vital natural areas.
- To ensure the City of Hays remains a strong economic presence into the future.

SIGNIFICANT CHANGES FROM CURRENT CODE:

- Simplifying and reducing the number of zoning districts from 21 to 12
- Inclusion of 490+ necessary definitions (current regulations contain 110 definitions)
- Inclusion of flood management and stormwater ordinances
- Reducing the requirement of BZA action in several instances
- Inclusion of graphs, tables, illustrations and diagrams for ease of use
- Reduced setbacks in most instances for many structures, including accessory structures
- Reduction in some parking requirements/options for bike parking in lieu of vehicle spaces
- Provision for various modes of transportation, including pedestrian and bicycle
- Provision for live/work units and accessory dwelling units
- Regulatory enhancements for mixed use developments

OUTCOMES:

- More Predictability and Certainty
- Streamlined Approvals
- Increased Flexibility
- Fewer Zoning Districts
- Expanded and Consolidated List of Land Uses
- Limited and Special Use Standards
- New Neighborhood Types

(OUTCOMES CONT.)

- Optional Lot Averaging
- New Neighborhood Conservation District
- Reduced Parking Requirements
- Street and Sidewalk Standards
- Improved Signage Guidelines
- Incorporation of Flood and Stormwater Regulations

OPTIONS:

The following options are available for consideration:

- Recommend the City Commission adopt the UDC as drafted
- Recommend the City Commission adopt the UDC with amendments
- Do not recommend the UDC move forward for adoption

RECOMMENDATION:

City staff recommends sending the draft UDC forward to the City Commission for consideration and adoption.

ACTION REQUESTED:

Motion to recommend to the City Commission approval of the Unified Development Code as drafted.

ATTACHMENTS:

N/A

Publication Notice for notification of the Public Hearing for the Unified Development Code published April 22, 2016 and April 24, 2016

(First Published in The Hays Daily
News April, 22, 2016)

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 May 16, 2016 at 6:30
p.m., in the City Commission
Chambers at City Hall, 1507
Main Street, Hays, Kansas, the
Hays Area Planning Commission
will conduct a public hearing to
review the Unified Development
Code for the City of Hays and
the exterritorial jurisdiction area
for a recommendation to the City
Commission.

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 modifications
to be considered for the Unified
Development Code. A draft copy
of the Unified Development Code
will be available at the Planning,
Inspection and Enforcement
Office at 1002 Vine Street, Hays,
Kansas or can be viewed on-
line at the City of Hays website
at www.haysusa.com or by
calling the Planning, Inspection
and Enforcement Office at
785-628-7310.

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