

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
MAY 18, 2015
6:30 P.M.

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

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

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

3. PUBLIC HEARING ITEMS. – None

4. NON-PUBLIC HEARING ITEMS.

A. Reorganization of the Planning Commission

Action: 1. Appoint Chairman

2. Appoint Vice-Chairman

3. Appoint Secretary

B. Consider final plat of Tebo First Addition (43rd & Vine)

Action: Consider approval of the final plat of Tebo First 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
MARCH 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, March 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 Tom Denning Kris Munsch
 Matthew Wheeler Darrell Hamlin Robert Readle

Absent: Pam Rein Justin McClung

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

Introduction of two new Planning Commissioners

Chairman Paul Phillips noted that there were two new members to the Planning Commission. He asked them to introduce themselves and the commission to introduce themselves to them.

Robert Readle stated that he moved to Hays in 2003 and graduated from FHSU in 2006. He is now the owner and realtor of Williams Real Estate. He is also a mortgage originator with First Assured Mortgage.

Darrell A Hamlin stated that he moved to Hays in 2007 and is on the FHSU faculty for Justice Studies (Criminal Justice).

No changes to the Agenda

Chairman Paul Phillips asked if there were any changes to the agenda. There were none.

Chairman Paul Phillips asked if there were any comments from the audience on non-agenda items. There were none.

2. CONSENT AGENDA:

A. Minutes: Matthew Wheeler moved, Kris Munsch seconded the motion to approve the minutes from the February 16, 2015 meeting. There were no additions or corrections to those minutes.

AYES: Paul Phillips Lou Caplan Tom Denning Kris Munsch
Matthew Wheeler Darrell Hamlin Robert Readle

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: Jesse Rohr introduced Bret Keast, President and owner, of Kendig Keast Collaborative as the lead project manager that has stepped in for Matt Buchin who had moved on to another firm.

He explained that there was a two hour open door session to the public and focus groups on Module 2 for the rewrite of the zoning and subdivision regulations with approximately 11 attendees. He emphasized that this is still a draft. No action is required at this meeting.

Jesse Rohr informed those in the audience that the proposed regulations are for future new developments and future redevelopment. It is not the intention to impact the existing development.

Mr. Keast stated that the goal is for a workable code that will serve this community for years to come. Module 3 (Sign Regulations, Landscaping, Parking Regulations) is planned to be presented soon. He explained the tentative schedule. There will be a public hearing before there is a recommendation by the Planning Commission to the City Commission.

Mr. Keast provided his presentation on Module 2.

He pointed out the importance to keep the bar high to keep the city an attractive and marketable community. The regulations are sensitive to development costs to not compromise the developer's interests.

He provided the breakdown of the zoning districts.

1. A-L Agriculture
2. Neighborhood Conservation District
3. Residential Suburban District
4. Residential General District
5. Residential Multi-family District
6. Neighborhood Shopping District

7. Commercial General District
8. Central Business District
9. Light Industrial District
10. Heavy Industrial District
11. Mixed Use District
12. Public & Institutional Districts

He explained each of the zoning districts. The Neighborhood Conservation District specifically spells out the importance to keep the character of the neighborhood for existing properties as applied in the present zoning regulations.

The neighborhood shopping district allows shopping centers to co-exist with residential properties.

There is a lengthy section in the regulations associated with the downtown district.

In regard to the special use requests, he pointed out that some of the uses would change to be allowed by right rather than requesting it through the Hays Area Board of Zoning Appeals. This would simplify and not unnecessarily delay them.

Also the new regulations would lessen the need for variance requests.

He explained about the design standards. He pointed out to have screening around rooftop equipment and primary brick masonry on facade.

There would be a greater amount of open space to be required in new developments.

He explained about the lower costs associated with cluster developments that are maintained by a property home maintenance group that the residents buy into.

He pointed out to discourage double frontage from properties because this increases the conflict points.

Paul Phillips noted that on 27th Street, an arterial Street, that it was more beneficial to access the garage from the side street.

Lou Caplan asked about access to open spaces from cul-de-sacs.

Mr. Keast explained that a walkable access easement could be platted across several properties for residents to walk to the open space. He explained that cul-de-sacs are inefficient and they do not tie the community together.

Tom Denning asked about how the new regulations would apply to conveyance of agricultural land if they subdivide it to different parties.

John Bird answered that if the land is under 5 acres, it would need to be platted and developed. If it is over 5 acres, it can be conveyed to anyone per current ordinance.

Paul Phillips commented that there has to be a balancing act of public interest and individual freedom that is important to people. He asked the consultant to provide some criteria as to what is driving development in the 21st century. Mr. Keast said he could do that.

Mr. Keast pointed out to funnel any comments to Jesse Rohr who will post them on line.

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

Chris Wente, representative for Western Plains Service Corporation, came before the commission to point out his concerns about the regulations on future development. He explained that they have done a lot of residential development in Hays; most recently the residential development north of 41st Street. He explained that as a developer, they sell their lots to builders.

He voiced concern of the regulations calling for greater "Open Space" and that it would be maintained through a "Homeowner's Association; although could fall back on the developer for ongoing maintenance. They are not equipped for that. He pointed out the potential legal issues that could arise.

A "Homeowner's Association" are volunteers that step up to run the association. There are not a lot of "Homeowner's Associations" in developments now. He asked if the city would want to deal with that.

He pointed out that he liked the idea of smaller lots; although they have found there is a push back for people wanting larger lots. As a developer they take a lot of risk when there is a change for something new. The concept and what is in demand are two different things.

5. OFF AGENDA ITEMS/COMMUNICATIONS:

A. City Commission Action and Planning and Development Updates on Planning Commission issues:

Change date of May Planning Commission Meeting for presentation of Module 3 of the rewrite of Zoning and Subdivision Regulations: Jesse Rohr recommended a date change for the May Planning Commission from May 18th to May 20, 2015, provided there would be a quorum for the presentation of Module 3 of the rewrite of the Zoning and Subdivision regulations by Bret Keast. Mr. Keast has a conflict and cannot be here on the 18th.

Strong Town Presentation on Tuesday, May 19, 2015: Jesse Rohr invited the commission to the above presentation.

Zoning Map: Jesse Rohr will bring the 20" X 20" copy of the zoning map from the Comprehensive Plan.

Comprehensive Plan: Paul Phillips asked if the new members had a copy of the Comprehensive Plan. Jesse Rohr answered that he had met with the new members and given them the link on the city web page to the Comprehensive Plan. He would be happy to provide a hard copy if they like.

Feedback on Regulations: Jesse Rohr requested feedback in accordance with the work on the regulations.

He showed visuals on the overhead for the following:

1. Street Side façade – (visual example was side of the building facing the street with two duplexes facing each other)

Matthew Wheeler pointed out that it was not appealing to look at. Bret Keast pointed out a privacy issue with two duplexes facing each other.

Robert Readle asked if it would work that the front would look like a façade even though the ingress/egress would be to interior of lot.

Lou Caplan asked if the duplex could be a two story, with one unit on the top and the other on the bottom so it would face the street. John Braun mentioned some possible issues that could arise if the property were in the flood plain.

Jesse Rohr showed several other visual examples of duplexes with one entrance to the street and the other to the back of the lot that maintained the character of the neighborhood. In these cases there was the luxury of a concrete alley.

Paul Phillips pointed out the importance for development to stay consistent with the character of the neighborhood no matter what part of town.

Bret Keast stated that they would work on this.

2. Chain-Link Fencing The question if a chain link fence should be prohibited particularly when visible from the street.

Some examples of chain link fences visible from the street are the chain link fence around the water plant, the school yard at 19th and Vine and some residential yards.

Matthew Wheeler noted a property that has been for sale for a long time that has a chain link fence in the front yard. He wondered if the chain link fence was the deterrent that it has not sold because it does not have curb appeal.

Jesse Rohr noted that chain link fences are prohibited along the Commerce Parkway Overlay District. One of the most recent fences constructed was with wrought iron at Bruckner's Truck Services and Sales at 2101 Commerce Parkway.

Lou Caplan recommended no chain link fences in the front yard.

Jesse Rohr stated that one thing that could be considered was allowing chain link fences for the commercial and industrial areas and prohibit them in the residential areas.

Bret Keast noted that another suggestion could be to prohibit chain link fences visible from the street and prohibit front yard fences.

Paul Phillips noted a location where there were shrubs and rose bushes obstructing the view of traffic where a chain link fence would not obstruct the view of traffic.

Jesse Rohr explained that that height restrictions on a front yard fence would be 42 inches provided it is approved.

Bret Keast stated that they would work on this.

3. Mixed use - code draft try to encourage mixed use - There was discussion on mixed uses within the residential and commercial zoning districts.

The example was single family homes that were built 10 years after the construction of a multi-family unit that have increased in property value.

Lou Caplan noted that the second story of a commercial building facing residential cannot have any windows. Bret Keast explained that the reason is for privacy so no one from the commercial property can look down on the back yard of the residential property.

4. Limit height of accessory structures - Increase size - Jesse Rohr explained that there are two issues to consider associated with oversized two-story detached garages. One suggestion is to limit the size and height of a garage. He showed pictures of oversized two-story garages that have been built in the city.

Lou Caplan added to consider limitation on non-pervious surface.

Robert Readle stated that there should be the opportunity to request a variance, where appropriate, because there are some very large lots where an oversized garage would work.

Jesse Rohr suggested a percentage basis or a variance would work for larger lots.

John Braun read what is currently in the ordinance associated with oversized two story garages.

There was discussion on this issue.

6. ADJOURNMENT: Darrell Hamlin moved, Tom Denning seconded the motion to adjourn at 8:09 p.m. approved by consensus.

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

DRAFT

Planning Commission Action Report

AGENDA ITEM: Consider the Final Plat of Tebo First Addition
OWNER: Tebo Properties (Stephen Tebo and Bradley Tebo)
TYPE OF REVIEW: Final Plat – Tebo First Addition
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
DATE PREPARED: May 12, 2015
AGENDA DATE: May 18, 2015

SUMMARY AND RECOMMENDED ACTION:

The subject property, known as the proposed Tebo First Addition, is under consideration for approval. This is for the property located near 43rd and General Hays/Vine St. The plat does not include any additional right-of-way dedication and does not further subdivide the plat from its current state. **Staff recommends approving the plat as submitted and provide a favorable recommendation to the City Commission for approval of this plat.**

BACKGROUND:

- The plat of Tebo First Addition was actually approved by the Planning Commission in 2005 and again in 2008 but for reasons beyond the control of staff, never went forward for final approval by the governing body.
- The surrounding property consists of commercial development and this property is zoned for commercial uses (C-2 – General Commercial)

POINTS TO CONSIDER:

- There is no right-of-way dedication with the plat. All necessary right-of-way already exists.
- The property consists of one parcel now and will remain one parcel when platted.
- 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.

- All necessary City utilities are in place to serve this property.
- There is a sanitary sewer easement that crosses the property that is no longer in use that will be vacated with the plat.
- The plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.

PROS:

- Platting of this property cleans up the legal records making it easier for future development without unnecessary hindrances.
- Platting this property will ensure all easements are in place and will act to vacate one unnecessary sanitary sewer easement through the middle of the lot
- Platting will allow for future development of this property

CONS:

- None identified

OPTIONS:

The following options are available for consideration:

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

RECOMMENDATION:

The continued in-fill of this property, as well as other properties similar to this one, should be encouraged. It allows for additional development without expanding the boundaries of the City and annexing additional territory therefore reducing unwanted sprawl. **Staff recommends approving the plat as submitted and provide a favorable recommendation to the City Commission for approval of this plat.**

ATTACHMENTS:

- Final Plat Map
- Area Maps
- Plat Checklist

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

Case No. 15-02 F
Date Filed 05-11-2015

APPLICATION FOR FINAL PLAT APPROVAL

Name of Subdivision Tebco First Addition

General Location 43rd & Vine - NE Corner

Name of Applicant Tebco Properties

Address 3111 28th Street
Boulder, CO 80301 Phone 303-447-8326

Name of Agent _____

Address _____ Phone _____

Name of Surveyor or Engineer Ruder Engineering & Surveying, LLC

Address 1376 Butterfield Trail Rd.
Hays, KS 67601 Phone 785-259-1382

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat: 4.0 Acres

2. Number of Lots:

a. Residential _____

b. Commercial 1

c. Industrial _____

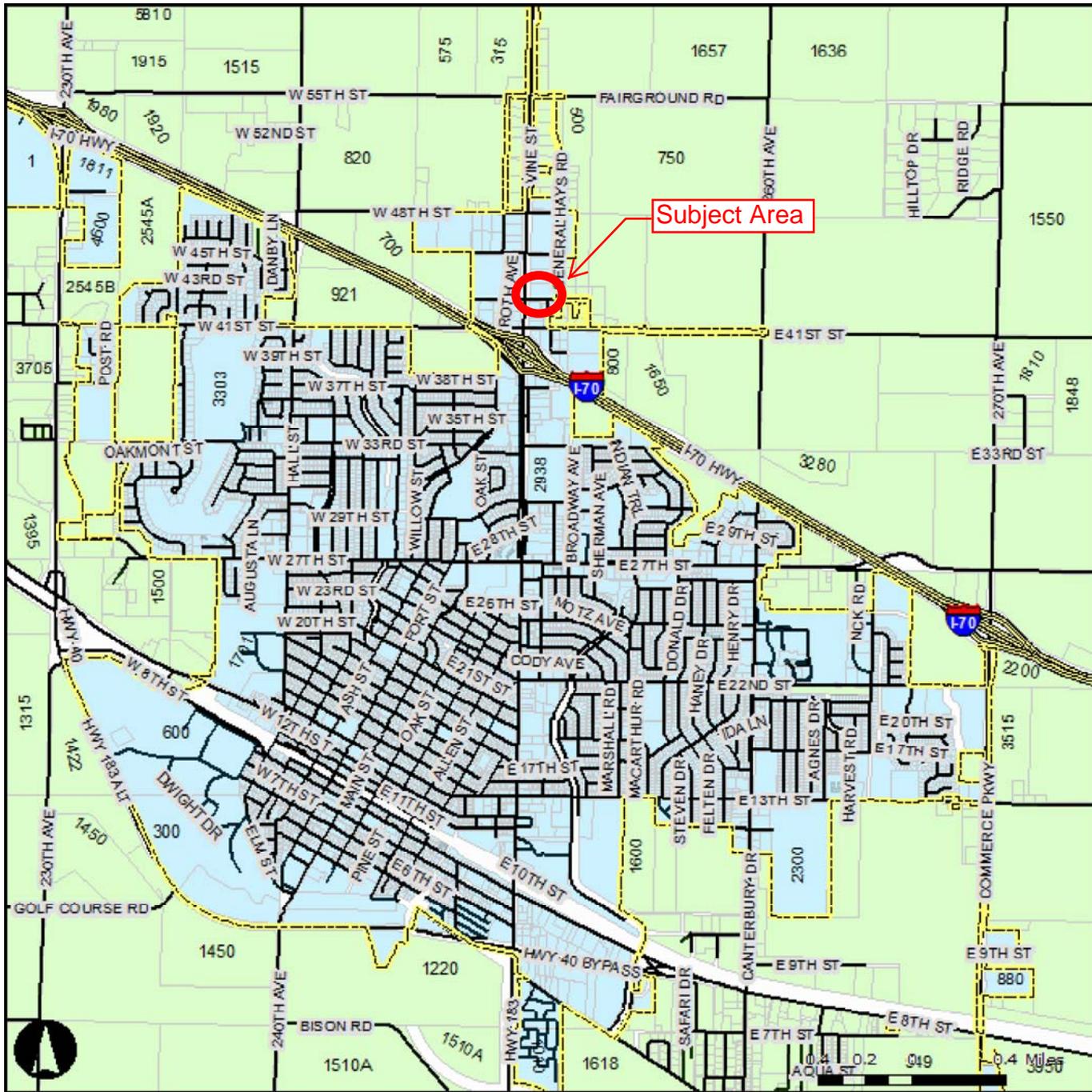
d. Other _____

Total Number of Lots 1

3. Minimum Lot Frontage: 319 feet

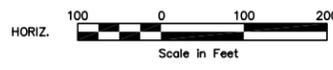
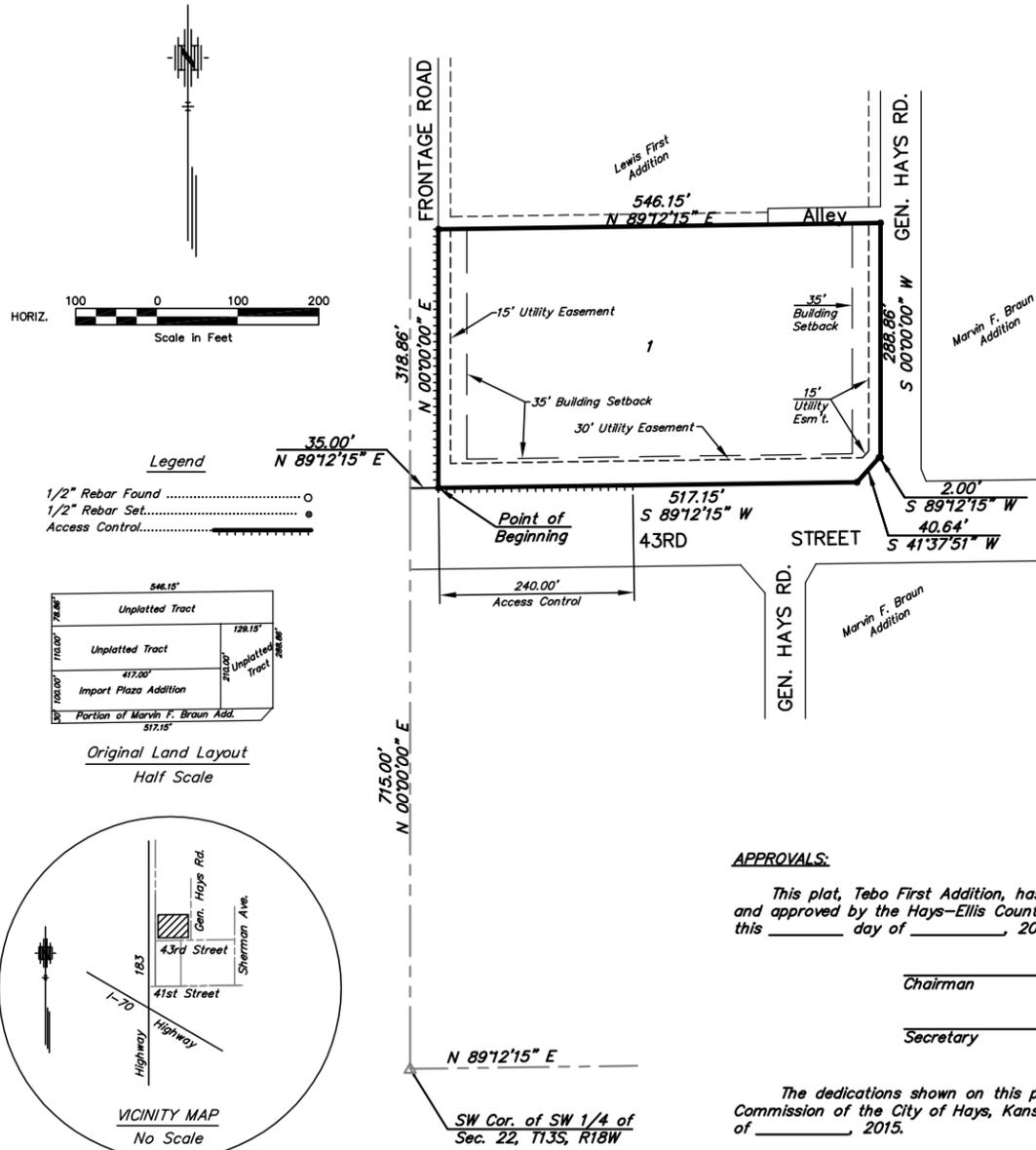
4. Minimum Lot Area: 4.0 Acres feet

5. Existing Zoning C-2

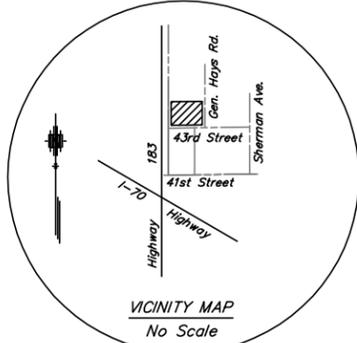
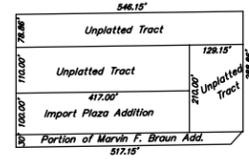


PLAT OF TEBO FIRST ADDITION HAYS, KANSAS

A REPLAT OF THE IMPORT PLAZA ADDITION,
A REPLAT OF A PORTION OF THE MARVIN F. BRAUN ADDITION,
AND UNPLATTED TRACTS



Legend
 1/2" Rebar Found
 1/2" Rebar Set
 Access Control.....



OWNER'S CERTIFICATE:
 Know all men by these presents, that we, the undersigned property owners of the land hereon described, have caused the same to be surveyed and platted into Lots and Easements, the same to be known as "Tebo First 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.

 Stephen D. Tebo

 Shari Tebo

NOTARY CERTIFICATE
 State of Kansas, County of Ellis, ss:
 Be it remembered that on the _____ day of _____ 2015, before me, a Notary Public in and for said County and State, came Stephen D. Tebo and Shari Tebo, husband and wife, 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 notarial seal, the day and year above written.

My Commission Expires _____

 Notary Public

DESCRIPTION
 That part of the Southwest Quarter of Section 22, Township 13 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence on an assumed bearing of North 00 degrees 00 minutes 00 seconds East, along the west line of said Southwest Quarter, a distance of 715.00 feet; thence North 89 degrees 12 minutes 15 seconds East a distance of 35.00 feet to the intersection of the Vine Street east right of way line with the 43rd Street north right of way line, and the point of beginning of the land to be described; thence North 00 degrees 00 minutes 00 seconds East, along the east Vine Street right of way line a distance of 318.86 feet to the southwest corner of the Lewis First Addition; thence North 89 degrees 12 minutes 15 seconds East, along the south line of the Lewis First Addition, a distance of 546.15 feet, to the southeast corner of the Lewis First Addition, said point being on the General Hays Road west right of way line; thence South 00 degrees 00 minutes 00 seconds West, along said General Hays Road right of way, a distance of 288.86 feet; thence South 89 degrees 12 minutes 15 seconds West a distance of 2.00 feet; thence South 41 degrees 37 minutes 51 seconds West a distance of 40.64 feet to a point on the 43rd Street north right of way line; thence South 89 degrees 12 minutes 15 seconds West, along said 43rd Street right of way, a distance of 517.15 feet to the point of beginning. This tract contains 3.987 acres.

OWNER'S CERTIFICATE:
 Know all men by these presents, that we, the undersigned property owners of the land hereon described, have caused the same to be surveyed and platted into Lots and Easements, the same to be known as "Tebo First 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.

 Bradley S. Tebo

 Sue Ann Tebo

NOTARY CERTIFICATE
 State of Kansas, County of Ellis, ss:
 Be it remembered that on the _____ day of _____ 2015, before me, a Notary Public in and for said County and State, came Bradley S. Tebo and Sue Ann Tebo, husband and wife, 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 notarial seal, the day and year above written.

My Commission Expires _____

 Notary Public

APPROVALS:
 This plat, Tebo First Addition, has been submitted to and approved by the Hays-Ellis County Planning Commission this _____ day of _____, 2015.

 Chairman

 Secretary

The dedications shown on this plat accepted by the City Commission of the City of Hays, Kansas, this _____ day of _____, 2015.

 Eber Phelps, Mayor

 Brenda Kitchen, City Clerk

 John T. Bird, Attorney for the City of Hays

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 _____, 2015 in Book _____, Page _____.

 Register of Deeds _____
 Deputy

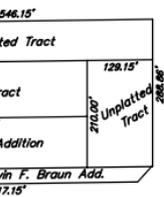
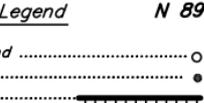
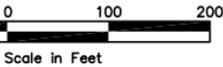
EASEMENTS:
 Easements are hereby dedicated for public use, as utility easement right-of-way, which are shown as lying between the dashed lines in widths indicated and as set forth on this plat, and said easements may be employed for the purpose of installing, repairing and maintaining gas lines, electric 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."

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.

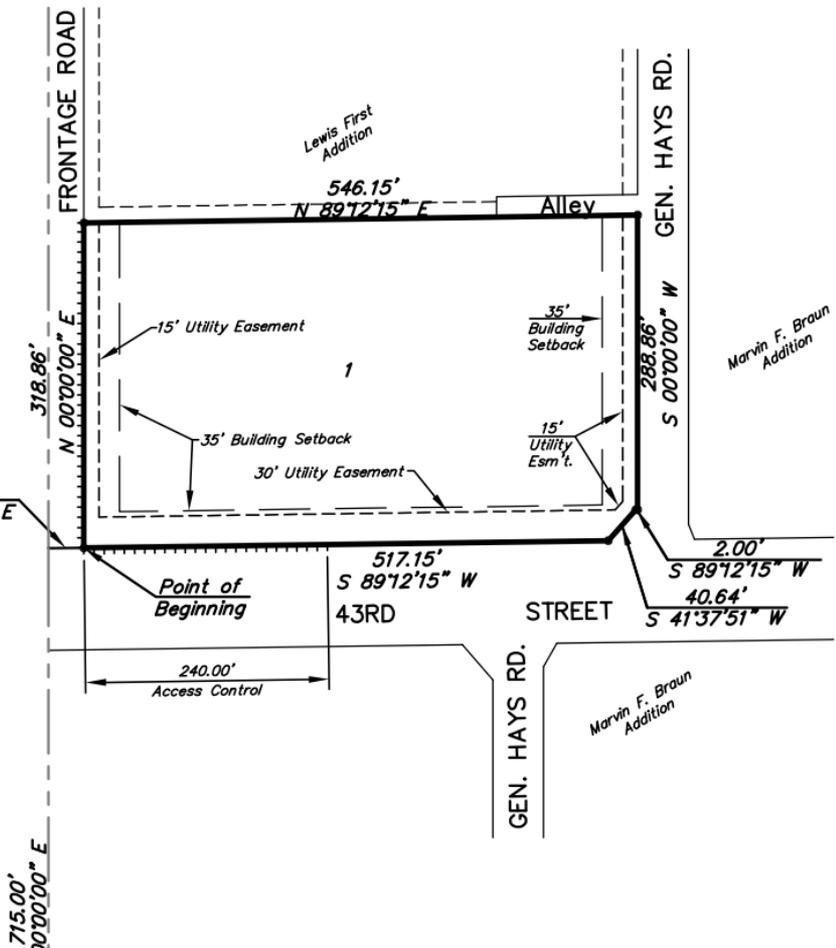
 Harvey Ruder _____
 Date

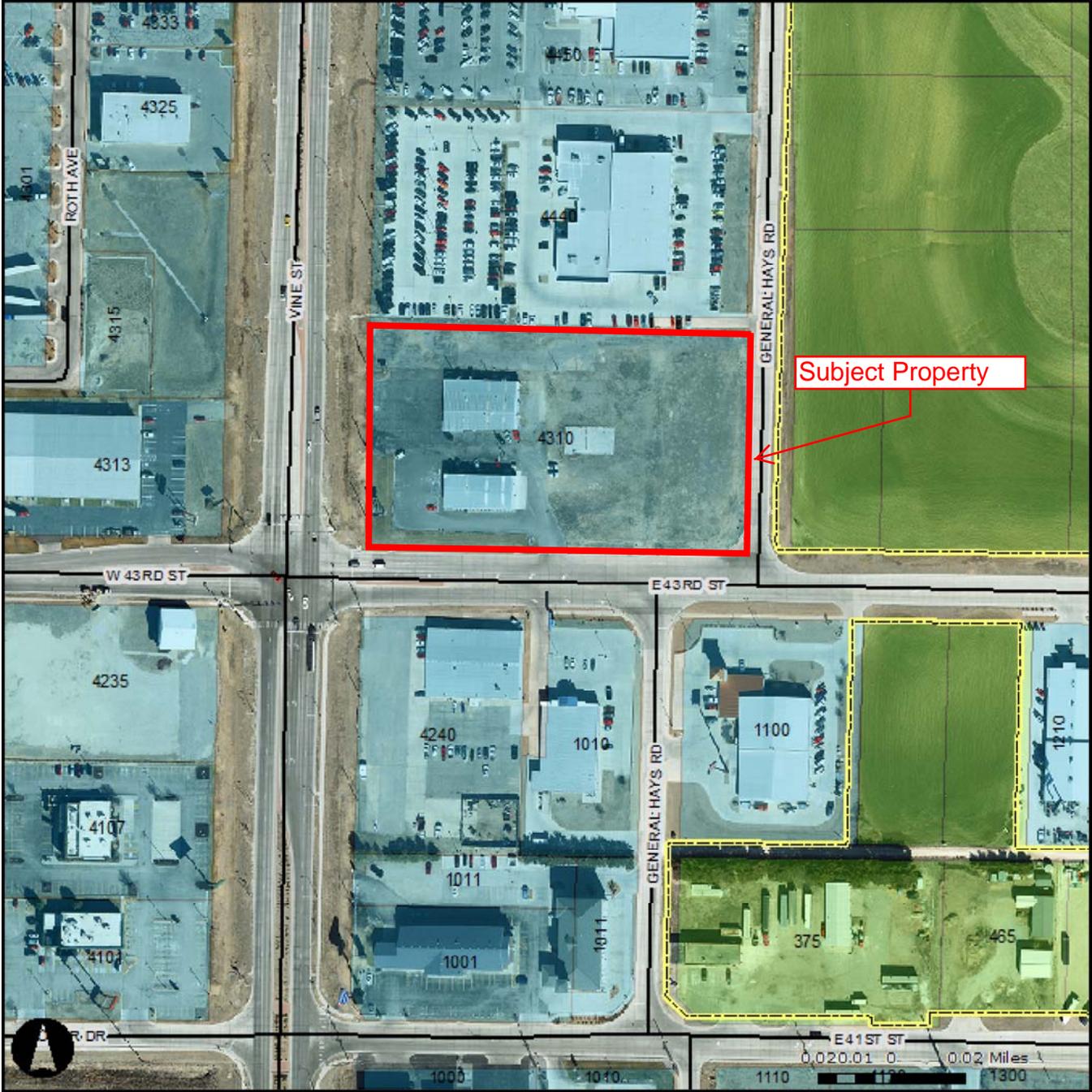


RUDER ENGINEERING & SURVEYING, LLC
 1376 Butterfield Trail Rd.
 Hays, Kansas 67601
 785-259-1382



Land Layout
Half Scale





Subject Property



4310 Vine Street, Hays, KS, United States X



PRINTABLE MAPS & DIRECTIONS

SEARCH

PRINT

DRIVE

onlinemapfinder

CLICK HERE

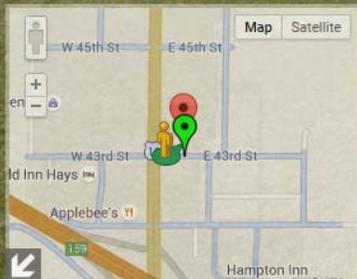
NEXTECH
wireless

Simple
Plans.

OPICAL

© 2014 Google

© 2014 Google



E 43rd St

E 43rd St

Google

f Like 70k | t Tweet 1,698 | +1 13k



4310 Vine Street, Hays, KS, United States X



PRINTABLE MAPS & DIRECTIONS

SEARCH

PRINT

DRIVE

onlinemapfinder

CLICK HERE



General Hays Rd ← → General Hays Rd

FINAL PLAT CHECK-LIST

NAME OF SUBDIVISION: **TEBO FIRST ADDITION** DATE: **05/12/2015**

NAME OF OWNER: **TEBO PROPERTIES**

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		

Comments: