

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
JUNE 20, 2016
6:30 PM

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

2. **CONSENT AGENDA.**

A. Minutes of the meeting of May 16, 2016

Action: Consider approving the minutes of the May 16, 2016 meeting.

3. **PUBLIC HEARING ITEMS.**

None

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

A. Discussion and Review of the Recommended Draft Unified Development Code
(Available at the following link):

http://www.haysusa.com/16-05-09_UDC_Public_Hearing_Draft.pdf

Action: Open discussion and review of the recommended draft Unified Development Code in advance of the July 21 City Commission Work Session.

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
MAY 16, 2016
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, May 16, 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
Robert Readle
Larry Gould
Kevin Coomes

Absent Darrell Hamlin
Kris Munsch
Chris Crawford

City Staff in attendance: Toby Dougherty, 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.

Introduction of New Planning Commissioner: Jesse Rohr introduced the new Planning Commission member, Kevin Coomes, who will be representing the extraterritorial jurisdiction area. The Planning Commission members introduced themselves.

No Changes to the Agenda

2. CONSENT AGENDA:

A. Minutes: The minutes from the April 18, 2016 meeting were approved as written. There were no additions or corrections to those minutes.

3. PUBLIC HEARING ITEMS: - Public Hearing on the Unified Development Code

Jesse Rohr explained that the following is the public hearing on the Unified Development Code. He introduced Bret Keast of Kendig Keast Collaborative that provided the presentation in preparation for the public hearing on the Unified

Development Code. He will update the Commission on the changes, updates and process from the last Planning Commission meeting that was in March.

Paul Phillips explained that he would open the public hearing after the presentation.

Bret Keast, of Kendig Keast Collaborative, acknowledged the Commission, audience and city staff. He provided the presentation on the Unified Development Code as a power point presentation on the overhead visual. He explained he would take comments and go over them with staff and make changes if warranted.

He explained that the reason the city undertook this process was because of the key recommendation per the 2012 Comprehensive Plan. This process began in 2013 to modernize the code due to changes in development practices, philosophy and terminology. The document is scheduled to go before the City Commission work session on July 21, 2016 subject to the Planning Commission recommendation.

He explained that the document combines all the ordinances that relate to land development in one user-friendly document. They are the zoning ordinance and subdivision regulations, sign and parking regulations, buffering, flood damage prevention and stormwater regulations. Everything is spelled out. The primary users of the document will be land developers.

There is a reduction in the number of zoning districts with more options in those districts. This code provides for mixed uses and more freedom to develop a variety of housing types. It also promotes improvement in existing neighborhoods without unnecessary process. It provides flexible options resulting in less time, expense and fewer road blocks. It allows compatible infill and redevelopment.

The UDC reduces the requirement of the BZA action in several instances.

Some of the changes were buffer yard regulations next to recreational vehicle parks and another was signage. It spells out the criteria for "grandfathered" properties. There are no longer building size restrictions in a "C-1" district.

He explained that he would take any comments and questions and consider proposed changes if warranted after review with city staff.

Paul Phillips opened the public hearing for comments. Jesse Rohr displayed the respective chapters on the overhead visual that applied to the questions.

Lyn Klein came before the Commission to ask for clarification to ask what the intent was per part of Chapter 10 on architectural design for rebuilds and infill in developments that were built in the middle 1900's. He asked, that for efficiency

reasons, that the architectural design not have to follow the same design of the surrounding architecture if that development was built years ago.

Jesse Rohr explained that the single family detached and attached residences shall be designed so that the primary entrance faces a public or private street or other architectural features such as windows, wall off-sets, roof design or other features similar to those found on front facades to be in uniformity of character of the existing neighborhood. There is nothing included about the type of materials.

Bret Keast and Jesse Rohr explained that the multi-family development for a rebuild or infill shall meet the architectural features such as windows, wall off-sets, roof design and other features but it does not have to match the surrounding structures. There is nothing included about the type of materials.

Kelly Koenke came before the board to point out that he had done a rebuild to a multi-family unit at 408 Fort Street and that he did not have to match the architecture design of the surrounding structures. Jesse Rohr explained that the structure met the current regulations and would meet the proposed regulations since it has the features described.

Lyn Klein asked whose responsibility it is to put in the pathways and maintain them in the cul-de-sacs of new developments. He also asked if fences could be constructed next to the pathways. Jesse Rohr and Bret Keast explained the interpretation per Section 6.2.203 (B)(3). This is a platted pedestrian access easement and the property owner of that easement would be required to construct and maintain the sidewalk for the pathway. It would be like if you live on a corner lot and have to maintain the front and side yard sidewalk.

He explained another option might be that the pathway be constructed at the time of development to be part of the assessment for the development. This requirement for a pathway on a plat would depend on the outlying areas if it is tied to a multi-use trail within two tiers of cul-de-sacs. Jesse Rohr answered that the pathway would be a platted access easement; the fence could be built up to it. This would be discussed further.

Larry Gould asked who would pay for constructing the pathway. Jesse Rohr explained that on a standard development the owner/homebuilder is required to construct the sidewalk. The other option is it could be special assessed to the development. Larry Gould asked if it would be mandated one way or the other.

Paul Phillips and contractor Kelley Koenke asked if there was a requirement that sidewalks be constructed in new developments where there may be some undeveloped lots.

Jesse Rohr answered that 3 years after 50% of the construction of the lots, it would trigger the requirement that sidewalks be constructed on the undeveloped lots.

There is still some discussion if the threshold should be 75% of the lots to be developed.

Larry Gould asked who would track that. Jesse Rohr explained that the enforcement would be triggered after the respective threshold had been met.

Matthew Wheeler asked if there was a provision to incorporate the existing properties without sidewalks to construct sidewalks on undeveloped property. Bret Keast answered that this would only apply to new developments. Jesse Rohr answered that there are projects outside the regulations to address these areas.

Jesse Rohr explained that cul-de-sacs are still allowed; although there is a concern that the maximum length is limited to 150 feet; this length was recommended by emergency personnel services. Currently the maximum length of a cul-de-sac is 600 feet.

Robert Readle voiced concern for the limited length of a cul-de-sac.

Paul Phillips asked about how it was determined the location of the pathway in the cul-de-sacs and if there could be two pathways within the cul-de-sac. Jesse Rohr answered pathways are not required in every cul-de-sac; although only one would be in a cul-de-sac if it would lead to a multi-purpose trail within two tiers of cul-de-sacs.

It was asked for an example of a 150 foot cul-de-sac that backs up to a multi-purpose trail. Jesse Rohr answered that there was one in King's Gate Phase II Addition.

It was asked about street width. Jesse Rohr answered that street width is part of the development policy that has not been addressed yet. Currently 31 feet is the minimum standard street width.

Larry Gould asked about the "Commerce Parkway" overlay district. The goal was that the area be set up as an effort to incentivize alignment for an industrial park. Jesse Rohr explained that there are no overlay districts per the proposed new regulations although many of the requirements are carried over to all the commercial/industrial zoning districts except the fencing material. There is very little stipulation on building materials and fencing materials.

Bret Keast explained that in a project such as this, the overlay districts are pulled out so it is not to be too overly convoluted and cumbersome.

Associate Real Estate Broker Laura Sadeghi came before the board to ask about the administrative process and what city staff will handle those cases that will no longer require Board or Commission approval. Bret Keast referenced Section 11-2.100- 203 to the powers and duties in respect to the applications. He answered that the zoning administrator will have those duties. Jesse Rohr answered that it will

be a collaborative effort with the PIE superintendent as well as other staff including but not limited to the Director and Assistant Director of Public Works and sometimes the City Manager.

Robert Readle asked if there would be a need for additional staff and costs associated with this process. Jesse Rohr answered that it will actually be less work than to prepare for a public hearing. Jesse Rohr explained that many of the new regulations were added in the hopes of reducing the need for variances and public hearings which should save staff time. No new staff will be hired as a result of these regulations. Bret Keast noted that appeals would come before the Planning Commission.

Mr. Keast explained there will be a development guide book. Jesse Rohr explained that Planning Commission issues currently go before a Utility Advisory Committee which will become the Development Review Committee.

Paul Simpson, owner of a property on Commerce Parkway, asked about the buffering from Recreational Vehicle Parks. Jesse Rohr explained the buffering requirements. A natural buffer can be used up to 500 feet. If it is greater than 500 feet, then a fence would be needed.

Real Estate Broker, Doug Williams, representing the Hays Board of Realtors, came before the board to express that the local realtors still have concerns about the document; although several changes have been made to the original proposal that have helped mitigate some apprehension.

He stated that their initial position was that they felt these regulations represented a significant loss of property rights and would increase the cost of development, reconstruction, and remodeling and increase the cost to local government as a result of enforcement and administrative costs surrounding these regulations.

He acknowledged that he believes Jesse Rohr, Planning, Inspection and Enforcement Superintendent and other City Staff have done an admirable job of making changes to the document. What it looks like today is not very similar to what it looked like when first drafted. He stated that they still have some concerns, but to a much lesser degree than they did before. It is lengthy and complicated; it is the nature of the beast. They have come a long way particularly in commercial development. They have addressed the concerns. "Kudos" to those guys what they have done so far.

Paul Phillips closed the public hearing at 7:57 p.m.

Paul Phillips personally thanked Doug Williams for those comments. He asked Jesse Rohr for the options. Jesse Rohr read the options. One of the options included a recommendation to approve subject to comments and potential revisions to the draft.

Larry Gould moved, Robert Readle seconded the motion to delay action until the June 20, 2016 meeting to give time for the Commission to digest the information.

Vote: AYES Larry Gould
 Robert Readle

Nay: Lou Caplan
 Matthew Wheeler
 Kevin Coomes

No Vote: Paul Phillips would only vote upon a tie

Robert Readle pointed out that there are still some matters to be hashed out and referenced some of the concerns that were asked by the audience. He stated that if we have another month for discussion before sending to the work session, why wouldn't we want to use that time to make a better document.

Larry Gould realizes a lot of time was spent on the document, although on the other hand, some did not have the correct document when they came forth to ask questions. He expressed that the public should take a look at it and then let the Planning Commission recommend approval so they would have a clean document.

Lou Caplan asked if there would need to be another public hearing. There would not need to be another public hearing.

Paul Phillips stated that the motion was defeated.

Matthew Wheeler stated that the comments and questions from the audience and Commission have been excellent.

He asked for clarification that they could accept comments until the July meeting if it was approved this evening. He asked for clarification that this is a working document in case something needs to be changed over time. Jesse Rohr answered that they could accept comments up to the time of the City Commission approval. They plan to have this document in its final draft form when it goes before the City Commission. Justified changes can be made to the document after it is adopted.

Paul Phillips entertained a motion.

Mathew Wheeler moved, Lou Kaplan seconded the motion to recommend to the City Commission approval of the Unified Development Code document that would be presented at the July 21 work session. It was implied per discussion that there would be the caveat that any amendments of changes or additions to the document could be presented up to the time of City Commission action.

Vote: AYES Lou Caplan
 Matthew Wheeler
 Kevin Coomes

Nay: Larry Gould
 Robert Readle

No Vote: Paul Phillips would only vote upon a tie

4. NON-PUBLIC HEARING ITEMS: None

4. OFF AGENDA ITEMS/COMMUNICATIONS:

A. City Commission Action and Planning and Development updates on Planning Commission related issues: Jesse Rohr asked the Commission if they would like the Unified Development Code for a discussion item on the June Planning Commission agenda. The Commission was in favor to have it on the agenda as a discussion item.

He asked that anyone who has any questions or concerns to let him know anytime or they are welcome to bring them up at the June 20, 2016 Planning Commission meeting.

5. ADJOURNMENT:

Paul Phillips asked the Commission and audience if they had further comments. There were none. He adjourned the meeting at 8:09 P.M.

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