

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
JULY 18, 2016
6:30 PM

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the meeting of June 20, 2016

Action: Consider approving the minutes of the June 20, 2016 meeting.

3. PUBLIC HEARING ITEMS.

None

4. NON-PUBLIC HEARING ITEMS.

A. Discussion and review of the Extra-Territorial Jurisdiction Area Boundary (3-Mile Boundary) with consideration for adjusting the boundary in specific areas

Action: Consider a recommendation of changes to the ETJ boundary as presented by staff.

B. Discussion and review of the revised zoning map to be adopted in conjunction with the Unified Development Code (UDC)

Action: Consider setting a public hearing for a review and recommendation of the updated zoning map to be adopted in conjunction with the UDC.

5. OFF AGENDA ITEMS/COMMUNICATIONS.

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

a. Reminder of UDC discussion at July 21 Work Session

6. ADJOURNMENT.

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
JUNE 20, 2016
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, June 20, 2016 at 6:30 p.m. in Commission Chambers at City Hall. Vice-Chairman Lou Caplan declared that a quorum was present and called the meeting to order.

Roll Call:

Present
Lou Caplan
Kris Munsch
Darrell Hamlin
Larry Gould
Kevin Coomes

Absent
Matthew Wheeler
Robert Readle
Paul Phillips

City staff in attendance: Greg Sund, Director of Public Works, Jesse Rohr, Superintendent and Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

2. CONSENT AGENDA:

A. Minutes: Kris Munsch moved, Darrell Hamlin seconded the motion to approve the minutes from the May 16, 2016 meeting. There were no additions or corrections to those minutes.

AYES
Lou Caplan
Kris Munsch
Darrell Hamlin
Larry Gould
Kevin Coomes

3. CHANGES TO THE AGENDA: Informational Current Matters

A. Northwest side of 230th Avenue and 55th Street - north of I-70 Exit 157

interchange -Jesse Rohr displayed the subject property on the overhead visual of the above property consisting of 460 acres that may be a future proposed development. He explained that there are roads being built and excavation going on. The property is very hilly and rocky with 4 to 6 inches of top soil in some areas. The property is not annexed, not zoned (except a small parcel that is zoned

industrial), and not platted. The owner has not yet formally contacted the City or the County.

The agent for the owner requested a meeting with City Staff after someone visited the Public Works office claiming to have purchased one of the lots. The property cannot be subdivided until it goes through the zoning and platting process. The agent provided a rough rendition of three contiguous lots.

The City has made contact with the property owner. Jesse Rohr distributed a copy of the letter sent by the City manager to make the owner aware that there is a formal process associated with a development. He provided a tentative list and timeline of what would be involved in the development process.

Darrell Hamlin asked if there had been any response to the letter. Jesse Rohr answered that he has not been made aware of any formal response to the correspondence.

The property is within the service area of rural water which may pose a problem since rural water has the ability to trump city water service availability. There could be potential septic sewer issues as well.

The property would be contiguous with the city from the south with I-70 lying between adjacent annexed property and the subject property. City Water could be extended to this property from the water tower at 55th Street that would also lend itself to development in the corridor along 55th Street.

Larry Gould noted, for point of discussion, if this was going against the direction given to the Commission to base their decisions according to the "Strong Towns" concept that a development was to be able to sustain their cost.

Greg Sund answered that they have to look at all sources for bringing in revenue from the whole pie. He pointed out that residential properties do not sustain themselves; it takes all the forms of revenue. The City Commission increased the fees for water and sewer to sustain it for the foreseeable future. The big cost is the streets. They have been weighing the difference in cost of concrete and asphalt streets over time. With the asphalt street, they can resurface, but with concrete streets, they have to replace the entire street.

Lou Caplan asked if the rezoning process would be the same in the proposed new regulations. Jesse Rohr answered that rezoning is dictated by state statute so that part would be the same.

Jesse Rohr stated that the city does not know the owners intentions and hopes to start some discussions.

B. City/County discussing 3-mile extraterritorial jurisdiction (ETJ) Jesse Rohr explained that the County approached the City about the consideration to

redefine the extraterritorial jurisdiction boundary in certain areas. A new map will be brought forward for discussion at a later date.

This came to light regarding a development 2 ½ miles south of Hays on the south side of state property. This is the first residential development in the ETJ since the County adopted zoning regulations in the year of 2006.

Per discussion there would be a reduction of jurisdiction to the south and west and north due to less projected city growth in those directions. State Statute grants the County the right to allow the City up to 3 miles of jurisdiction outside the City Limits.

Darrell Hamlin asked what would be the process to make these changes to the extraterritorial boundary. Jesse Rohr answered that the County would ultimately take formal action to change the boundary. No action from the City is required although the County may forward to the Hays Area Planning Commission and City Commission for discussion and recommendation.

Lou Caplan said he had read the boundary could be less than a mile. Jesse Rohr answered that State Statute allows the County to give the city 3 miles of jurisdiction from the city limits. It is a living document that can be changed from time to time as desired.

Larry Gould noted that in the past it was expensive to create a map; although now with the technology a map can be updated in a short time. With the boundaries being changed he wondered if this would be a good time to trigger the annexation for those properties that are under the pre-annexation agreements. Jesse Rohr answered that it would be possible to annex those contiguous to the City, if the City desired to, but the County would have to approve those not contiguous to the City.

Jesse Rohr stated that the County also approached the city to discuss potential building code adoption and enforcement.

C. New Zoning Map. Jesse Rohr explained that with the adoption of the Unified Development Code, a new zoning map will need to be adopted as well. The new zoning map will be forthcoming for discussion soon.

He explained the one other point of discussion is to consider all undeveloped outlying areas that were rezoned decades ago to revert to Agriculture if that is still their current use. The owners at the time may have had good intentions that never happened. He asked for input from the Commission about some districts reverting back to agriculture.

This came to light to prevent something like a recent development on a property outside the city limits that have their own water and sewer. It could be difficult to get them to annex. If they would have had to come to rezone, they may have

developed with city water and sewer services and would have annexed. It would provide more input into the development process.

Larry Gould voiced his concern this could be an emotional issue for those property owners to be required to revert the zoning designations back to agriculture. He emphasized to be careful. He emphasized the importance of educating the citizenry about being aware of the zoning classification of their property.

Mr. Gould asked about the process to revert the zoning designation. He stated that if they were going to do it, this would be the time, because of the proposed new Unified Development Code and Zoning map.

Jesse Rohr explained that if this is a consideration, the City would conduct a public hearing on the matter and official action would be taken by the City Commission.

Kris Munsch pointed out an example of a property he is building on that has the multiple family zoning designation.

4. PUBLIC HEARING ITEMS: - NONE

5. NON-PUBLIC HEARING ITEMS - UNIFIED DEVELOPMENT CODE: Jesse Rohr explained that on May 16, 2016 the Planning Commission passed a motion of recommendation of approval of the Unified Development Code to the City Commission to go forward to the City Commission Work Session, which is scheduled for July 21, 2016.

A June Planning Commission meeting was scheduled for more discussion.

Larry Gould asked if there had been any feedback. Jesse Rohr answered that one developer asked about three things;

1. Concern of the short length (150 feet maximum) of a cul-de-sac
2. Homeowner's Association requirements
3. Open/green space contributions for a new residential development.

A Homeowner's Association is allowed but only required in the new code if there is open space that is maintained privately and not dedicated to the City.

He explained that there is a shift in staff position from a Stormwater Specialist to a stormwater maintenance position that will aid in addressing open space and drainage area maintenance.

The following are the options of providing for open space for a new development:

- Dedication of land for open space (becomes City owned)
- Reservation of land for open space (remains privately owned)
- Cash in lieu of open space

Combination of land and cash in lieu

Jesse Rohr explained that the Commission could still make a motion to recommend changes to parts of the Unified Development Code if there is a strong contention for change.

Larry Gould inquired, for informational purposes, where the funds are designated towards for the option of cash in lieu of open space. Jesse Rohr answered that it is designated to a special parks fund.

Kris Munsch expressed that the Unified Development Code was ready to be blessed and sent forward to the City Commission. Why hold up the entire document for a few things. It is not what they started with. If matters come up that they are not working after it is adopted, it can be sent through the process to be considered for change.

Jesse Rohr explained the options available to the City Commission at the work session:

Send back to the Planning Commission with specific items.

Move forward for approval

Move forward with changes without sending back to Planning Commission

If it is recommended to be sent forward at the work session, the legal staff will prepare the legal paperwork and then it will go forward to the City Commission for action.

6. OFF AGENDA ITEMS/COMMUNICATIONS:

Questions from the audience about meeting topics – 460 acres North of Hays

Associate Real Estate Broker Laura Sadeghi asked if the City and County will be contacting the owners that appear to be starting the dirt work on the property north of Hays to notify them of certain criteria to meet for a development.

Darrell Hamlin answered that a letter was mailed out from the City Manger to the owners of the subject property as official notification that there is a development process and that they are triggering some of those things.

Laura Sadeghi asked what would be the recourse if this developer violates the development process. Jesse Rohr answered that it likely becomes a civil matter.

Kris Munsch asked about if there is change to the flow of storm water. Jesse Rohr answered that the State would become involved if there was any alteration of the stream corridors.

Larry Gould noted that if they go through the rezoning process, they should not disclose the particular proposed use from the list of proposed uses of the respective zoning classification.

Planning Commission Members

Jesse Rohr explained that former Planning Commission Chris Crawford has taken a job in another state and will not be able to fill out his term representing the County. The Mayor is actively looking for a representative of the County to fill this membership position.

7. ADJOURNMENT:

Vice-Chairman Lou Caplan adjourned the meeting at 7:34 P.M.

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

DRAFT

Planning Commission Action Report

AGENDA ITEM:	Consider Revised Extra-territorial Jurisdiction (ETJ) Boundary Area
OWNER:	N/A
TYPE OF REVIEW:	ETJ Boundary Review
PRESENTED BY:	Toby Dougherty, City Manager
DATE PREPARED:	July 7, 2016
AGENDA DATE:	July 18, 2016

SUMMARY AND RECOMMENDED ACTION:

Discussions have ensued between the City and Ellis County regarding the extra-territorial jurisdiction, or “ETJ”, (sometimes called the “3-mile boundary”). The City of Hays’ zoning and subdivision regulations apply in this zone. The City was approached by Ellis County about reviewing and possibly redefining the current boundary. As shown on the enclosed map, staff proposes reducing the ETJ by about 19 square miles.

While no official action is required by the Planning Commission on the proposed changes to the ETJ, staff requests a favorable recommendation of the revised map before presenting it to the City Commission and County Commission.

BACKGROUND:

- The City of Hays has had some form of authority over zoning, subdivision, or both in the ETJ since 1973.
- The exact ETJ boundary has changed over the years.
- The current ETJ boundary has been in place since the adoption of Countywide zoning in 2006.
- The City was approached by the County to review the map and redefine the ETJ boundary to better reflect areas of potential urban development and growth.

POINTS TO CONSIDER:

- There are areas of projected City growth that should be included in the ETJ in order to protect the area from undesirable development, improper street alignments, etc.
- Certain areas, such as South and West of Hays, are unlikely to develop in the foreseeable future due to factors such as much of the land being State owned, much of the land being in the flood plain, and lack of City utility availability
- K.S.A. 12-715 and K.S.A. 12-749 allows counties to grant cities the right to adopt and enforce zoning and subdivision regulations outside of but within three miles of the nearest point of the city limits.
- The proposed ETJ boundary removes approximately 19 square miles from the existing ETJ.
- Most of the areas proposed to be removed from the current ETJ are north, west, and south of the City in areas we do not anticipate development in the foreseeable future.

OPTIONS:

The following options are available for consideration:

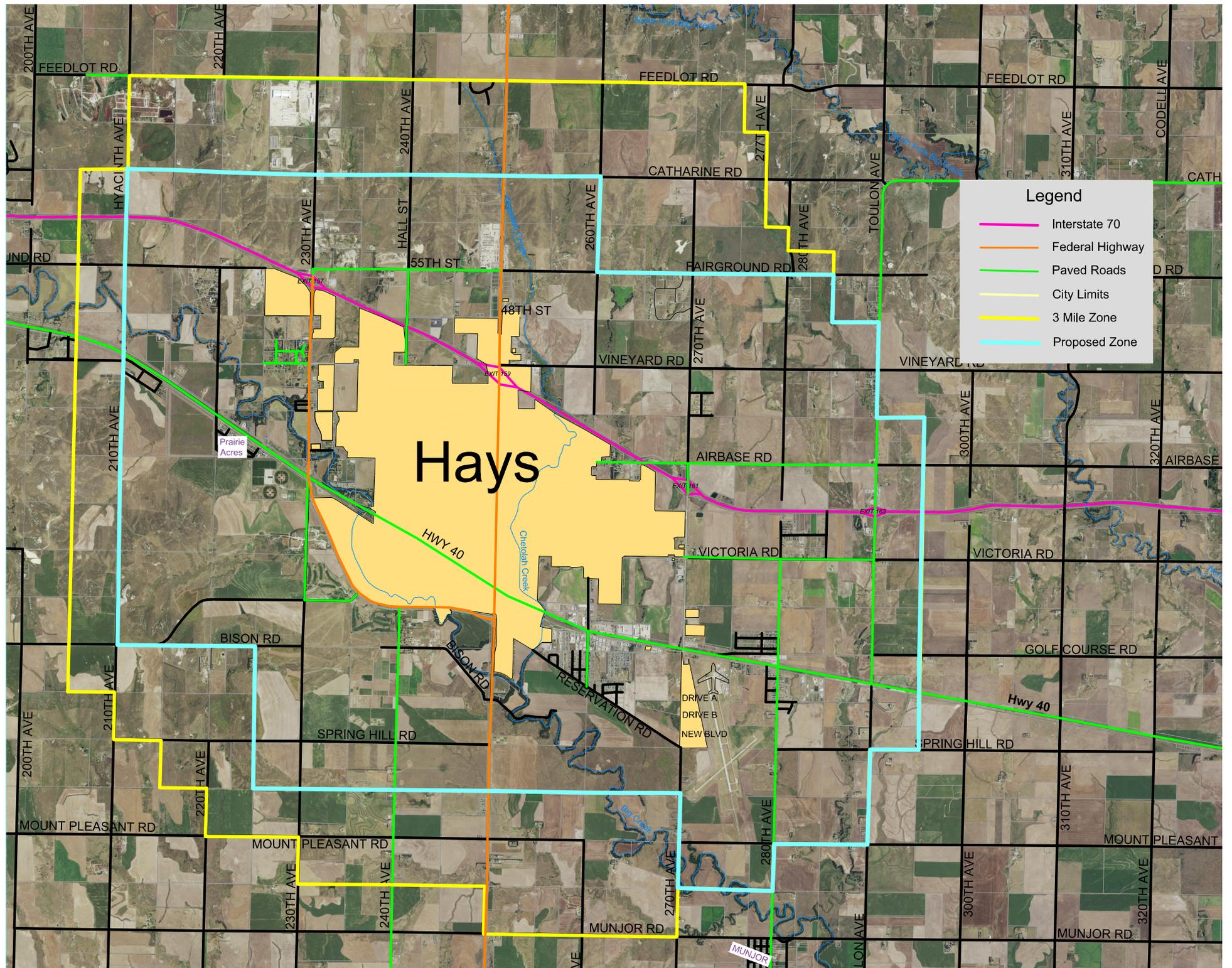
- Recommend approval of the proposed ETJ as submitted
- Request changes to the proposed ETJ
- Do not recommend any changes to the ETJ boundary

RECOMMENDATION:

Staff recommends changing the ETJ as submitted. This will require County Commission action for final acceptance.

ATTACHMENTS:

- ETJ Map (Showing Current and Proposed Boundaries)



Planning Commission Action Report

AGENDA ITEM: Zoning Map Update
OWNER: N/A
TYPE OF REVIEW: Zoning Map Review
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
DATE PREPARED: July 7, 2016
AGENDA DATE: July 18, 2016

SUMMARY AND RECOMMENDED ACTION:

As part of the development of the Unified Development Code (UDC), there is a sister project which is a revision to the official adopted zoning map. Since many of the zoning districts will change in the UDC, the zoning map will be changed to reflect the districts as they appear in the UDC. The zoning map and the UDC will become effective at the same time upon formal adoption. The Planning Commission will need to conduct a public hearing on the zoning map prior to providing a recommendation to the City Commission for approval.

Staff recommends setting a public hearing only after a thorough review of the draft map. The map will then be reviewed by the City Commission prior to formal adoption.

A map will be provided at the July 18 Planning Commission meeting for review and comment.