

HAYS AREA PLANNING COMMISSION MEETING AGENDA  
CITY COMMISSION CHAMBERS  
1507 MAIN, HAYS, KS  
JULY 20, 2015  
6:30 P.M.

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

2. **CONSENT AGENDA.**

A. Minutes of the meeting of June 29, 2015.

*Action: Consider approving the minutes of the June 29, 2015 meeting*

3. **PUBLIC HEARING ITEMS.**

A. None

*Action: None*

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

A. Set a Public Hearing for a rezoning request of the property at 1601 E 27<sup>th</sup> Street Frontage Road from "R-1" Single Family Dwelling District to "R-4" Multiple Family Dwelling District.

*Action: Set the Public Hearing for the rezoning of 1601 E 27<sup>th</sup> Street Frontage Road from "R-1" Single Family Dwelling District to "R-4" Multiple Family Dwelling District.*

B. Discussion on the Zoning & Subdivision Regulations Rewrite

*Action: 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  
JUNE 29, 2015  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met for their meeting on Monday, June 29, 2015 at 6:30 p.m. in Commission Chambers at City Hall. The meeting was a week later than the regularly scheduled date so the meeting would be the same date as the presentation of the "Module 3" of the rewrite of the Zoning and Subdivision Regulations. Chairman Paul Phillips declared that a quorum was present and called the meeting to order.

**Roll Call:**

**Present**

Paul Phillips  
Lou Caplan  
Tom Denning  
Matthew Wheeler  
Justin McClung  
Kris Munsch  
Robert Readle

**Absent** Darrell Hamlin

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

**No changes to the Agenda**

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

**2. CONSENT AGENDA:**

**A. Minutes:** Kris Munsch moved, Lou Caplan seconded the motion to approve the minutes from the May 18, 2015 meeting. There were no additions or corrections to those minutes.

**AYES**

Paul Phillips  
Lou Caplan  
Tom Denning  
Matthew Wheeler  
Justin McClung  
Kris Munsch  
Robert Readle

**3. PUBLIC HEARING ITEMS:** - None

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

**A. Presentation by Bret Keast with Kendig Keast Collaborative of the draft of Module 3 of the rewrite of the Zoning and Subdivision Regulations:** Jesse Rohr introduced Bret Keast with Kendig Keast Collaborative, the consultant that provided the presentation of the draft of Module 3 of the rewrite of the Zoning and Subdivision Regulations. He explained that there had been an "Open Door Session" earlier from 4:30 to 6:30 that provided good discussion and comments.

Bret Keast with Kendig Keast came before the commission to give the presentation of the overview of Module 3 of the rewrite of the Zoning and Subdivision Regulations. He concurred that the "Open Door Session" provided good discussion and comments. He explained that this module concludes the third and last module for this rewrite.

His presentation covered Module 3 that were the following Chapters:

- Chapter 4 Landscaping and Buffering
- Chapter 5 Parking, Loading Access and Lighting
- Chapter 6 Streets Sidewalk and Trails
- Chapter 7 Signs
- Chapter 14 Measurement and words (updated for each module)

He pointed out that good development should be the rule and not the exception. This rewrite simplifies and streamlines the code so there are less steps and not an added process and time needed for development and improvements. It is more specific and articulate to spell out the code. He emphasized the importance of infill because there is already existing infrastructure.

He explained also that the stormwater regulations ordinance had been added to the regulations since it applies to every aspect of the zoning and subdivision regulations. Land would be more efficiently utilized with development so stormwater would be better and affordable.

He pointed out the direction of the regulations were to provide connectivity, continuity and calm traffic.

There were questions associated with the following chapters:

**Chapter 4 Landscaping and Buffering**

Paul Phillips asked if there was a time limitation for the landscaping and the enforcement. Robert Readle asked if it was followed up that the plantings were compliant. Jesse Rohr answered that it is part of the process for approval of the landscaping as the sites are developed followed by enforcement.

Bret Keast stated that they could include added text for clarification of the period of time landscaping is required to be done.

### **Chapter 5 Parking, Loading Access and Lighting**

Bret Keast explained about the options of the parking requirements for the different cases based on "Use" types.

Tom Denning noted the couple feet of green space allowed in the front part of parking space if there are any requirements to be met on the height of the curb. Bret Keast answered that there were standard specifications for the different types of curb.

### **Chapter 6 Streets, Sidewalks and Trails**

Tom Denning asked if there is a timeline when sidewalks have to be put in. Matthew Wheeler added that there are undeveloped areas that do not have sidewalks. Bret Keast stated that the regulations require the sidewalk be constructed at the time the home is built. There are pluses and minuses to require sidewalks before the development of the site because it would be cracked from the construction equipment at the time it is built.

Robert Readle stated that he would like a time limit to where sidewalks are to be constructed. He noted some properties without sidewalks along 45<sup>th</sup> Street. Bret Keast suggested that sidewalks could be required to be constructed after a percentage of the development had been complete.

Jesse Rohr stated that they plan to address the undeveloped areas within the city that are without sidewalks.

Bret Keast also noted a comment that was made at the "Open Door Session" of the possible pedestrian easements in cul-de-sacs that it may not always be necessary because there may not be a park or trail or etc that would necessitate it.

### **Chapter 7 Signs**

Bret Keast stated that there were many comments on size and height of signs at the "Open Door Sessions"

Lou Caplan noted that lights on signs are oriented to prevent glare.

Matthew Wheeler asked about the signage in a mixed use development where there is a business next to a residential property. Mr. Keast answered that there can be signs; although not lighted signs.

### **Final Comments**

Paul Phillips noted the fast pace of technology changing the way things are done. He asked about the process to consider future changes to the regulations.

Bret Keast answered that there is a place on the "On Line Version" of the regulations for comments and interpretations to make it easier if a change is to be considered.

He will bring forward the draft reflecting the proposed revisions before the commission to review so there will be a clean document before the public hearing.

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

**A. City Commission Action and Planning and Development Updates on Planning Commission issues:** None.

**B. OTHER**

1. Statute on Open Meetings and Executive Sessions of Public Bodies: John Bird provided a memo to explain the statute K.S.A. 75-4319 on "Open Meetings and Executive Sessions of Public Bodies". He also included a memo on the Kansas Open Records Act. He gave a brief overview of the memo that addressed the question of whether meetings of City boards and committees may conduct closed executive sessions.
2. Schedule of the Rewrite of the Zoning and Subdivisions Regulations: Jesse Rohr explained the schedule of the above. The rewrite of the regulations will come before the Planning Commission in July and August for discussion to finalize a clean draft copy by September 1, 2015 to set up a time to take before the City Commission.
3. Introduce new Public Works Director – Greg Sund: Jesse Rohr introduced the new Public Works Director Greg Sund, who will begin his job on July 13, 2015.

**6. ADJOURNMENT:** Robert Readle moved and Kris Munsch seconded the motion to adjourn the meeting at 7:47 p.m. with all in consensus.

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

# Memo

DATE: July 13, 2015  
TO: Planning Commission  
FROM: Jesse Rohr  
RE: Rezoning request from R-1 (Single-Family) to R-4 (Multi-Family Dwelling District) - Lot 14 and a portion of Lot 13, Block 21, Hays Plaza 3<sup>rd</sup> Addition

---

An application has been submitted to request a change of zoning from R-1 to R-4 for Lot 14 and a portion of Lot 13, Block 21, Hays Plaza 3<sup>rd</sup> Addition (See attached visuals).

Staff is requesting that the Planning Commission set a public hearing for the August 17, 2015 Planning Commission meeting to consider the rezoning request.

A full Staff Findings of Fact will be presented prior to the public hearing. Following is some information about the property to better help guide in the decision to set a public hearing for rezoning:

- The plan for redevelopment/infill development on this site is encouraged by staff as well as the Comprehensive Plan and follows the Strong Towns concept.
- The property abuts existing multi-family zoning (R-4) as well as Single-Family (R-1) and Commercial (C-2) zoning
- Although the Comprehensive Plan identifies this immediate area as “Low Density Residential”, the surrounding areas are denoted as “Commercial”, “Mixed Use”, and “Park/Greenway” uses.
- The Comprehensive Plan identifies this area and the remainder of the block as “Low Density Residential” which, when compared to medium and high density, rates a 3-4 respectively out of 5 on the compatibility matrix scale in the Comprehensive Plan, with 5 being the most compatible.

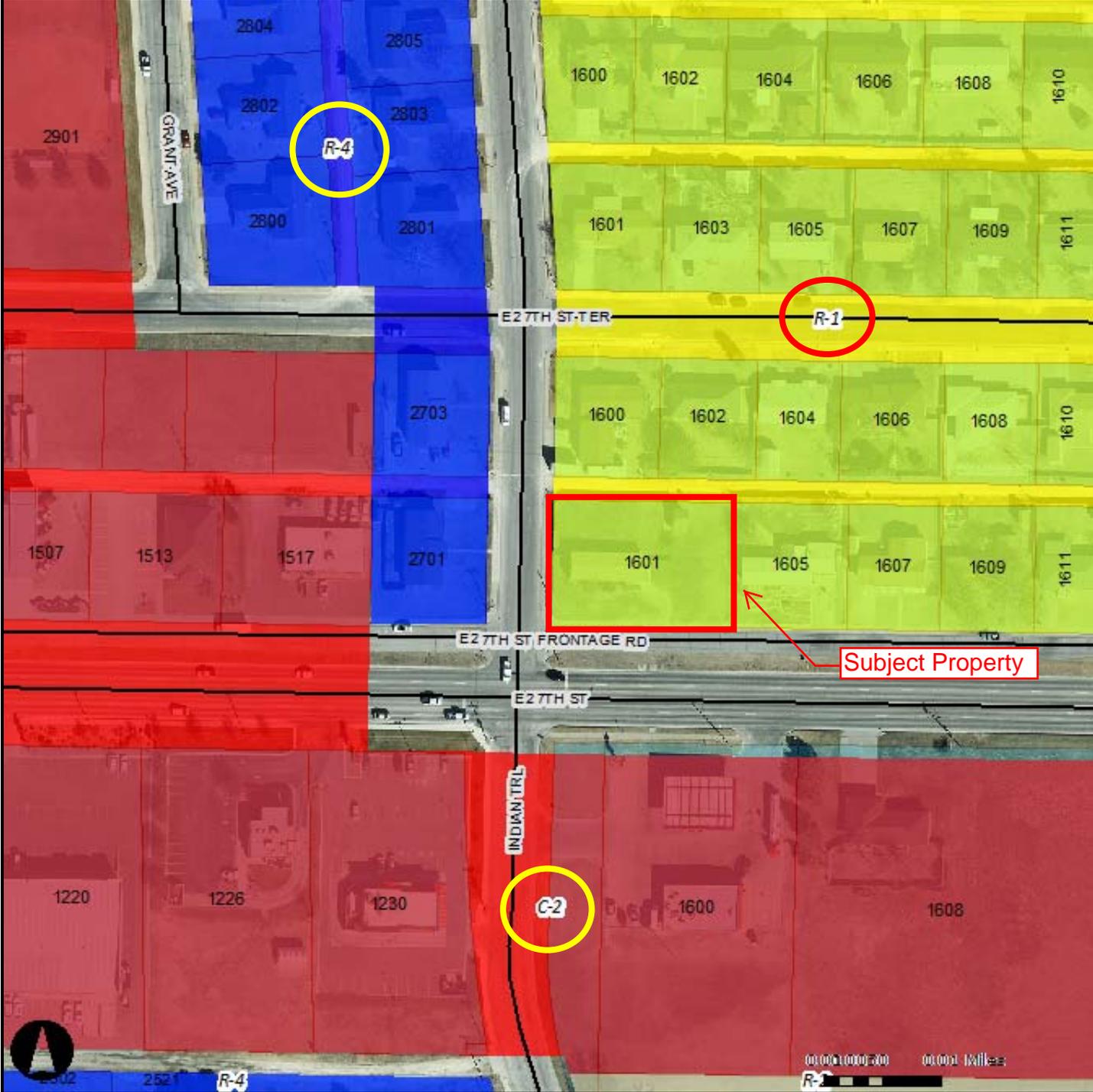
- All public utilities are in place allowing for development of this property including public water and sewer.
- If rezoned and developed, the site would be reviewed by staff with high expectations of landscaping, buffering (between existing single-family homes), and compatibility with the existing area.
- This request does not meet the definition of spot zoning. The request could be considered spot zoning if *“The use permitted under rezoning is very different from the prevailing use in the surrounding area, usually a business use (occasionally an industrial use) in a residential area.”* (Sec. 71-1311, City of Hays Ordinance) This is not the case in this request since there is an existing area of R-4 adjacent to the subject property.

Staff will be available to answer any questions regarding this zoning request prior to the public hearing in August, if indeed a hearing is set.



# 1601 E 27th





R-4

R-1

1601

Subject Property

G-2



0 1000 2000 0000 Miles

Approved/Denied by Planning Commission \_\_\_\_\_  
Approved/Denied by City/County Commission \_\_\_\_\_

Case No. 15-02 Z  
Date Filed 07-20-2015

### APPLICATION FOR CHANGE OF ZONING CLASSIFICATION

This is an application for change of zoning classification. The form must be completed and filed at the Planning, Inspection, Enforcement Division, in accordance with directions on the accompanying instruction sheet.

#### AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants (owner(s) and/or their agent or agents). All owners of all property requested to be rezoned must be listed in this form.

- A. Applicant/Owner Carol J Purdy  
Address 402 W 33rd Hays, KS Phone 785 625-~~5579~~ 7501  
Agent Adam Pray  
Address 1001 Main St Phone 785 650 4029
- B. Applicant/Owner \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

(Use separate sheet if necessary for names of additional owners/ applicants.)

II. The applicant hereby requests a change of zoning from R-1 zoning district to R-4 zoning district for property legally described as Lot(s) 14 + w 70' of Lot 13 Block(s) 21 of the Hays Plaza 3rd Addition Addition.

(Metes and bounds descriptions shall be provided in the space below or on an attached sheet.)

III. This property is located at (address) 1601 E 27th Frontage Rd.  
The general location is (use appropriate section):  
A. At the NE (NW, NE, SW or SE) corner of 27th  
(Street) and Indian Trail (Street) or,

B. On the \_\_\_\_\_ (N, S, E, or W) side of \_\_\_\_\_ (Ave. or Street) between \_\_\_\_\_ (Ave. or Street).

IV. I request this change in zoning for the following reasons:  
\*Do not include reference to proposed uses.

V. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in and is accompanied by the appropriate fee.

Carol J. Purdy  
APPLICANT

[Signature]  
AUTHORIZED AGENT (IF ANY)

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
AUTHORIZED AGENT (IF ANY)

**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,  
07-02, 20 15, TOGETHER WITH THE APPROPRIATE FEE OF  
\$ 140.00.

Simda Bixlerman, Administrative Assistant  
NAME AND TITLE