

HAYS AREA PLANNING COMMISSION MEETING AGENDA  
CITY COMMISSION CHAMBERS  
1507 MAIN, HAYS, KS  
JULY 28, 2014  
6:30 P.M.

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

2. **CONSENT AGENDA.**

A. Minutes of the regular meeting of June 16, 2014

*Action: Consider approving the minutes of the 6/16/14 meeting*

3. **PUBLIC HEARING ITEMS.**

A. None

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

A. Zoning Regulation Rewrite – Presentation by Kendig Keast Collaborative on the Strategic Assessment and Annotated Outline (Site Visit #2).

Document on the page found at this link: [Zoning Project - Strategic Approach and Annotated Outline](#) accessed from the home page at [www.haysusa.com](http://www.haysusa.com)

*Action: Consider a motion to recommend approval of the Strategic Assessment and Annotated Outline and approval to proceed with drafting of the Zoning Regulations*

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

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

B. Other

6. **ADJOURNMENT:**

If you will be unable to attend please contact the Planning, Inspection and Enforcement office at 785- 628-7310. Thank you. Any person with a disability and needing special accommodations to attend this meeting should contact the Planning, Inspection and Enforcement office (785-628-7310) 48 hours prior to the scheduled meeting time. Every attempt will be made to accommodate any requests for assistance.

**DRAFT  
HAYS AREA PLANNING COMMISSION  
CITY HALL IN COMMISSION CHAMBERS  
JUNE 16, 2014  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met in regular session on Monday, June 16, 2014 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                  Pam Rein                  Tom Denning  
                 Jake Glover                  Travis Rickford                  Justin McClung                  Kris Munsch

**Absent:** Matthew Wheeler

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

Chairman Phillips asked if there were any changes to the agenda. Jesse Rohr answered that there would be one item added after the approval of the minutes.

**2. CONSENT AGENDA:**

**A. Minutes:** Kris Munsch moved, Lou Caplan seconded to approve the minutes from the June 3, 2014 meeting. There were no corrections or additions to those minutes.

**Vote: AYES**      Paul Phillips                  Lou Caplan                  Pam Rein                  Tom Denning  
                         Jake Glover                  Travis Rickford                  Justin McClung                  Kris Munsch

**3. PUBLIC HEARING ITEMS:**

A. None.

**5. OFF AGENDA ITEMS:**

**1. Recognize Jim Fouts for his many years of dedicated service on the Hays Area Planning Commission:** Jesse Rohr recognized Jim Fouts with a plaque to thank him for his long term dedicated service of 12 years on the Hays Area Planning Commission. He was out of town on a business meeting and not able to attend.

Jesse Rohr gave a brief history of Jim Fouts's help and assistance to the city as a whole through the Planning Commission. He had been a member since March, 2002 and filled in as chair.

He was involved in 66 various zoning cases and 82 various platting and development projects. He was involved with the development of regulations for wind generation, 2012 Comprehensive Plan, construction of 22<sup>nd</sup> Street from Canterbury to Commerce Parkway, sexually oriented businesses, various projects for the hike and bike trail, storm water regulations, changes in development regulations, and the North Vine St Reverse Access Road etc.

**2. Recognize Larry Gould for his years of dedicated service on the Hays Area Planning Commission:** Jesse Rohr recognized Larry Gould with a plaque to thank him for his long term dedicated service of 28 years to the Hays Area Planning Commission. He was chairman for the last 16 years of that term.

Jesse Rohr gave a brief history of Larry Gould's help and assistance to the city as a whole through the Planning Commission. He had been a member since May, 1986.

In addition to the projects listed above for Jim Fouts, he was involved in the 1994 Comprehensive Plan, development of Commerce Parkway, reconstruction of 8<sup>th</sup> Street, reconstruction of Hall Street from 8<sup>th</sup> Street to 27<sup>th</sup> Street; discussion for changes of 32<sup>nd</sup> and 33<sup>rd</sup> Street on Vine Street, 147 various zoning cases, 152 various plats and development items, GIS development, incubators for new business starts etc.

Jesse Rohr presented the plaque to Larry Gould.

Larry Gould thanked Jesse Rohr for providing all the records during his time on the commission. He expressed thanks to Jesse Rohr that he had been good to work with as well as other city staff members. He pointed out that he was on the commission under 4 city managers and two city staff during his term.

He emphasized the importance to volunteer. This is a model he tries to encourage. Democracy does not work unless people participate to voice concerns.

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

##### **A. Portable Shipping Containers – Consider draft of proposed regulations:**

Jesse Rohr explained that the City Commission had received a request from several business owners that came to the table with a draft proposal to find an answer to come up with new regulations for the portable shipping containers that would lead to a broader use of these units.

The City Commission had asked city staff to research options that would possibly allow permanent placement of the shipping containers in certain zoning districts.

After discussion at the May 15, 2014 and June 5, 2014 work session, the City Commission asked for a recommendation from the Hays Area Planning Commission and invite public comment. City staff drafted a set of regulations based on the comments from the City Commission and staff's research of regulations from other municipalities.

This proposed ordinance will apply to the city limits only. It would not apply to the 3 mile exterritorial area because it is not part of the zoning regulations within the Hays Municipal Code; thus the reason it would not be required to go before a public hearing; although the interested business owners are invited to the meeting dates on this topic.

The current ordinance Sec.11-134 adopted July 24 2008 allows for portable shipping containers for temporary uses up to 120 days per calendar year.

He explained that the portable shipping containers were safe, secure and dry storage with less cost than building a structure from the ground up. The important aspects are safety and aesthetics to include buffering and screening from the public right of way and be compatible with adjacent properties.

Jesse Rohr gave a presentation of the proposed draft ordinance for portable shipping containers as permanent storage units for the commercial and industrial zoned districts.

1. Accessory use only
2. Must meet all adopted building and fire codes
3. All signage to be removed and container painted to match adjacent surrounding buildings within 60 days
4. Containers shall be safe, structurally sound, and in good repair
5. No rear yard building setback required - side yard building setback to match zoning district - At no time is the container to be placed between the main structure and public street
6. Container must be setback a minimum of 100 feet from any abutting property zoned for residential
7. Not allowed to be utilized as rental units
8. At no time shall any containers be placed as a permanent use in any residential zoned district within the City of Hays
9. Utility connections are prohibited except electricity is allowed
10. A building permit is required for container if it is set for more than 10 days
11. No grandfathered units if placed after July 24, 2008; they would need to be brought into compliance
12. No stacking of units, except within the Industrial zoned district in which a maximum of 2 units may be stacked.
13. Existing regulations would remain in place for temporary uses

He presented pictures to give the commission an idea of the aesthetics for a visual of shipping containers. He presented pictures of some of the containers that have

been modified. Modifications would be allowed; windows and doors can be added.

He covered the draft ordinance with the commission asking for questions and comments. There were no amendments to the temporary provisions.

Travis Rickford asked if the modification would have to be done in 60 days. Jesse Rohr answered that the 60 day requirement applies to removing the signage and painting the container the same color as adjoining property. Modification would be based on the building permit time frame.

Pam Rein asked if there was a limitation to the number of permanent containers on the property. Jesse Rohr answered that there would be no limit provided they meet the proposed regulations.

Travis Rickford asked what led to this discussion. Jesse Rohr answered that several business owners had come to the city commission with a draft proposal to request to come up with new regulations that would lead to a broader use of shipping containers. There is a distributor within the community also.

Jake Glover asked if there is a definition of "shipping containers". Jesse Rohr answered that there is a definition of "shipping containers".

He also asked how many units would have to adhere to the ordinance that would not be grandfathered in. Jesse Rohr stated that they would work with the business owners to adhere to the ordinance.

Lou Caplan asked if they would be required to be anchored in place. Jesse Rohr stated, that after talking to the distributor about the size and weight of the container is 10,000 lbs, they felt comfortable that anchoring was not warranted.

Pam Rein pointed out that the proposed ordinance would allow shipping containers in commercial zoned or industrial zoned districts. Jesse answered that was correct.

Lou Caplan pointed to a section under (b) (2) of Sec. 11-134 to ask if an addition needed to be added to the first sentence: "Unless otherwise stated **within the ordinance**". Jesse Rohr explained this was standard language and would be understood.

Lou Caplan pointed to a section of (a) (4) under Sec. 11-135 to suggest it read as follows: "Any container that becomes **in disrepair**, unsound, unstable, or otherwise dangerous, as determined by the City, shall be immediately repaired or removed by the property owner".

Lou Caplan recalled that the consultant for the rezoning rewrite had spoke about not using parking stalls to set containers. Jesse Rohr explained that the containers

could not take away from the minimum parking stalls required per the parking regulations.

Paul Phillips was concerned about the complaints that may arise with the inconsistency by allowing containers to be set on the rear property line; although a detached structure would have to adhere to a building setback of five feet from the rear property line. He was in favor of consistency.

Jesse Rohr answered that they would keep this in consideration. He explained that there is no setback for the front and rear yard of commercially zoned properties provided they meet the building and fire codes. The side yard set back would apply.

There would be setbacks that apply on all sides in an industrial zoned district. With the containers allowed on the rear property line, this would alleviate weeds and junk that can get stacked within the 5 feet.

Tom Denning asked how this would affect the alley or street associated with the snow drifts and runoff from the container allowed to set on the rear property line. Jesse Rohr explained that currently buildings can be built up to the rear property line in the commercial zoned districts; although this is a comment worth noting.

There was discussion if there was sufficient distance (100 feet) of the container being setback from adjoining property zoned for residential uses. Jesse Rohr noted that if a property is separated by a street or alley, the property across from it is not considered an abutting property.

John Ziegler, distributor of containers, asked what would happen if the landowner did not have the entire 100 feet of separation from adjoining landowners. Jesse Rohr answered that would prohibit them from having a container.

Paul Phillips pointed out that he had issues with the height of stacking two containers allowed in industrial zoned districts. He pointed out that the aesthetics would be the big item. He can see complaints arise from the nearby residential areas.

Kris Munch stated that he had a concern with number nine of the draft ordinance that opens up the opportunity for the stacking of containers in the industrial zone. He pointed out that access would be difficult, so why do it.

Justin McClung asked if the stacking had been requested. He stated that he had more of a concern with safety with the stacked unit tipping over. If there is no issue with that happening, he has no issue with it.

Travis Rickford suggested they could request a special use permit.

Jesse Rohr explained that they are designed to stack; they are made to interlock.

Jesse Rohr asked Mr. Ziegler if there is much stacking of containers in his trade. John Ziegler stated that it is uncommon that the customer would stack the units. One man from the audience stated that there may be stacking to stay within the parameter of the lot.

I.D. Creech pointed out that 100 foot setback is quite a distance. There is another section of the building code regulations of height restrictions near residential properties. It would not create a bad view if it met the regulations to blend in.

Lou Caplan pointed out that there are no building height restrictions in the industrial zoned district. He did not see that this would be any different.

Scott Simpson, business owner, stated that some business owners have been working on this since October 13, 2013 requesting that the regulations for the portable shipping containers be more business friendly. They can be used to expand the horizon for transitional growth and to keep inventory as is so widely used by businesses in so many municipalities. They came to the table to the city commission with a draft proposal to find an answer. They tried to approach the problem with what they think is the start of an answer so they can come together in the middle to promote local business by allowing these containers to be utilized. They agree that the containers should be aesthetically pleasing and meet the fencing requirements. Since the containers have a flat roof, he did not believe there would be any problems with water run-off. He thought there were already 60 some containers within the city limits excluding Walmart.

As for stacking, he mentioned the option that this could be done on a temporary basis and long term could be a judgment call. Tornado activity could probably topple a stacked container. He is not personally interested in stacking. He needs the containers mostly during a transitional period for his business.

Lou Caplan asked if the units can be refrigerated. Jesse Rohr answered that they probably could be if they were modified; although it would not be economical.

John Ziegler asked if the containers could be left on a driveway during a cleanup effort from a catastrophic event. He also asked if it can be set in the street. Jesse Rohr answered that it is allowed for that type of event. As for setting it on the street due to a catastrophic event, the police department and public works would need to be involved so it would be visible at night.

Jake Glover informed the public and pointed out to the commission to be mindful that this may be affected in some way during the rewrite of the zoning and subdivision regulations and have to be revisited. He wanted to be sure there was a definition of a portable shipping container.

Lou Caplan asked if the public would be informed of the work session on this topic and if they can participate in the discussion. Jesse Rohr answered "yes".

Paul Phillips asked about the placement of the containers on corner lots. Jesse Rohr explained that there would be two street frontages on a corner lot.

Pam Rein moved, Travis Rickford seconded to recommend to the governing body approval of the draft ordinance as presented amending Chapter 11 of the City of Hays, Kansas Municipal Code by modifying Article II, Division 5, Section 11-134 regarding temporary storage units/shipping containers and by adding Section 11-135 regarding permanent storage units/shipping containers with the stipulation to consider the concerns and comments from the discussion by the Hays Area Planning Commission, particularly if it should be allowed to stack the portable shipping containers.

<b>Vote: AYES</b>	Paul Phillips Jake Glover	Lou Caplan Travis Rickford	Pam Rein Justin McClung	Tom Denning Kris Munsch
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**B. Zoning Regulations Rewrite – Update on the rewrite of the Zoning & Subdivision Regulations Project** Jesse Rohr provided the brief update for the rewrite of the zoning regulations. The consultant is drafting an annotated outline and strategic approach based on comments from the planning commission, city staff, steering focus groups and their drive around the city that will be presented June 26, 2014. This will be forwarded to the Planning Commission and discussed at the July meeting to be sure they are on the right track of what the city expects.

**5. OFF AGENDA ITEMS/COMMUNICATIONS (Continued):**

**A. City Commission action and planning and development updates on Planning Commission issues:** Jesse Rohr stated that the two projects were the rewrite of the zoning regulations and the consideration for the amendment to the ordinance for the portable shipping containers.

**B. Other:**

Mike Woofers Proposal to Develop Property near exit 157 next to Doonan Truck Sales and Service: Pam Rein asked of the status of the above proposal. Jesse Rohr answered that the developer plans to pursue the development. They are in the process to put together an economic development packet.

41st Street: Pam Rein asked about the progress on 41st Street. I.D. answered that the welcome rain slightly delayed the project. They will catch up. They will finish soon after the end of the year.

**6. ADJOURNMENT:** Travis Rickford moved, Pam Rein seconded the motion to adjourn the meeting. The meeting was adjourned at 7:58 p.m.

<b>Vote: AYES</b>	Paul Phillips Jake Glover	Lou Caplan Travis Rickford	Pam Rein Justin McClung	Tom Denning Kris Munsch
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Submitted by: Linda K. Bixenman, Administrative Assistant  
Planning, Inspection and Enforcement

DRAFT