

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
AUGUST 15, 2016
6:30 PM

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

2. **CONSENT AGENDA.**

A. Minutes of the meeting of July 18, 2016

Action: Consider approving the minutes of the July 18, 2016 meeting.

3. **PUBLIC HEARING ITEMS.**

A. Public Hearing on the revised zoning map to be adopted in conjunction with the Unified Development Code (UDC)

Action: Consider a recommendation to the City Commission for approval of the revised zoning map.

4. **NON-PUBLIC HEARING ITEMS.** None

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

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

a. Reminder of UDC presentation at the August 25, 2016 City Commission meeting

6. **EXECUTIVE SESSION.**

7. **ADJOURNMENT.**

DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
JULY 18, 2016
6:30 P.M.

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, July 18, 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
Kris Munsch
Darrell Hamlin
Larry Gould
Robert Readle
Kevin Coomes

Absent

Matthew Wheeler

City staff in attendance: Toby Dougherty, City Manager, 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 June 20, 2016 meeting subject to a correction pointed out by Paul Phillips of a misspelled word "ake" should be "take" on the second line of the third page. There were no other additions or corrections to those minutes.

AYES

Paul Phillips
Lou Caplan
Kris Munsch
Darrell Hamlin
Larry Gould
Robert Readle
Kevin Coomes

3. PUBLIC HEARING ITEMS: None

4. NON-PUBLIC HEARING ITEMS:

A. Discussion and review of the extra-territorial jurisdiction (ETJ) area boundary (3-mile boundary) with consideration for adjusting the boundary in specific areas. Jesse Rohr handed out the draft of the proposed revised ETJ map.

Toby Dougherty, City Manager, provided the presentation on the above.

He explained that the Ellis County Administrator had approached him on behalf of the County Commission of their request for the possibility to redefine the 3 mile ETJ to be shrunk back removing those areas that the city will not grow into that may eliminate possible points of contention down the road. The county enacted zoning in the year of 2006 with an interlocal agreement between City and County with the Attorney General's approval on the current boundary.

City staff presented a proposed ETJ revised map. The yellow line reflected the current 3 mile area. The blue line lessened the boundaries to the north, west and south. The most logical areas the city is likely to grow are where there is the availability of transportation. There are natural barriers such as the flood plain, railroad, Interstate highway, state lands, etc. The state lands were included within the city jurisdiction because, even though they do not have to comply with the building code, they do have to comply with zoning that could prevent a use that would not be palatable to nearby property owners and to the City. One mile of the mostly industrial properties to the north was removed. As the city grows the boundary can be revisited.

The private land to the south along 183 that included the Blue Sky Acres development was removed since there is public land between the city and this development, and it would not be contiguous to the city. He explained the recent history of that subdivision. The Planning Commission recommended to the governing body to deny the subdivision because it was not contiguous to the city limits and not in compliance with the comprehensive plan. It was a "leap frog effect". The governing body however approved the subdivision because the public lands would be a barrier to make it contiguous to the city limits.

On a question he posed to the Ellis County Attorney about their zoning regulations on wind farms, the Ellis County attorney noted that the county zoning regulations prohibit wind farms within 3 miles of all incorporated cities in Ellis County.

Darrell Hamlin and Larry Gould asked if they were to make a recommendation. Toby Dougherty answered that he had brought it before the commission for informational purposes and allow the commission to comment to pass on to the governing body. How the commission wishes to respond is up to them.

The city and county would have to pass a resolution if approved. There would also have to be a modification of the interlocal agreement between city and county with approval by the Attorney General.

There are 19 square miles removed and still a large area for growth. Jesse Rohr added that there remains 49 $\frac{3}{4}$ square miles of property within the ETJ.

Lou Caplan asked if this review was associated with discussion on building code inspections for the 3 mile zone. Toby Dougherty explained that it was talked about at the same meeting; although these are two separate items.

Darrell Hamlin asked if the County Commission would see the minutes from this meeting to know what questions were raised. Toby Dougherty answered that they would see the minutes from this meeting.

Darrell Hamlin asked what would be the major advantage to keep the boundaries the way they are now. Toby Dougherty answered that the biggest argument for keeping the boundaries the same is "you never know". He noted that the Planning Commission makes many land decisions to protect the collective interest that affect generations to come.

Robert Readle asked if the Hilltop subdivision (North of Commerce Parkway) would meet the "Strong Town" concept. He voiced concern that the next quarter section could have the same type of development. Toby Dougherty answered that the development does not meet the "Strong Town" concept although there may be a market for it. The logical question is does the county want it.

Robert Readle explained that he believed the north part could stay the same; although he was in favor of dropping the private land south of the state land because the county was interested in taking over the Blue Sky Acres Development (South of Hays). He explained that the City Commission had set precedence with the Blue Sky Acres by the approval of the rezoning and plat.

Darrell Hamlin stated that when the Planning Commission was reviewing the Blue Sky Acres proposal, there was some sense that the county was interested in having jurisdiction over that area.

Toby Dougherty answered that the County Commission spoke in favor of the proposed development. He understood that they are in the process of modifying the zoning regulations to make it more palatable. Darrell Hamlin asked if that was the only signal received from the county. Toby Dougherty answered that it was.

Larry Gould inquired, for clarification, that the county gives the city the opportunity to determine the area of city's jurisdiction; although the County Commission has the ultimate arbitration of it. The county could pass that the city has no jurisdiction outside the city limits. Toby Dougherty answered that when the county adopted the zoning regulations, this allowed them to define the jurisdiction to the City.

Kris Munsch explained that it was a no brainer to drop the city jurisdiction of the land south of the state land. The northern part could go either way. He was not

too concerned because this boundary could always be revisited. He pointed out that less is more and easier to manage particularly if the city will be involved with the county building permits.

Toby Dougherty explained that this draft included the work of city staff and the County Administrator.

Paul Phillips asked the County Administrator (who was in attendance) if the County Commissioners would be happy with the area within the blue line. The County Administrator (Philip Smith-Hanes) answered that he does not express opinions on policy matters. He did say he did work with Toby Dougherty on the proposed draft.

Paul Phillips suggested squaring off to the north since he thought development would occur north along U.S. Highway 183. Toby Dougherty pointed out the uphill water pressure to the water tower at the top of 55th Street. City staff had been in favor of the proposed Woofter (west by Doonan Truck 1980 W 55th) development proposal so the water lines could be looped in that direction. There is room to grow within the boundary. The Hall Street bridge over interstate (two lanes of traffic) is limited and would not work for a commercial corridor.

Darrell Hamlin pointed out that the primary value of the comprehensive plan is infill. Toby Dougherty stated that the comprehensive plan is assumed for a 15 to 20 year growth cycle and then the plan is revisited. He pointed out the areas identified as residential, commercial and industrial areas of potential growth outside the city limits are identified in the comprehensive plan. It also includes language for infill and development to make official use of the services we have already.

Paul Phillips asked if there were any more questions.

Toby Dougherty explained that there is language in the interlocal agreement that calls for the boundary to be revisited periodically and would make the City and County Commissions aware to consider that language be included.

Larry Gould asked if this could be revisited once a year at the same time as the comprehensive plan and future land use map. Jesse Rohr answered that as far as the review process that would be a good time to review the ETJ.

Paul Phillips asked the Commission for their response. He pointed out that the question was raised if there needed to be a formal recommendation and the answer was that it was for informational purposes and comments.

Paul Phillips stated that he hears nothing from the Commission so they will do "nothing".

Toby Dougherty thanked the Commission.

B. Discussion and review of the revised zoning map to be adopted in conjunction with the Unified Development Code (UDC). Jesse Rohr presented a revised draft zoning map to include all the zoning districts that are within the proposed Unified Development Code for the commission to review.

He explained the process to consider this revised zoning map after review. Looking forward staff recommends that the Planning Commission would set a public hearing for the August 15, 2016 meeting. The notification to the public would be published in the paper. The Planning Commission would hold a public hearing and provide a formal recommendation to the governing body at that hearing or an extension of it if they needed further review. The governing body would pass an ordinance to adopt the UDC and the zoning map simultaneously sometime in August or September. This would end a 26 month process.

He noted some zoning changes from the current map to the revised map within the ETJ for some areas of undeveloped properties that were zoned "industrial" and changed to "agriculture" since the properties have always been farmland. In his research what he found was based in 1988 where a recommendation was made from BWR, the city's planning consultant at that time to zone to "industrial" based on the then current comprehensive plan. It was not based on a specific request or individual application; it was more of a vision.

Some of the significant revisions within the city limits were a change of zoning classification for areas such as 1002 Vine Street (Public Works) from residential to public and institutional district. The Wastewater Treatment Plant zoning classification was changed from multi-family to public and institutional district. The zoning classification of the mobile home park at 700 E 6th was changed from industrial to "NC-5" manufactured housing. It is hard to regulate a mobile home park when it is within the "Industrial" zoning classification.

Past mapping errors and other anomalies will be cleaned up.

All of the streets were incorporated within the abutting zoning classifications.

He pointed out the respective zoning districts on the map. There are less zoning classifications with the revised zoning map. One new zoning classification is "Public and Institutional District". Another is "Mixed Use".

Robert Readle moved, Kris Munsch seconded the motion to set the public hearing for August 15, 2016 to consider the revised zoning map to be adopted in conjunction with the Unified Development Code with any changes implied in this discussion. (no action)

Larry Gould asked if there were changes to some of the street designations like collector, arterial etc. Jesse Rohr answered that there would not be any changes to street designations as part of the zoning map or UDC.

Larry Gould asked if the public would be notified where they can view the new zoning map. Jesse Rohr answered that would be included in the notification to the public.

Kevin Coomes asked if the notification should include the location of the current zoning map so they can compare it to the revised zoning map. Jesse Rohr answered that would be available also.

Kevin Coomes asked if Jesse Rohr could spell out the zoning designations listed on legend of the revised map. Jesse Rohr spelled them out along with the land uses. He acknowledged that would be good to have the zoning designations spelled out on the new zoning map. Kevin Coomes thanked Jesse Rohr for spelling out the zoning districts.

Larry Gould noted that change is opportunity and suggested the zoning designation of mixed use in the downtown area to lead citizenry planning to do something. Jesse Rohr asked if he had a designated area in mind. He thought that was a fine plan. He explained it was similar to the current "C-1" and "C-2" zoning classifications.

Paul Phillips pointed out that mixed use for the downtown area was recommended in the comprehensive plan.

Robert Readle noted that it kind of set the stage for mixed use on the rezoning of the outlying building near Hadley (East 7th).

Jesse Rohr pointed out to look at the mixed use regulations to be sure the uses listed in that category are appropriate for the area. Larry Gould pointed out this could provoke discussion. Jesse Rohr pointed out the public hearing would be the appropriate time to make the recommendation.

Darrell Hamlin asked if the map could be changed from "C-3" Central Business District in the downtown area to mixed use before the public hearing. Jesse Rohr answered that this could be reviewed and determined at the public hearing to be sure it fits the neighborhood since they would not want the corridors to be zoned to mixed use.

Lou Caplan asked if some of the public that have been involved with the UDC would be notified of the meeting. Jesse Rohr answered that he had an e-mail distribution list that will receive the notification of the public hearing.

Robert Readle stated that being on the other end in the realtor group, they also reach out to notify the different industries.

Revised motion

Robert Readle moved, Kris Munsch seconded the motion to set the public hearing for August 15, 2016 to consider the revised zoning map to be adopted in

conjunction with the Unified Development Code with any changes implied in this discussion and that the notification to public will direct them where they can view the current and new zoning map (web site, Public Works Office and City Hall Office)

AYES:

Paul Phillips
Lou Caplan
Kris Munsch
Darrell Hamlin
Larry Gould
Robert Readle
Kevin Coomes

5. OFF AGENDA ITEMS/COMMUNICATIONS:

A. City Commission action and planning and development updates on Planning Commission related issues: Jesse Rohr presented the updates.

1. Reminder of UDC discussion at July 21 Work Session Bret Keast of Kendig Keast Collaborative, consultant, will present the Unified Development Code to the City Commission work session on July 21, 2016 and the Planning Commission is welcome to attend.

6. ADJOURNMENT:

Paul Phillips adjourned the meeting at 7:31 p.m.

Planning Commission Action Report

AGENDA ITEM:	Zoning Map Update
OWNER:	N/A
TYPE OF REVIEW:	Zoning Map Review/Public Hearing
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent
DATE PREPARED:	August 10, 2016
AGENDA DATE:	August 15, 2016

Along with development of the Unified Development Code (UDC), staff and Kendig Keast Collaborative have been working on a new zoning map. Since zoning district designations change in the UDC, the proposed zoning map reflects the districts as they appear in the UDC. Other minor changes are proposed as well to ensure the official map reflects zones listed in the UDC. The official zoning map and the UDC are codependent on each other – they need to be adopted together and will work in conjunction once adopted. Staff recommends approving the revised zoning map as submitted which will become the new “official” zoning map for the City of Hays and extraterritorial jurisdiction area.

Background

- The UDC project has been ongoing since June, 2014. This equates to 24+ months of work thus far that has gone into rewriting this set of regulations.
- Because the UDC changes zone designations, a new zoning map is required.
- State Statute requires the governing body to adopt an “official” zoning map as part of the zoning regulations, or in this case, the UDC

Discussion

As part of the development of the Unified Development Code (UDC), there was a supplemental project to develop a new official zoning map. Since zoning district designations will change in the UDC, the proposed zoning map reflects the districts as they appear in the UDC. The zoning map and the UDC are codependent on each other – they need to be adopted together and will work in conjunction with each other once adopted. The process of adopting a new zoning map requires a public hearing to be conducted by the Planning Commission prior to consideration by the City Commission.

The most notable changes incorporated into the new zoning map include the new Neighborhood Conservation (NC) zones, the new Residential General (RG) zones; a reversion of some undeveloped areas back to agricultural; and a general clean-up and realignment of the districts with their respective boundaries. In addition, the map legend references the new Mixed Use (MU) zone. While we do not have that zone designation in place at this point, the UDC provides for its use at a later time. In response to a Planning Commission question at the July 18 meeting, staff looked at creating a mixed-use zone, but recommend against doing so because the Downtown Commercial District (C-3) promotes mixed use without the need to establish a separate district in that area. It is likely we could see mixed-use districts in other areas of the City in the future. Staff worked with the consultant, Kendig Keast Collaborative, as well as I.T. and GIS staff to create the draft map.

The Neighborhood Conservation (NC) districts mentioned above is a new concept for Hays and the zoning regulations. The NC districts are intended to provide for neighborhood stability while at the same time allowing for reasonable expansion and in some cases, new construction, in established residential neighborhoods. The NC district is generally characterized by development of existing residential neighborhoods that pre-dated the effective date of this Code. The NC district keeps a property from being designated as “legally non-conforming,” and instead makes current properties conforming. The NC district allows for alternative lot sizes and building setbacks that are consistent with those in the existing neighborhood, therefore greatly reducing or even eliminating the need for variances and a public hearing process.

Options

The Planning Commission has the following options:

- Recommend approval of the revised zoning map as submitted to be effective upon adoption of the UDC
- Request further changes or considerations to the zoning map
- Provide staff further direction

Recommendation

Staff recommends approving the revised zoning map as submitted which will become the new “official” zoning map for the City of Hays and extraterritorial jurisdiction area.

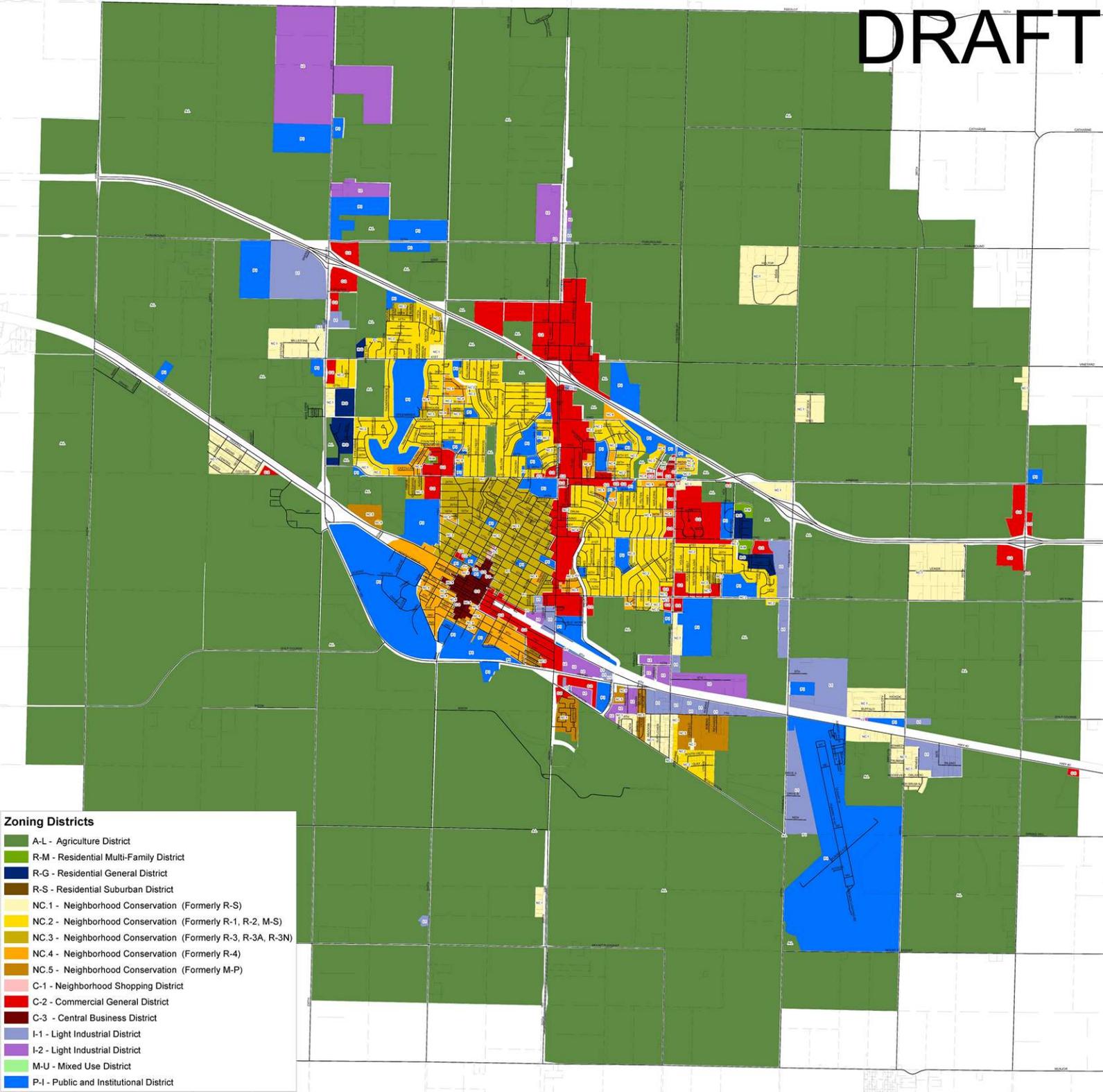
Action Requested

Motion to favorably recommend to the City Commission adoption of the revised zoning map (along with the UDC) as presented.

Supporting Documentation

Draft Zoning Map

DRAFT



- Zoning Districts**
- A-L - Agriculture District
 - R-M - Residential Multi-Family District
 - R-G - Residential General District
 - R-S - Residential Suburban District
 - NC.1 - Neighborhood Conservation (Formerly R-S)
 - NC.2 - Neighborhood Conservation (Formerly R-1, R-2, M-S)
 - NC.3 - Neighborhood Conservation (Formerly R-3, R-3A, R-3N)
 - NC.4 - Neighborhood Conservation (Formerly R-4)
 - NC.5 - Neighborhood Conservation (Formerly M-P)
 - C-1 - Neighborhood Shopping District
 - C-2 - Commercial General District
 - C-3 - Central Business District
 - I-1 - Light Industrial District
 - I-2 - Light Industrial District
 - M-U - Mixed Use District
 - P-1 - Public and Institutional District

(First published in The Hays Daily News July 24, 2016)

**BEFORE THE HAYS AREA
PLANNING COMMISSION
THE CITY OF HAYS, KANSAS
OFFICIAL NOTICE**

**TO WHOM IT MAY CONCERN
AND TO ALL PERSONS
INTERESTED:**

NOTICE IS HEREBY GIVEN that on August 15, 2016 at 6:30 p.m., in the City Commission Chambers at City Hall, 1507 Main Street, Hays, Kansas, the Hays Area Planning Commission will conduct a public hearing to review the revised zoning map for the City of Hays and extra-territorial jurisdiction area for a recommendation to the City Commission.

The draft zoning map will be discussed and considered by the Hays Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the zoning map will be considered by the Commission.

A copy of the draft zoning map will be available at the Planning, Inspection and Enforcement Office at 1002 Vine Street, Hays, Kansas or can be viewed on-line at the City of Hays website at www.haysusa.com or by calling the Planning, Inspection and Enforcement Office at 785-628-7310.

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