

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
AUGUST 17, 2015
6:30 P.M.

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

2. **CONSENT AGENDA.**

A. None

3. **PUBLIC HEARING ITEMS.**

A. Public Hearing for a rezoning request of the property at 1601 E 27th Frontage Road from “R-1” Single Family Dwelling District to “R-4” Multiple Family Dwelling District.

Action: Consider the rezoning of 1601 E 27th Frontage Road from “R-1” Single Family Dwelling District to “R-4” Multiple Family Dwelling District.

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

A. Set a Public Hearing for a rezoning request of the property at 117 E 7th Street from “C-O” Office Institution District to “C-2” General Commercial and Service Dwelling District:

Action: Set the Public Hearing for the rezoning of 117 E 7th St from “C-O” Office and Institution District to “C-2” General Commercial

B. Discussion of Potential Changes to the Development Policy Infrastructure Guidelines:

Action: Discussion of Potential Changes to the Development Policy Infrastructure Guidelines

C. 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**

Planning Commission Action Report

AGENDA ITEM:	Rezoning Request – Lot 14 and a portion of Lot 13, Block 21, Hays Plaza 3 rd Addition
OWNER:	Carol J. Purdy
TYPE OF REVIEW:	Rezoning from R-1 (Single-Family) to R-4 (Multi-Family Dwelling District)
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent
PREPARED DATE:	August 10, 2015
AGENDA DATE:	August 17, 2015

SUMMARY AND RECOMMENDED ACTION:

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 3rd Addition (See attached visuals). Based on the considerations of Staff Findings of Fact, staff recommends **approval** of the rezoning request and a **favorable recommendation** to the City Commission to change the zoning from R-1 (single-family dwelling district) to R-4 (multi-family dwelling district).

BACKGROUND:

- 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.

POINTS TO CONSIDER:

- Staff feels the proposed zoning and use of this property is the highest and best use for this property (Multi-family uses proposed).

- The proposed rezoning request is a good fit for the property as surrounding properties are zoned R-1 (single-family), R-4 (multi-family) and C-2 (General Commercial and Service).
- 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.
- This property, which fronts E. 27th St., is not very conducive to single-family residential development due to its location along an arterial street. Other uses, such as multi-family or commercial are more fitting for the location.

OPTIONS:

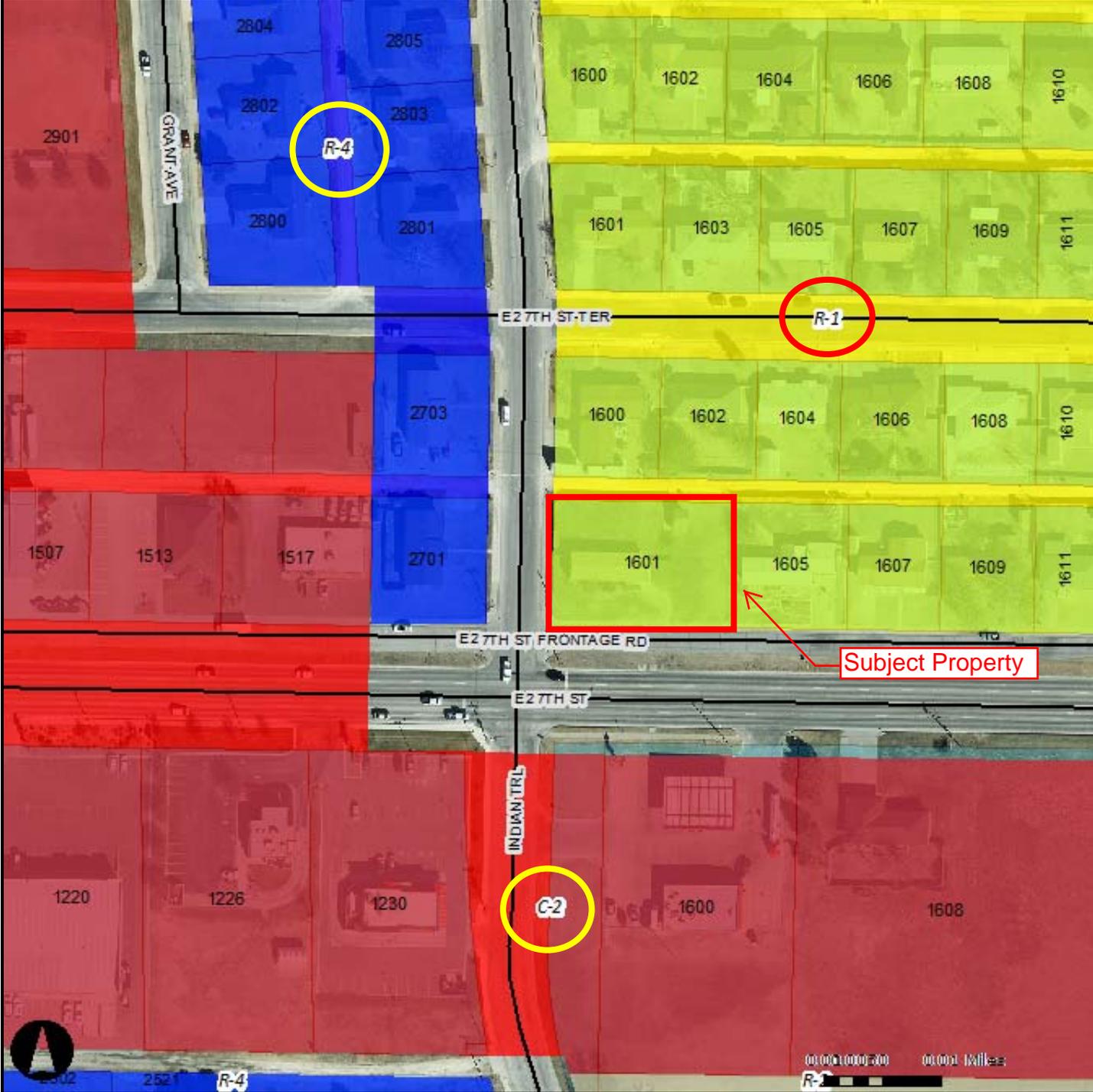
- Recommend to the City Commission **APPROVAL** of the rezoning request as submitted
- Recommend denial of the rezoning request

RECOMMENDATION:

Based on the considerations of Staff Findings of Fact, staff recommends **approval** of the rezoning request and a **favorable recommendation** to the City Commission to change the zoning of Lot 14 and a portion of Lot 13, Block 21, Hays Plaza 3rd Addition from R-1 (Single-Family Dwelling District) to R-4 (Multi-Family Dwelling District).

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

STAFF FINDING OF FACT

1. CASE NO.: **15-02Z** FILING FEE PAID: **\$140.00**
 2. DATE FILED: **07/20/2015**
 3. DATE ADVERTISED FOR HEARING: **07/26/2015**
 4. PUBLIC HEARING DATE: **08/17/2015**
 5. APPLICANT'S NAME: **Carol J. Purdy**
 6. LOCATION OF PROPERTY: **1601 E 27th Frontage Rd**
 7. DESCRIPTION OF PROPERTY: **Residential – Single Family**
 8. PRESENT USE OF PROPERTY: **Single Family Dwelling**
 9. PRESENT ZONING: **“R-1”** REQUESTED ZONING: **“R-4”**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Single Family Dwellings**

SOUTH: **General Commercial & Service (27th Frontage Road and 27th Street)**

EAST: **Single Family Dwellings**

WEST: **Multiple-Family Dwellings (Apartment housing fronting Indian Trail)**

2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **“R-1” Single Family Dwelling District**

SOUTH: **“C-2” General Commercial & Service District**

EAST: **“R-1” Single Family Dwelling District**

WEST: **“R-4” Multiple Family Dwelling District**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: **The area is identified on the Future Land Use map as mixed use of low to medium density residential and/or commercial**

use. 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 property abuts existing multi-family zoning (R-4) as well as Single-Family (R-1) and Commercial (C-2) zoning. This property would be best suited for single-family attached dwellings (duplexes) OR multiple-family types of units.

A. DEDICATION OR RESERVATION NEEDED FOR:

1. DRAINAGE: **Existing**
2. STREETS: **Existing**
3. UTILITY EASEMENTS:
 - a. ELECTRICITY: **Yes - existing**
 - b. GAS: **Yes - existing**
 - c. SEWERS: **Yes - existing**
 - d. WATER: **Yes - existing**
4. SHOULD PLATTING BE REQUIRED: **Property is platted**

B. TRAFFIC CONDITIONS:

1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS:
Local Frontage Road that fronts an Arterial Street
2. RIGHT-OF-WAY WIDTH: **N/A**
3. SIGHT DISTANCE: **OK**
4. TURNING MOVEMENTS: **OK**
5. COMMENTS ON TRAFFIC: **Local**

4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **While the property may appear to be suited for single family uses similar to what is currently in place, the proximity of the property to 27th St. and abutting commercial and multi-family uses makes the property a candidate for uses other than single-family dwellings.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **There is no evidence presented in this case or similar cases in the past where the development of various housing types near single-family uses has posed a threat or become a detriment to the existing uses. While there may be a perception that such a proposal will cause a downturn in nearby property values or increased crime in the area, there is not sufficient evidence to back up such claims. The same holds true for the nearby commercial uses, which should benefit in a positive way from having additional residents moved into the area.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **N/A**
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL

LANDOWNER: Neighboring property values typically tend to stay level or increase as new development takes place in adjacent areas, as long as the development stays within the character of the existing neighborhood. The impact of the rezoning, if approved, should not be destructive to neighboring property and should actually enhance the surrounding area as development occurs. This property, which fronts E. 27th St., is not very conducive to single-family residential development due to the nature of its location along a busy arterial street. Other uses, such as multi-family or commercial are more fitting for the location.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY:

The Comprehensive Plan identifies this immediate 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.

The surrounding area is identified on the Future Land Use map as a potential mix of low to medium density dwellings with abutting commercial uses as well. The area fronts a frontage road that fronts 27th Street, an arterial street.

The area is bordered by an existing “R-1” Single Family Dwelling district to the north and east and Indian Trail (Collector Street) zoned for Multiple-Family Dwellings directly to the west. The property fronts 27th Frontage Road/27th Street with “C-2” General Commercial and Service District to the south. It would be well suited for single-family attached dwellings (duplexes) OR multiple-family types of units.

The request for the “R-4” Multiple Family zoning classification does fit the overall scheme of the surrounding properties and that of the master plan. Being able to provide property for additional housing with minimal extensions of City streets or utilities is not only acceptable, but recommended. Staff does recommend the change of zoning classification from “R-1” Single Family Residential Dwelling to “R-4” Multiple Family Dwelling District.

THIS IS A LIST OF PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY THAT WERE NOTIFIED BY U.S. MAIL OF THE PUBLIC HEARING.

15-02Z							
Parcel	Parcel Address	First Name	Last Name	Mailing Address	City	State	Zip
026-138-34-0-20-02-001.00-0	1230 E 27th St	Jeffery R & Jana L	Pinney	3509 Hillcrest Dr	Hays	KS	67601
026-138-34-0-20-01-001.00-0	00000 INDIAN TRL	City of Hays		P O Box 490	Hays	KS	67601
026-138-27-0-40-10-011.00-0	1609 E 27th Frontage Rd	Raymond H & Mary Alice K	Brent	1609 E 27th St	Hays	KS	67601
026-138-27-0-40-10-010.00-0	1607 E 27th Frontage Rd	Brenda	Werth	1607 E 27th St Frontage Rd	Hays	KS	67601
026-138-27-0-40-10-009.00-0	1605 E 27th Frontage Rd	Glen A	Teel	1208 Motz	Hays	KS	67601
026-138-27-0-40-10-008.00-0	1601 E 27th Frontage Rd	Carol J	Purdy	402 W 33rd St	Hays	KS	67601
026-138-27-0-30-16-013.00-0	2701 Indian Trail	F & G Butler Investments LLC		473 Ensign Dr	Dillon	CO	80435
026-138-27-0-30-16-012.00-0	1517 E 27th Frontage Rd	Michael & Carla J	Hattan	3501 Fairway Dr	Hays	KS	67601
026-138-27-0-40-10-003.00-0	1608 E 27th St Terrace	St Nicholas of Myra Parish Hays Inc		2901 E 13th St	Hays	KS	67601
026-138-27-0-40-10-004.00-0	1606 E 27th St Terrace	Michael & Jessica	Cutting	1606 E 27th St Terrace	Hays	KS	67601
026-138-27-0-40-10-005.00-0	1604 E 27th St Terrace	Klaus Revocable Trust		2201 Centennial Blvd	Hays	KS	67601
026-138-27-0-40-10-006.00-0	1602 E 27th St Terrace	Melvina Jean	Cutright	1816 SW 85th St	Gainsville	FL	32607
026-138-27-0-40-10-007.00-0	1600 E 27th St Terrace	Darrel & Glenda L	Goheen	1600 E 27th St Terrace	Hays	KS	67601
026-138-27-0-30-16-001.00-0	2703 Indian Trail	Randy L & Mary E	Davis	5780 230th Ave	Hays	KS	67601
026-138-27-0-30-16-002.00-0	00000 E 27th St Terrace	Moeder Living Trust		2505 Sherman Ave	Hays	KS	67601
026-138-27-0-40-09-010.00-0	1605 E 27th St Terrace	Rebecca Ann & Mark W	Kellerman	1605 E 27th St Terrace	Hays	KS	67601
026-138-27-0-40-09-009.00-0	1603 E 27th St Terrace	Patrick J	Carver	1603 E 27th St Terrace	Hays	KS	67601
026-138-27-0-40-09-008.00-0	1601 E 27th St Terrace	Paul & Linda K	Lang	1601 E 27th St Terrace	Hays	KS	67601
026-138-34-0-10-02-001.01-0	1600 E 27th St	Casey's Retail Company		P O Box 3001	Ankeny	IA	50021
026-138-34-0-10-02-001.00-0	1608 E 27TH ST	Marvin J Rupp Revocable Trust		P O Box 404	Hays	KS	67601

(Published in The Hays Daily News July 26, 2015)

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 17, 2015, the Hays Area Planning Commission, in City Hall at 1507 Main Street, Hays, Kansas, at 6:30 p.m., will consider the following zoning change from "R-1" Single Family Dwelling District to "R-4" Multiple Family Dwelling District on the following real estate:

Lot 14 and West 70 feet of Lot 13, Block 21, Hays Plaza 3rd Addition City of Hays, Ellis County, Kansas more generally known as 1601 E 27th Frontage Road.

As provided in the Zoning Regulations of the City of Hays, the above application 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 Regulations will be considered by the Commission.



Parcel Details for 026-138-27-0-40-10-008.00-0

Owner Information



Owner's Name PURDY, CAROL J
(Primary):

Mailing Address: 402 W 33rd St
 Hays, KS 67601-1737



Address: 1601 E 27th Frontage Rd
 Hays, KS 67601

Memo

DATE: August 10, 2015
TO: Planning Commission
FROM: Jesse Rohr
RE: Rezoning request from C-0 (Office and Institution District) to C-2
(General Commercial and Service District) – Lots 15 and 17, Block 6,
HP Wilson Addition – 117 E 7th

An application has been submitted to request a change of zoning from C-0 (Office and Institution District) to C-2 (General Commercial and Service District) – Lots 15 and 17, Block 6, HP Wilson Addition – 117 E 7th (See attached visuals).

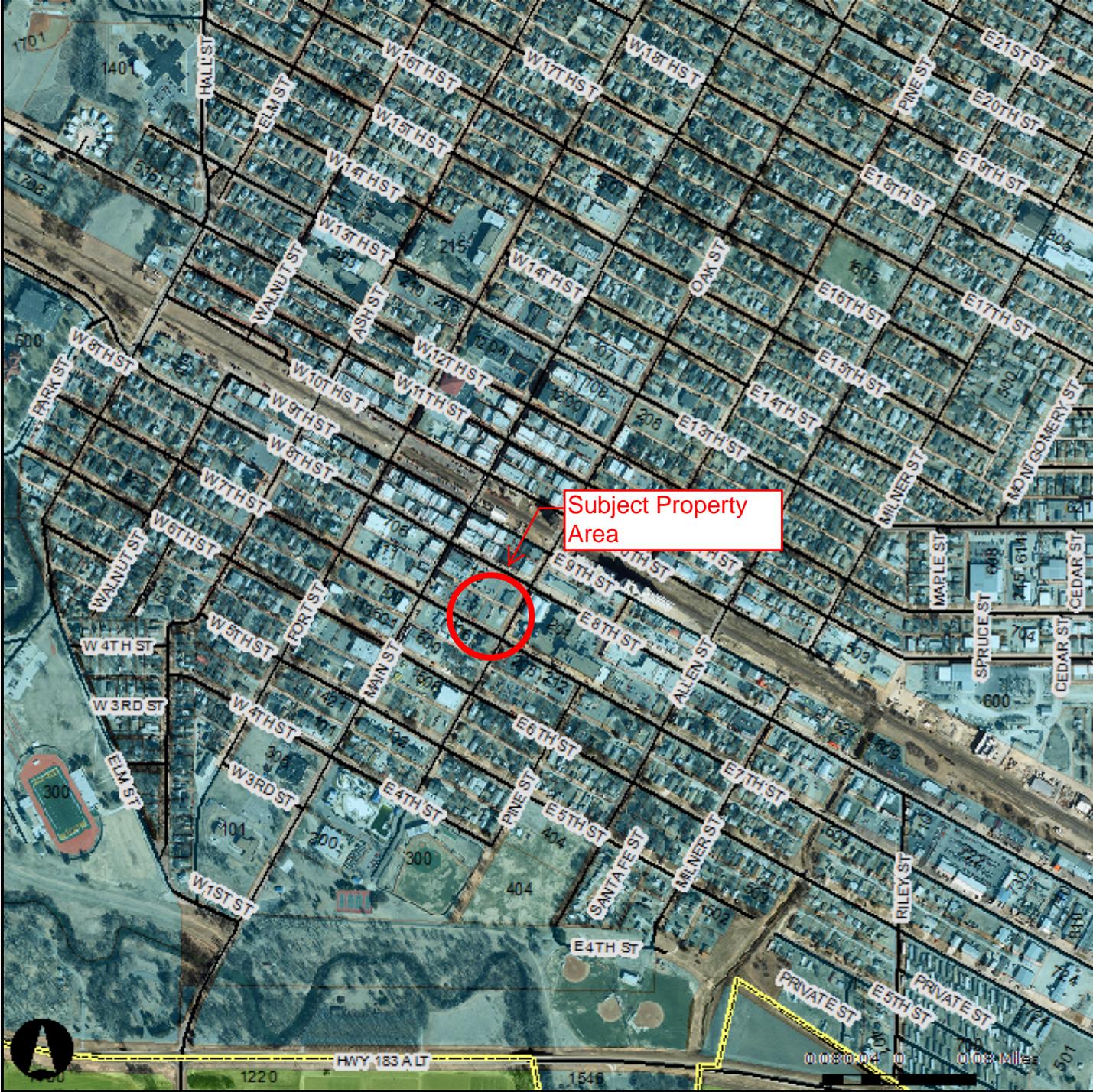
Staff is requesting that the Planning Commission set a public hearing for the September 21, 2015 Planning Commission meeting to consider the rezoning request.

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 Commercial (C-2) zoning, Central Business District (C-3) zoning, and Multi-family (R-4) zoning making it quite conducive to a wide variety of various zoning districts and uses.
- The owner has requested the rezoning since they wish to use the property for other commercial ventures that are not currently allowed in the C-O district, which would hopefully allow for increased profit off of the property. The applicant is asked to not be specific as to the exact use to prevent a biased decision from being made. All of the uses allowed in C-2 must be taken into consideration.

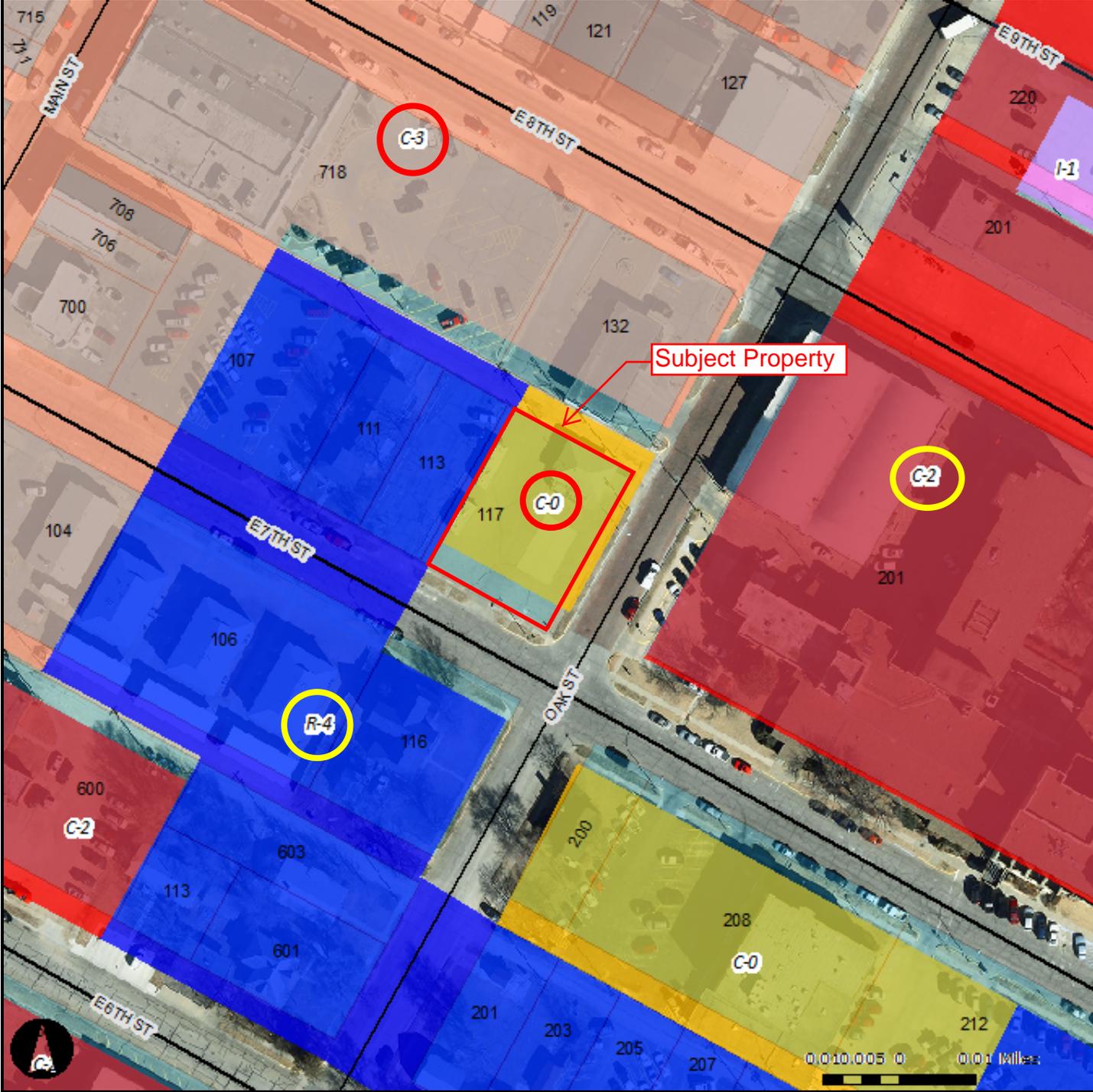
- The subject property, as well as surrounding properties, is designated as “Downtown” on the Future Land Use Map and Comprehensive Plan. This area, per the Comprehensive Plan, is designated for mixed uses, primarily including commercial, office, and upper level residential.
- No building expansion is planned at this time. There is an existing structure on the property currently and a large empty lot area.

Staff will be available to answer any questions regarding this zoning request prior to the public hearing in September, if indeed a hearing is set. A more detailed memo will be provided prior to the public hearing.



Subject Property Area





Approved/Denied by Planning Commission _____

Case No. 15-03Z

Approved/Denied by City/County Commission _____

Date Filed 07-23-2015

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 Hadley Redevelopment / Dave Van Doren
Address 205 E 7th St Phone 785-623-4604

Agent -

Address - Phone -

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 C-0 zoning district to C-2 zoning district for property legally described as Lot(s) 15 + 17 Block(s) 06 of the HP Wilson Addition.

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

III. This property is located at (address) 117 E 7th St Hays KS 67601

The general location is (use appropriate section):

A. At the (NW) corner of 7th (Street) and Oak (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.

For property to be zoned where profit organizations can be located.

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.

David Dantzen
APPLICANT

AUTHORIZED AGENT (IF ANY)

APPLICANT

AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,

July 23, 2015, TOGETHER WITH THE APPROPRIATE FEE OF

\$ 140.00

Sinda Bixenman, Administrative Assistant
NAME AND TITLE

Receipt# 610692

Parcel Details for 026-182-04-0-20-05-008.00-0

Owner Information



Owner's Name HADLEY REDEVELOPMENT LLC
(Primary):

Mailing Address: 205 E 7th St
 Hays, KS 67601

Property Address



Address: 117 E 7th St
 Hays, KS 67601

Neighborhood: 500 - Hays Block: 06 Lot: 15 & 17
Tract: Section: 04 Township: 14 Range: 18
Legal H P WILSON ADDITION , BLOCK 06 , Lot 15
Description: & 17 , SECTION 04 TOWNSHIP 14 RANGE 18
Acres: 0.29
Market Acres: 0.29

Land Based
Classification
System