

HAYS AREA PLANNING COMMISSION MEETING AGENDA  
CITY COMMISSION CHAMBERS  
1507 MAIN, HAYS, KS  
SEPTEMBER 21, 2015  
6:30 P.M.

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

**2. CONSENT AGENDA.**

A. Minutes of the meeting of August 10, 2015.

*Action: Consider approving the minutes of the August 10, 2015 meeting.*

B. Minutes of the meeting of August 17, 2015.

*Action: Consider approving the minutes of the August 17, 2015 meeting*

**3. PUBLIC HEARING ITEMS.**

A. Public Hearing for a rezoning request of the property at 117 E 7<sup>th</sup> Street from "C-O" Office and Institution District to "C-2" General Commercial & Service District.  
(Case # 15-03Z)

*Action: Consider a recommendation to the City Commission for the rezoning of 117 E 7<sup>th</sup> Street from "C-O" Office and Institution District to "C-2" General Commercial & Service District.*

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

A. Set the public hearing for a rezoning request for a tract of land located at 1517 Commerce Parkway from "A-L" Agriculture to "I-1" Light Industrial Zoning District.  
(Case 15-04Z)

*Action: Consider setting a public hearing for a tract of land located at 1517 Commerce Parkway from "A-L" Agriculture to "I-1" Light Industrial zoning district.*

B. Preliminary Plat of Replat of Lots 1 & 2, Block 2 and Arnhold Drive, Arnhold's Industrial Addition, Hays, Ellis County, Kansas. (Case # 15-03P)

*Action: Consider approval of the Preliminary Plat of the Replat of Lots 1 & 2, Block 2 and Arnhold Drive, Arnhold's Industrial Addition.*

C. Final plat known as the Replat of Lots 1 & 2, Block 2 and Arnhold Drive, Arnhold's Industrial Addition, Hays, Ellis County, Kansas.

*Action: Consider a recommendation to the City Commission of the Final Plat of the Replat of Lots 1 & 2, Block 2 and Arnhold Drive, Arnhold's Industrial Addition.*

- D. Consider setting a public hearing for a rezoning of a tract of land for the proposed Unrein's Addition (tract in the SE/4 of Section 16, Township 14 South) from A-L (Agricultural) to R-S (Residential Suburban). (See Maps)

*Action: After discussion with the applicant, consider setting a public hearing for the rezoning of said tract.*

- E. Review Proposed Changes to the Development Policy.

*Action: Discussion of proposed changes to the Development Policy.*

- F. Discussion of the Zoning and 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  
SPECIAL MEETING  
CITY HALL IN COMMISSION CHAMBERS  
AUGUST 10, 2015  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met for a special meeting on Monday, August 10, 2015 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  
Matthew Wheeler  
Justin McClung  
Robert Readle  
Darrell Hamlin  
Chris Crawford

**Absent**

Tom Denning                      Paul Phillips                      Kris Munsch

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

**2. CONSENT AGENDA:**

**A. Minutes:** Darrell Hamlin moved, Robert Readle seconded the motion to approve the minutes from the July 20, 2015 meeting. There were no additions or corrections to those minutes.

**AYES**

Lou Caplan  
Matthew Wheeler  
Justin McClung  
Robert Readle  
Darrell Hamlin  
Chris Crawford

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

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

**A. Review and Discuss Draft Zoning and Subdivision Regulations:** Jesse Rohr presented a power point presentation for discussion of various sections of the draft rewrite of the zoning and subdivision regulations to come to a consensus of any changes, additions or deletions. The rewrite had begun in June, 2014 and the tentative schedule is to have the changes complete by September 1<sup>st</sup> and to take to the City Commission in November, 2015.

**Table 2.2-403 – Child Care/Day Care – “Location” column – Review #3 and #4** The following were identified before the commission to consider they be stricken from the above table under “location”.

#3 There is no other family day care home or group day care home located on the same street segment that terminates in a dead end or cul-de-sac.

#4 The family Day Care home is a minimum of 600 feet from any other family day care home and 750 feet from a group day care home, measured along a straight line from the closest lot lines.

Darrell Hamlin and Lou Caplan asked what the intention would be for these restrictions. Jesse Rohr answered that these regulations would prevent clusters of these types of facilities. There has not been an issue that warrants this type of regulation and could be over-burdensome.

Mr. Hamlin asked if there could potentially be a safety issue or nuisance issue. Mr. Caplan noted some cases that had come before the board had voiced concerns of parking issues; although nothing had transpired from those concerns.

Justin McClung stated that if it has not been an issue, why make changes over a non-issue.

Matthew Wheeler asked if the regulations could be changed back if it would become an issue. Jesse Rohr answered that there is a process for changes.

The consensus was to strike “Location# 3 and # 4” from the above table.

Mr. Readle asked if there was any concern about the restrictions on Location #2 “The family day care home cannot be located on an arterial street.” He also asked if existing facilities would be affected. Jesse Rohr answered that it would not affect existing facilities.

Darrell Hamlin suggested that they could revise it to be acceptable if there was a circle drive or enough space on the property for people to come and go.

This would be considered.

**Table 3.1-202A – Building Setbacks – Review in General** The proposed change associated with setbacks for residential dwellings are as follows:

The zoning district identified as “R-G” Residential General will have a proposed 7 ½ foot sideyard building setback standardized for all sizes of interior lots. The front yard building setback would change from twenty-five feet (25’) to thirty feet (30’). The street side yard building setback (15 feet) and rear yard building setback (25 feet) would remain the same.

Currently the interior sideyard setback is measured by 10% of the lot width, with the minimum being seven feet (7’) and the maximum being fifteen feet (15’). With the 7 ½ foot sideyard setback, there would be more space for HVAC, window wells etc.

He pointed out that there would still be the opportunity to ask for variances to the Board of Zoning Appeals.

Lou Caplan stated that he could see no problem. Matthew Wheeler stated that this would be a benefit and help with infill.

It was the consensus to accept the changes.

**Sec. 4.1.102 Landscaping and Buffering** The proposed changes associated with the subject section on landscaping and buffering were as follows:

With the different housing occupancies within the same zoning districts, the buffer between single family housing and attached single family housing was stricken from the new regulations, although it could be developer driven.

A buffer would be required on multiple-family and townhome dwelling properties.

He pointed out some of the different types of buffer yards and types of buffers for parking. There would be buffers required between the different zoning districts.

This is a section that can be reviewed in depth if necessary.

**Table 5.2.102A – Parking Minimums – Review in General** The parking requirements for a single family home would change from the required 1 1/2 off-street parking spaces to two off-street parking spaces. For a duplex, a total of four off-street parking spaces would be required; two parking spaces for each side.

For other multiple dwellings, required parking spaces would be determined by the number of bedrooms.

A garage for a vehicle and the driveway each count for an off-street parking space.

The required commercial parking spaces change from one off-street parking space per 200 sq ft to 300 sq ft. For a restaurant, one off-street parking space would be required for every 4 seats.

There are provisions allowed for shared parking for businesses that may operate at different times of the day. This would reduce duplicate parking spaces and lessen stormwater runoff.

Parking has not been an issue.

**Sec. 5.2.206 (B) RV/Boat Parking (See also Sec10.2.106 (B) (2) (d):** This is a regulation that limits extended parking of over the road trucks and RV/boat parking on commercial parking lots. This is to provide a provision in the regulations it could be regulated if it causes people to park elsewhere or it creates traffic congestion issues or turning movements etc.

Currently this is a private matter and there are no regulations to regulate this.

**Sec. 5.3.101 (F) – Driveway Width – Review specified widths** There is the question whether there should be a regulation to restrict the width of a driveway. The rewrite states that the allowed single width is 11 feet, double width is 24 feet and a triple width is 30 feet.

Some residents choose to have an extended driveway to the side to accommodate more vehicles.

If the width of driveways were regulated, it would require additional burdensome enforcement.

Jesse Rohr suggested that since the stormwater regulations deal with how much impervious surface is allowed, it could be dealt with under those regulations.

Lou Caplan asked if there was some rationale on the respective widths. It was determined that a standard parking space is 9 feet.

Matthew Wheeler and Justin McClung agreed it would be burdensome to regulate the width of a driveway. It appeared it was the consensus of the Planning Commission that it could be captured within the stormwater regulations.

**Sec. 5.4.101 – This section has been forwarded on to MWE for review and comment**

This section has been forwarded to Midwest Energy to review so the language works with their standards. This has been deferred to the experts and would be reviewed what they send back to us.

Darrell Hamlin asked if there is an absence of concern since this will be deferred to Midwest Energy. Jesse Rohr answered that they want to adopt what is the same standard as Midwest Energy.

John Braun stated that these regulations apply to city lighting and private lighting like schools, ball fields etc.

It was the consensus of the commission they agreed with deferring to the Midwest Energy standards.

**Sec. 6.2.202 (E) – Alleys – Surfacing Material (concrete vs rock)** The development policy does allow alleys even though they are not as common now in new developments; although there is a current development with alleys on 33<sup>rd</sup> and Elm.

The discussion is what type of surfacing for the alley. Now there are sand/rock alleys and a few concrete alleys. The cost of maintenance for the rock alley is minimal compared to a concrete alley. The weeds are to be kept down to the middle of the rock alley by each resident owning property with an alley. The city does an annual maintenance on the rock alley.

It is suggested that in certain circumstances that the surface be concrete if the alley is used for conveyance of stormwater. This will keep the rock from draining down the stormwater drainage area.

Darrell Hamlin asked if parking is allowed in the alley. John Bird, City Attorney, read from the Hays Municipal Ordinances under “Traffic” that parking or stopping in an alley is prohibited. Jesse Rohr added that per Chapter 26 that an obstruction is prohibited in the alley.

Jesse Rohr noted that off street parking is allowed off of a concrete alley.

Darrell Hamlin asked how the “Strong Town” methodology would apply to the cost for the surface of an alley.

Matthew Wheeler asked if the cost per linear foot to maintain the alleys was included in the estimated cost of the street maintenance. Jesse Rohr answered that the cost of alley maintenance would need to be added to that if there is an alley.

**Sec. 6.2.203 – Cul-de-sacs – Pedestrian Connections** Cul-de-sacs are allowed; although in some ways they may be discouraged. The maximum length of a cul-de-sac is 600 feet measured by the nearest curb line.

In some jurisdictions, cul-de-sacs are prohibited because of the difficulty of access and the extra distance to cover by refuse trucks, U.S. mail carriers, and pedestrians etc. versus having a direct route.

The point of discussion is if there should be a pedestrian connection in some cases on a cul-de-sac. If warranted, a dedicated pedestrian 10 foot access easement

on the cul-de-sac would be dedicated on the plat. This would apply to only new developments.

There were many comments for discussion from the audience as follows:

1. Who would pay for the construction of the sidewalk of the pedestrian connection.
2. Would there be a shared cost between adjoining property owners for the sidewalk and maintenance of it.
3. Would they have to be ADA compliant if there is a substantial grade.
4. Would the dedicated pedestrian easement be in addition to the building setback or within the building setback. It could be that the structure would be built right up next to the pedestrian easement.
5. One member of the audience stated that she liked cul-de-sacs because there was no thru traffic and it is peaceful and secure. She would not be excited about a pedestrian easement in the cul-del-sac.
6. What about an egress window being so close to the pedestrian easement.
7. Is this what they are seeing in other cities with a pedestrian path thru the cul-de-sacs.
8. Could there be a fence next to it
9. Who is responsible for the snow removal
10. Why can't residents walk through the yards now.
11. Would lighting be needed for those respective sidewalk paths
12. It was pointed out that the frontage for the Pie shaped lot within a cul-de-sac was very narrow. There is limited parking within a cul-de-sac.
13. It was asked if there would need to be an ADA compliant curb for the access to the dedicated pedestrian access sidewalk.
14. There could be yelling in the windows from the pedestrians walking next to the homes.
15. Who holds the liability if someone gets hurt on the access sidewalk.
16. What are the proposed trails.

Matthew Wheeler explained that they hear more complaints about the distance to walk to their destination because of the cul-de-sacs.

John Braun pointed out that this dedicated pedestrian access easement would apply to new development with the adoption of the new regulations.

Robert Readle pointed out that it may not be advantageous to have a pedestrian easement in all instances. He used the example of the advantage of having access to Seven Hills Park; although no advantage on 45<sup>th</sup> Street.

Jesse Rohr answered that it would have to warrant a destination before it would be required. It may not happen in each cul-de-sac. It could not cross more than two tiers of lots. The grade of the land would also be a determinant.

The owner of the property would be responsible for construction of the sidewalk in the pedestrian easement. They would be responsible for snow removal and maintenance of the sidewalk like the front and side yard sidewalks. The easement would be solely on a lot, it would not be split between two lots. There could be a fence constructed next to it.

Without the dedicated access easement, access would not be allowed on private property.

There would be no lighting; it would be like the sidewalks in front of the homes and side streets.

The liability would be the responsibility of the owner of the property. John Bird stated that the city would be protected from any liability.

Justin McClung stated that he was torn based on his experience where he grew up; they had golf cart paths that was so convenient.

Robert Readle suggested that this come back to a future meeting. He stated that more time is needed to research this.

Jesse Rohr suggested that they talk with residents and developers to get their input.

It was the consensus of the commission to review this again.

**Sec. 6.2.208 – Pavement widths – Review this section** In regard to the streets, it is recommended that the right of way be reduced from 31 feet to 28 feet. It is recommended that the pavement right of way width be reduced from 60 feet to 50 feet on most standard residential streets. This still under research

This would reduce the initial cost to the developer due to less dedicated right of way and provide more buildable area. It would lessen the cost of future

maintenance for the long term and keep the assessment value down for the property owner.

Patty Stull, Real Estate Broker, voiced concern about having narrower streets. She stated that the streets are becoming narrower and narrower; she does not like narrow streets. She hated to see this happen in the new subdivisions; she does not see it as a benefit to the public. She can see the benefit to the city but not the public. There would be little room for two-way traffic and emergency vehicles. She used the example of an emergency vehicle meeting an SUV in the time of an emergency; there would be so little room to get in and out to take care of the public. She was concerned of the safety of the children riding their bikes and other.

Several other members of the audience concurred.

John Braun stated that narrow streets have a direct correlation between reduced speed and safety.

Jesse Rohr noted that there have been more issues with people speeding down Vine Street than issues on narrow streets.

This section lists the different street types.

One of the new types of streets is one with no curb and gutter; instead there is a swell/ditch for a vegetative water conveyance system. This lessens the development cost of streets because there would be less stormwater infrastructure. This is a street that would be 60 feet wide.

Matthew Wheeler asked about these types of streets, if it is likely people would park in the grassy areas. He asked about the advantages and disadvantages if these types of streets and about their appearance. The streets in Prairie Acres are like those streets proposed. Jesse Rohr answered that it would be like the streets along Country Lane and Cottonwood Lane; these right of ways were not accepted in the city the way they were constructed because they were narrower than the allowed new construction.

Lou Caplan asked if there would be sidewalks. Jesse Rohr answered that there would be sidewalks; although it was uncertain if there would be setbacks for sidewalk or curbside sidewalks.

One of the members of the audience voiced concern about the narrow street; by having to watch that you did not hit something.

A member of the audience asked if the consultant had done studies to show that the narrower street does reduce speed. Jesse Rohr answered that he can send out some studies done that do reflect that there is a direct correlation between reduced speed and narrower streets.

It was found that there needs to be a correction of the measurement of the cross section on the Right-of-Way Table to be the same as the chart.

He noted that there will be a recommendation of some changes to the Development Policy in a future meeting. One change will be that the pavement right of way width will mirror what is in the draft zoning regulations rewrite.

Robert Readle recommended checking out the different sizes of streets and come back to the commission with their findings. He noted that he used to live on Pershing Court; a good example of a narrow street. Jesse Rohr answered that he would send them a list of streets to check out. They could go by at different times of the day when there might be more traffic.

A lady asked what the reason was to reduce the size. Jesse Rohr answered that it reduces the initial cost to the developer and assessment of cost to lot owner and the future liability of maintenance cost for a special assessment.

**Sec. 6.2.301 – Sidewalks – Location of Sidewalks – Curb-side vs Set-back** There will still be the requirement for sidewalks. It is being drafted that there will be two options for the type of sidewalks; curbside or setback. There are pros and cons for each. They both function well.

The option depends on the street level of safety for pedestrians. The drawback for both is for snow removal. The sidewalk with the setback gives the pedestrian an extra foot of safety. The drawback is the maintenance of the buffer between the street and sidewalk.

The curbside sidewalk is required to be 6 foot wide along an arterial street and 5 foot wide along a residential street.

One of the commission members asked what drives that decision on the type of sidewalk. John Braun answered that if parking is allowed along the street, the curbside would be the better option. If there is not parking along the street, the sidewalk setback option may be considered.

Lou Caplan noted that he has a setback sidewalk in front of this home and when it snows, he is glad he has the setback sidewalk.

Matthew Wheeler pointed out that the biggest issue he has heard was of no sidewalks on some undeveloped lots including the undeveloped infill lots.

Jesse Rohr answered that they are reviewing the development policy that would address this issue.

**Chapter 7 – Signs – Consider banners, flags, temporary signs, pennants, spinners, etc (This section being reviewed with local sign companies for additional input)**

Jesse Rohr stated that they are reviewing the proposed sign regulations with the licensed sign companies.

There are some issues with advertising pennant type signs attached to sign poles that are not bound by any regulations. These types of signs are used to advertise alcohol, beverages and cigarette and tobacco products by distributors mostly located at quick shops. Some are found along the curb and Vine Street. There is one instance where the pennant flag obstructs the view of traffic at an intersection.

A comment from one man in the audience pointed out that he believes the distributors contract for payment to the stores to post those signs.

Darrell Hamlin asked that if the signs are tied to revenue generating for the retail stores, what would be the impact of disallowing them.

Jesse Rohr answered that he would check into that.

Matthew Wheeler asked if temporary signs were allowed. Jesse Rohr stated that currently there are no provisions for temporary signs; although with the rewrite they are allowed if done right.

**Sec. 9-1-505 - Open Space Requirements - More Options possibly needed - Follow-up with MWE** They are waiting on some language from their consultant before it is ready for discussion. They are working with "open space" ratios.

**Sec. 10.1-101 Design Standards - Residential - Building Entrance Location** There was a lengthy discussion on this topic and it would be brought back for discussion of residential and commercial design at a future meeting. Some of the highlights of the discussion were as follows:

1. Structure is to face the street and not face sideways for aesthetic reasons; there could be multiple other entrances.

An example of utilization of a narrow lot (50' X 125'), a picture was shown of a duplex that faces the street with the other side facing the concrete alley.

It would be possible to have parking in the front and walk to the back of the duplex for the second entrance.

2. Audience member contested the part of the rewrite that states there is to be a five foot separation between 24 foot wide driveways such as for a duplex. There would not be enough room.

Audience member stated that this was a perfect example of the conflict between the strong city model and the development policy. To encourage infill, this would need to be reconciled so the direction is not on two different tracks.

Matthew Wheeler explained the reason this has come up is because there is nothing in the code to regulate the standards now for a slab side duplex that can be built in the middle of a block without regard. It is not appealing to the neighborhood. It is more attractive when there is access from the street.

It was pointed out by an audience member of a reference of another city (Phoenix, Arizona) that utilize the smaller lots by building the structures sideways on the lots. Jesse Rohr asked if they had architectural features on the side of the structure facing the street; he thought maybe that could be a compromise.

3. It was pointed out that the side of a nice building is better in comparison than a condemned dilapidated old house. Jesse Rohr noted that they have to look at the long term affect. It would not be good to replace one undesirable structure with another undesirable structure.

4. Audience member stated the duplex facing front and back would not work in a gravel alley. Building a structure on the side on a narrow lot is more cost effective. This can get rid of a \$40,000.00 house and replace with a \$200,000.00 house or other types of residential dwellings and the city would benefit. Many have to be built out of the floodplain.

5. Audience member voiced concern this was taking the direction of having track houses because of the smaller houses and smaller streets. She said she would hate that for the city.

6. Audience member asked if the development like the one at 33<sup>rd</sup> and Sherman would no longer be allowed. Jesse Rohr explained that it would not be allowed per the rewrite. He explained about that particular development that had been platted years ago per the developer's choice.

Jesse Rohr pointed out that the only design standard is the front entrance for single family and detached and attached single family.

Chris Wente emphasized that developers and builders have to live with this document and understand it. These are the people to be talking to that use this document day in and day out. These are the ones that take the capital risk.

7. One lady from the audience said she thinks people are frustrated about this whole thing.

8. In regard to commercial design it was discussed of different types of materials that may be only allowed in certain zoning districts and prohibited in others. One discussion was on metal buildings. Audience Member pointed out that there are some materials mandated.

9. It was asked about the covenants in a development for design. Jesse Rohr answered that the city does not enforce covenants; this would go through litigation if there was an issue. Another point to consider is those properties in the historical district.

Robert Readle suggested continuing the discussion on the design standards at another meeting.

Justin McClung asked for addresses and pictures of locations they are trying to hinder.

**Sec. 10.2-101 (C) (1) through (C) (6) – Detached accessory structures (size, height, # of units etc)** the two main points to consider is the size and height of an accessory building. The size is 720 sq ft across the board and the height cannot be higher than the principal structure restricting it to a maximum of 16 feet to peak.

Robert Readle suggested using the percentage of the lot size for the larger lots to determine the size of the accessory structure.

Audience member suggested that the maximum height of an accessory building should be able to accommodate at the minimum a 5<sup>th</sup> wheel camper.

Jesse Rohr stated that they would bring back a couple of options.

**Sec. 10.2-(103) (E) and (F) – Fences – Orientation of fences (E) and fencing materials (chain link?) (F)** The orientation of fences is to have the picket for the fence facing the right-of-ways and the runners on the inside. A way to capture them is to issue a permit or educate the residents.

It limits chain link fencing. Currently, the Commerce Parkway Overlay District does not allow chain link fencing. The overlay district goes away with the new regulations.

With the discussion, Jesse Rohr, stated that maybe chain link fences would be disallowed in certain zoning districts and/or along arterial roads.

He asked the commission to be mindful of this as they drive through the city of their thoughts on this. It would stand as written that chain link fences would not be allowed unless something comes up to change that.

**Sec. 10.2-106 (B) (2) (d) – Boats, RV's Campers and parking in residential districts** The difference from the current regulations to the rewrite is that recreational equipment/vehicles cannot be parked in the front yard. They can be parked on the side yard and back yard. They are only allowed in designated residential districts.

Matthew Wheeler asked if it would go into affect immediately if it stands as written in the draft. Jesse Rohr answered that would be correct.

Darrell Hamlin had pointed out that it may be more likely, it may lend itself to a more permanent structure to garage the recreational equipment/vehicle. He asked if they could build something in the language to limit the height of a vehicle that could be parked in the driveway.

Jesse Rohr recommended to strike from the regulations because it would be an enforcement nightmare. If there were issues, it could be looked at again.

At this time, this section as written would stay in the regulations unless it is found to be revised or stricken from the regulations.

**Other:**

**Chapter 9.1.602 - Monumentation** Darrell Christen, asked about this section. He asked when the property pins when plat is accepted or after construction. Jesse Rohr stated that the intent is after construction.

He asked if there is to be monument on the street centerline. Jesse Rohr answered that they are not to be on the street centerline. (strike A. 2.) The section line corners would stay in place.

Jesse Rohr asked him to send him the state standard language so it could be incorporated in this section.

There were points noted that would need to be revised and state standard language added. Jesse Rohr stated they would rework this section.

**Multiple Family Design Standards:** It was asked from an audience member about the design standards for the Multiple Family dwellings, he asked if it was on all four sides. Jesse Rohr answered this will be reviewed when they review the design standards. He notified they would be notified when there are meetings on respective projects.

**Hays Board of Realtors** Robert Readle stated that the Hays Board of Realtors had presented a document prepared by their consultant to articulate their own points associated with the rewrite of the regulations. He will distribute to the commission and they can discuss it at a future meeting.

**6. ADJOURNMENT:** Lou Caplan adjourned the meeting at 9:40 p.m.

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

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**DRAFT  
HAYS AREA PLANNING COMMISSION  
CITY HALL IN COMMISSION CHAMBERS  
AUGUST 17, 2015  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met at the regularly scheduled meeting on Monday, August 17, 2015 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  
Robert Readle  
Darrell Hamlin  
Chris Crawford

**Absent** Tom Denning      Matthew Wheeler      Kris Munsch      Justin McClung

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

**2. CONSENT AGENDA:    None**

**3. PUBLIC HEARING ITEMS:**

**A. Public Hearing for a rezoning request of the property at 1601 E 27<sup>th</sup> Frontage Road from "R-1" Single Family Dwelling District to "R-4" Multiple Family Dwelling District:** Paul Phillips explained that per the Kansas Open Meetings Act, that the first part of the hearing would be a public hearing for the rezoning request. Then the public hearing would be closed for the commission members to discuss the issues relative to the request among themselves. At that time, the commission will approve or disapprove Staff Findings of Fact and second would be a substantive motion of their recommendation to the governing body.

Jesse Rohr presented a power point presentation on the overhead visual of the staff findings per this request. The property is located at the intersection of 27<sup>th</sup> Street and Indian Trail. It is unique in that it abuts 3 separate zoning districts: "R-4"-multiple family to the west, "C-2" Commercial and Service District to the south and further west and "R-1" Single Family to the north and east. It fronts 27<sup>th</sup> Street Frontage Road. Infrastructure is in place; it will not require any extension of city infrastructure.

Because of the location of the property facing 27<sup>th</sup> street, it is more conducive to commercial or higher density residential uses.

It would not be spot zoning as defined in ordinance and state statute because of the abutting zoning districts, the multiple-family zoning district would be the same as abutting properties to the west.

He read all the uses for the "R-4" zoning district and pointed out those uses from the "R-1" zoning district that are the same and the uses that were unique only to those respective zoning districts.

He stated that there are two options. Recommend to the City Commission approval of the rezoning request as submitted or recommend denial of the rezoning request.

Staff has recommended the rezoning based on the information provided in the packet.

Chairman Phillips asked if there were any comments from the audience to address the commission. He explained the process to the audience to come to the podium and give their name and comment.

Ms Cutright that lives on E 27<sup>th</sup> St Terrace came before the commission to point out they already have a problem with the Casey's Quick Shop along 27<sup>th</sup> Street with the noise and bright lights. There is seldom any nighttime in that area.

She asked if one of the uses would be a "gas station". She was concerned about more commercial uses. Jesse Rohr answered that no gas station was included in the uses for the "R-4" zoning district. He displayed all the potential uses allowed by right for "R-4" zoning district.

Patrick Carver that lives on E 27<sup>th</sup> St Terrace came before the board to ask how it would impact his property taxes.

Paul Phillips closed the public hearing to allow time for the commission to discuss the issues relative to this case.

Robert Readle asked Jesse Rohr for the background information on staff findings of fact on the supporting argument for staff's recommendation that "R-4" was the highest and best use of this property.

Jesse Rohr explained that typically a multiple-family dwelling district helps provide a buffer between commercial uses and single family homes as in this case where the property faces an arterial street (27<sup>th</sup> Street – traffic thoroughfare) and commercial property across the street. It provides a buffer from the least restrictive (Commercial uses) to the most restrictive (Single Family).

Paul Phillips asked Jesse Rohr if this rezoning request is only for the subject property and not the entire street. Jesse Rohr answered that the rezoning request is for only the designated property.

Lou Caplan asked if the property is one single lot. Jesse Rohr read the legal and size of the parcel. It would be possible for an owner to go through the lot split process for this property whether or not it is rezoned.

Chris Crawford asked if there had been a valuation analysis how this could change the property values of adjacent properties. Jesse Rohr answered that in a prior rezoning (33<sup>rd</sup> and Elm), one of the city commissioners had done a property value analysis. His findings were that none of the property values went down on single family homes that were next to duplexes or multiple-family dwelling units in Hays. He pointed out that for a rezoning, property values are not part of the consideration.

Patrick Carver had one more comment. Paul Phillips reopened the public hearing.

Mr. Carver asked if there were plans for low income housing on the lot. This was a concern to him because he did not want it to be like the low-income housing on the west side of Indian Trail where there are ongoing major issues. What is to say the owner would purchase all the properties on the street and construct low-income housing. He was also concerned of the impact on the property value of his home.

Paul Phillips closed the public hearing and asked to approve or disapprove staff findings of fact.

Lou Caplan moved, Chris Crawford seconded the motion to approve staff findings of fact.

<b>Vote: AYES</b>	Paul Phillips
	Lou Caplan
	Robert Readle
	Darrell Hamlin
	Chris Crawford

Paul Phillips read the considerations the commission is to consider for the substantive motion and they are to include the considerations applicable to their motion.

Robert Readle moved to deny the rezoning request based on the consideration "to the extent to which removal of the restrictions will detrimentally affect nearby properties.

Motion Failed due to lack of a second.

Lou Caplan moved, Darrell Hamlin seconded the motion to recommend to the City Commission to approve the rezoning of 1601 E 27<sup>th</sup> Frontage Road based on the considerations of staff findings of fact, the zoning and uses of nearby property and the character of the neighborhood.

Robert Readle pointed out that it is fairly unusual to have this much resistance on such a small area and the residents have been very clear about it. He noted that he had received a lot of feedback on this rezoning request and thought the other commissioners also received the same. There is a strong opposition to this rezoning considering the size of the lot.

Chris Crawford stated that he had received feedback for pros and cons to this rezoning request.

**Vote: AYES**

Paul Phillips  
Lou Caplan  
Darrell Hamlin  
Chris Crawford

**Nay**

Robert Readle

Paul Phillips informed the audience that this recommendation will go before the governing body for official action. It is important to note that those who are for or against the rezoning request should attend that respective meeting.

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

**A. Set a Public Hearing for a rezoning request of the property at 117 E 7<sup>th</sup> Street from "C-O" Office Institution District to "C-2" General Commercial and Service District:** Jesse Rohr presented a power point presentation to provide the information on the above rezoning request. The property is located at the intersection of northwest corner of 7<sup>th</sup> and Oak Street and stands alone lot with the "C-O" zoning classification abutting other zoning districts. The "C-O" Office and Institution zoning district is the most restrictive in commercial uses. The reason for the request for "C-2" zoning is to broaden the scope of the potential uses of the property. The only other "C-O" zoning district is the location of Hays Medical Center and offices along Canterbury Drive and High Plains Mental Health on 7<sup>th</sup> Street.

He did not believe there would be any redevelopment of the property, just the change of uses.

The zoning districts surrounding the property are as follows:

East - "C-2" General Commercial and Service District  
North - "C-3" Central Business District

South - "C-O" Office and Institution District & "R-4" Multiple family  
West - "R-4" Multiple family

To the east is the Hadley Redevelopment building; to the north is the Commerce Bank Drive-Thru and County Administrative Building. There are multi-family units and commercial uses to the west. There is the High Plains Mental Health Center to the south and multi-family units.

Based on this information staff recommends that the Planning Commission set a public hearing for the September 21, 2015 Planning Commission meeting.

Paul Phillips asked if any of the uses that are seen less than desirable for that property. Jesse Rohr answered that most of the commercial properties are zoned "C-2". He explained that the list of the uses would be read at the public hearing.

Chris Crawford asked what would be the restrictions of "C-O" District. Jesse Rohr read the uses of that district.

Phillips asked if there was a reason they did not apply for the "C-3" Central Business District. Jesse Rohr answered that per the matrix chart in the comprehensive plan both the "C-2" and "C-3" were compatible for this area. The decision was left up to the owner.

Robert Readle moved, Darrell Hamlin seconded the motion to set the public hearing for September 21, 2015 to hear the rezoning request of the property at 117 E 7<sup>th</sup> Street from "C-O" Office Institution District to "C-2" General Commercial & Service District of fact.

**Vote: AYES**

Paul Phillips  
Lou Caplan  
Robert Readle  
Darrell Hamlin  
Chris Crawford

Jesse Rohr explained about the publication process and notification of the property owners within 200 feet will receive the publication notice.

#### **B. Discussion of Potential Changes to the Development Policy Infrastructure**

**Guidelines:** John Braun presented a red-lined copy of the proposed changes to the development policy. Because this document works parallel to the zoning and subdivision regulations, it is being updated in conjunction with the rewrite of them.

This will go before the Utility Advisory Committee in September to give them the opportunity for input since they play an important role in the development process. It is scheduled to come back to the Planning Commission in September and to the City Commission in October. It will be submitted for adoption after the

adoption of the Zoning and Subdivision Regulations.

He presented the highlights of the proposed changes to the development policy.

1. The City would not pay for over sizing of infrastructure. The developer would pay for over sizing if required (street, sanitary sewer, water section)
2. Take out the option of a pre-annexation agreement for water and/or sewer. The property would be required to be annexed if they connect to city water and/or sewer.
3. All water mains shall meet the type of material requirements mandated for new developments.
4. Developer required looping water mains within a development specified by the Director of Utilities. The number of feet of the water main to meet minimum fire code and water quality requirements.
5. Any alleys designed as a mean to convey stormwater should be made of concrete rather than a rock alley.
6. No over sizing the curb and gutter
7. The street and right of way width subject to what will be written in the zoning and subdivision regulations
8. A traffic impact study at the expense of the developer may be required to determine the development's impact on traffic flow in the area.
9. As an alternative to curb and gutter there is the option of vegetative water conveyance systems (ditches or swales)
10. Sidewalks (curbside or setback) required on all new developments unless a alternative means of multi-modal transportation is provided and approved.
11. It is to be determined at what stage of the development it will call for all sidewalks to be constructed within the development.
12. Recommend Use of overlay conveyance of stormwater rather than stormwater pipes because it is better for the water quality for requirements of EPA and KDHE. This would eliminate the second life and maintenance cost of pipes. Paul Phillips asked if that would suggest there would be deep dips in the streets at the intersections. John Braun answered that it would depend on the design. It could be valley gutters or culverts.
13. Assessment of the cost of pavement is for 10 years. It has been recommended that the assessment of the cost of water and sewer be changed from 15 years to 20 years reducing the annual specials on property taxes.
14. New Language on annexations
15. It is the intent of the city to establish Hike and Bike trails that could be the form of multi-modal transportation that will be spelled out in the rewrite of the zoning and subdivision regulations.
16. The process of a project will include the acceptance and final close out. The engineer will be required to provide the as-built drawing compatible to the city software.

**C. Discussion on the Zoning and Subdivision Regulations Rewrite:** Jesse Rohr explained about the review of the different sections in process of the rewrite of the

zoning and subdivision regulations.

Jesse Rohr stated that staff had received a memorandum from the Hays Board of Realtors with a review of the proposed rewrite of the zoning and subdivision regulations by the National Association of Realtors.

Jesse Rohr responded to the concerns about the proposed zoning regulations. "Our door remains open for discussion. This is a draft of regulations. Nothing will move forward to adoption until we have a good comfort level."

Greg Sund appreciated their input. He also emphasized to the Commission that the city manager wants them to know they have his full support.

Paul Phillips asked for the August 10, 2015 special meeting draft minutes in advance.

**5. Off Agenda Items/Communications:**

**A. City Commission Action and Planning and Development updates on Planning Commission Issues:** Jesse Rohr presented the updates.

The owners of the property at 2225 W 41<sup>st</sup> Street have submitted a request for annexation that will be going before the City Commission for action.

**6. ADJOURNMENT:** Chairman Paul Phillips adjourned the meeting at 9:28 p.m.

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

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## Planning Commission Action Report

AGENDA ITEM: Rezoning Request – 117 E 7<sup>th</sup>

OWNER: Hadley Redevelopment/Dave Van Doren

TYPE OF REVIEW: Rezoning from C-O (Office and Institution District) to C-2 (General Commercial and Service District)

PRESENTED BY: Jesse Rohr, P.I.E. Superintendent

PREPARED DATE: September 14, 2015

AGENDA DATE: September 21, 2015

---

### **SUMMARY AND RECOMMENDED ACTION:**

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 7<sup>th</sup> (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 C-0 (Office and Institution District) to C-2 (General Commercial and Service 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 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 R-4 zoning is the least compatible of those in the area.

### **POINTS TO CONSIDER:**

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

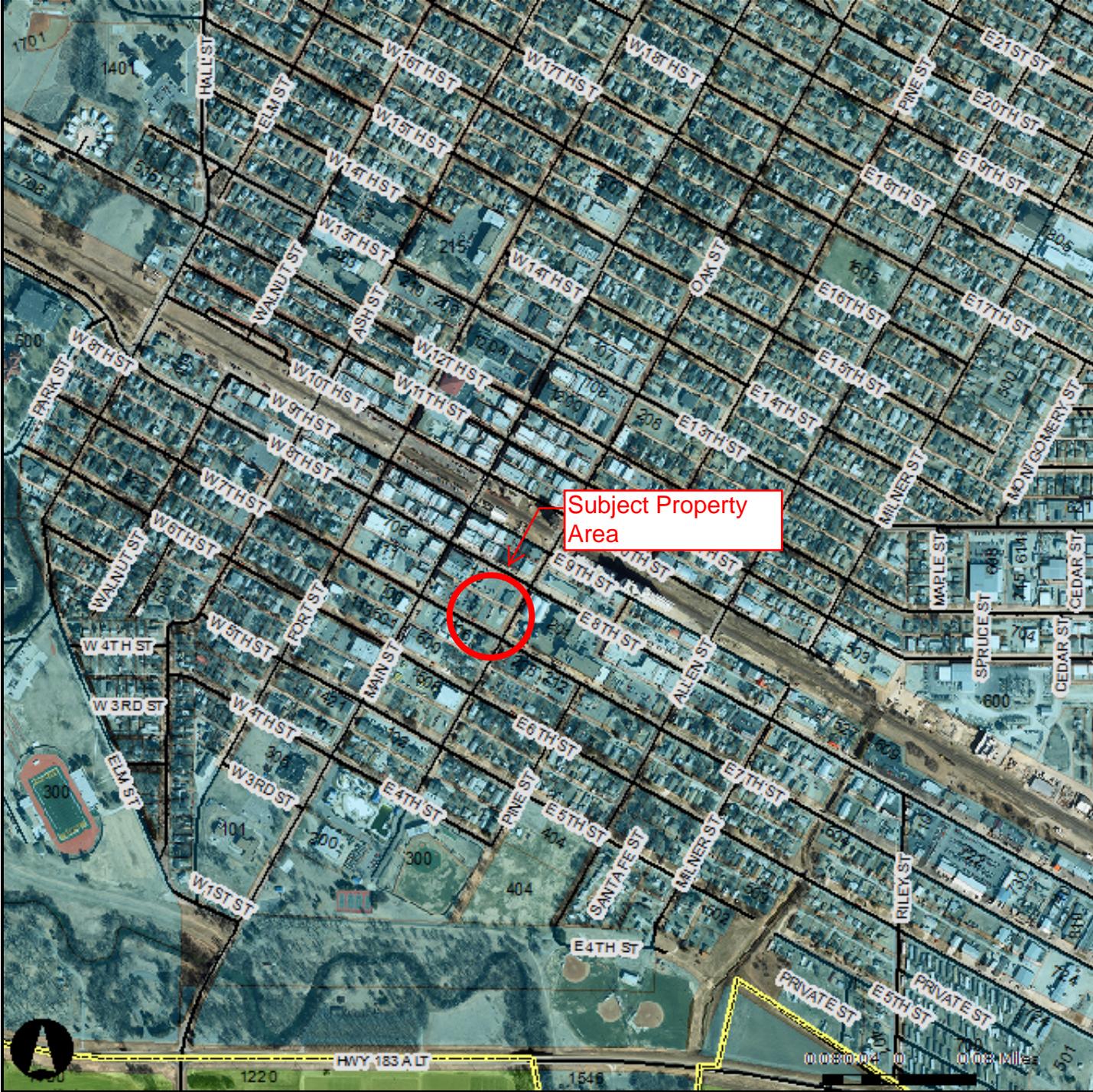
- The owner has requested the rezoning since they wish to use the property for other commercial ventures that are not currently allowed in the C-O district, which would hopefully allow for increased profit off of the property. The applicant is asked to not be specific as to the exact use to prevent a 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.
- The proposed rezoning request is a good fit for the property as surrounding properties are zoned C-3 (Central Business District), C-2 (General Commercial and Service) and R-4 (multi-family).
- All public utilities are in place allowing for any future redevelopment of this property including public water and sewer.

**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 Lots 15 and 17, Block 6, HP Wilson Addition (117 E 7<sup>th</sup>) from C-0 (Office and Institution District) to C-2 (General Commercial and Service District).



Subject Property Area



117 E 7th

E 7th St

E 8th St

Oak St

132

113

111

106

116

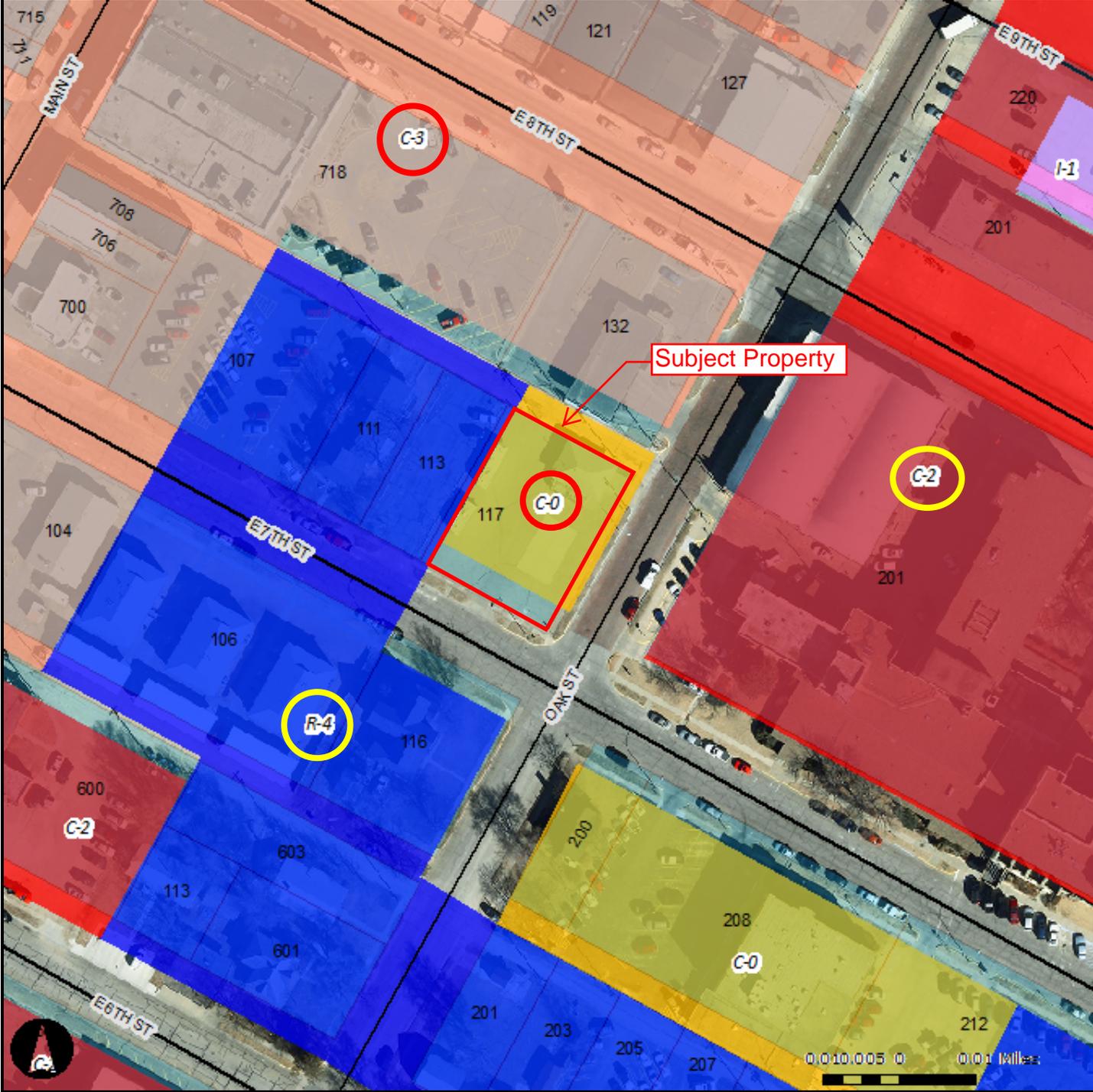
200

208

0 0.005 0.0125 0

0 0.005 0.0125 0





Mailings 8-26-2015  
Publication - 8-23-2015

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 7<sup>th</sup> 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 7<sup>th</sup> St Hays KS 67601

The general location is (use appropriate section):

- A. At the \_\_\_\_\_ (NW, NE, SW or SE) corner of 7<sup>th</sup>  
(Street) and Dak (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.

Dave A. 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

**STAFF FINDING OF FACT**

1. CASE NO.: **15-03Z** FILING FEE PAID: **\$140.00**
  2. DATE FILED: **07/23/2015**
  3. DATE ADVERTISED FOR HEARING: **08/23/2015**
  4. PUBLIC HEARING DATE: **09/21/2015**
  5. APPLICANT'S NAME: **HADLEY REDEVELOPMENT LLC**
  6. LOCATION OF PROPERTY: **117 E. 7<sup>TH</sup> Street**
  7. DESCRIPTION OF PROPERTY: **Lots 15 & 17, Block 6, H P Wilson Addition.**
  8. PRESENT USE OF PROPERTY: **Commercial Use**
  9. PRESENT ZONING: **"C-O"** REQUESTED ZONING: **"C-2"**
- 

1. CHARACTER OF THE NEIGHBORHOOD:  
DIRECTION  
  
NORTH: **Commercial/Service**  
  
SOUTH: **Multi-Family**  
  
EAST: **Commercial/Service**  
  
WEST: **Multi-family/Commercial/Service**
2. THE ZONING OF SURROUNDING PROPERTY:  
DIRECTION  
  
NORTH: **"C-3" Central Business District**  
  
SOUTH: **"R-4" Multiple Family Dwelling District**  
  
EAST: **"C-O" Office & Institution District & "C-2" General Commercial & Service District**  
  
WEST: **"R-4" Multi-Family Dwelling District**

3. **CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:** 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 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.
4. **DEDICATION OR RESERVATION NEEDED FOR:**
  1. **DRAINAGE: N/A**
  2. **STREETS: N/A**
  3. **UTILITY EASEMENTS:**
    - a. **ELECTRICITY: Existing**
    - b. **GAS: Existing**
    - c. **SEWERS: Existing**
    - d. **WATER: Existing**
  4. **SHOULD PLATTING BE REQUIRED: Property is platted**

A. **TRAFFIC CONDITIONS:**

  1. **CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: Local**
  2. **RIGHT-OF-WAY WIDTH: 60' ROW**
  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:** **The existing zoning is suitable for the property, however, expanding to a broader zoning district, such as the proposed "C-2" designation, will allow for an expanse of uses above and beyond what is currently allowed while still keeping the area compatible with the surrounding areas.**
5. **THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** **Changing the zoning classification from "C-O" Office and Institution District to "C-2" General Commercial and Service District should detrimentally affect on nearby properties.**
6. **THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** **The property is not vacant. The property has been in its current zoning status since April, 1995.**
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: The proposed rezoning presents more options for the use of the property, therefore expanding the possibilities of the owner to utilize the property for a wider variety of uses. The limited number of uses allowed currently may be considered a hardship to the owner and may outweigh any possible (but unlikely) destruction of value of neighboring properties.

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

The request for the "C-2" Commercial And Service District zoning classification does blend with the overall scheme of the surrounding properties and does meet the intent of the master plan.

With the "C-O" designation being primarily for office/medical uses, and since this regional area changed from a primary hospital/medical use to general commercial and service uses, there was a need to expand the zoning to allow for more uses.

**Based on these considerations, Staff does recommend the change of zoning from "C-O" Office and Institution District to "C-2" General Commercial & Service District Zoning Classification.**

**THIS IS A LIST OF PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY THAT WERE SENT NOTIFICATION OF THE PUBLIC HEARING.**

15-03Z							
Parcel	Parcel Address	First Name	Last Name	Mailing Address	City	State	Zip
026-182-04-0-20-08-001.00-0	208 E 7th St	High Plains Comprehensive Community Mental Health		208 E 7th St	Hays	KS	67601
026-182-04-0-20-09-001.00-0	116 E 7th St	Prestige Worldwide Investments LLC		P O Box 314	Lewis	KS	67552
026-182-04-0-20-05-001.02-2	718 Main	Ellis County Board of Commissioners		P O Box 720	Hays	KS	67601
026-182-04-0-20-05-001.03-2	718 Main	Ellis County Board of Commissioners		P O Box 720	Hays	KS	67601
026-182-04-0-20-08-002.00-0	200 E 7th	Robert E. and Marsha R	Readle	205 W 37th St	Hays	KS	67601
026-182-04-0-20-06-003.00-0	201 E 7th	Hadley Redevelopment LLC		205 E 7th St	Hays	KS	67601
026-182-04-0-20-09-006.00-0	603 Oak St	Frances J	Graton	603 Oak St	Hays	KS	67601
026-182-04-0-20-08-002.00-0	200 E 7th St	Robert M & Cari	Readle	205 W 37th St	Hays	KS	67601
026-182-04-0-20-05-005.00-0	107 E 7th St	Ellis County Board of Commissioners		P O Box 720	Hays	KS	67601
026-182-04-0-20-05-001.00-0	132 E 8th St	Commerce Bank		2200 Vine	Hays	KS	67601
026-182-04-0-20-05-001.01-0	718 Main	Ellis County Board of Commissioners		P O Box 720	Hays	KS	67601
026-182-04-0-20-09-002.00-0	106 E 7th St, 108 E 7th, 110 E 7th	GAARS LLC, Attn Gary Haselhorst		1326 280th Ave	Hays	KS	67601
026-182-04-0-20-09-001.00-0	116 E 7th St	Paragon Property Group LLC		1106 E 27th St, Ste 6	Hays	KS	67601
026-182-04-0-20-09-002.01-0	104 E 7th St	Barsareus LLC		P O Box 668	Hays	KS	67601
026-182-04-0-20-05-007.00-0	113 E 7th St	Commerce Bank		2200 Vine St	Hays	KS	67601
026-182-04-0-20-05-006.00-0	111 E 7th St	Angela	Schulte	145 S Garfield Ave	Colby	KS	67701
026-182-04-0-20-05-008.00-0	117 E 7th	Hadley Redevelopment LLC		205 E 7th St	Hays	KS	67601

(Published in The Hays Daily News August 23, 2015)

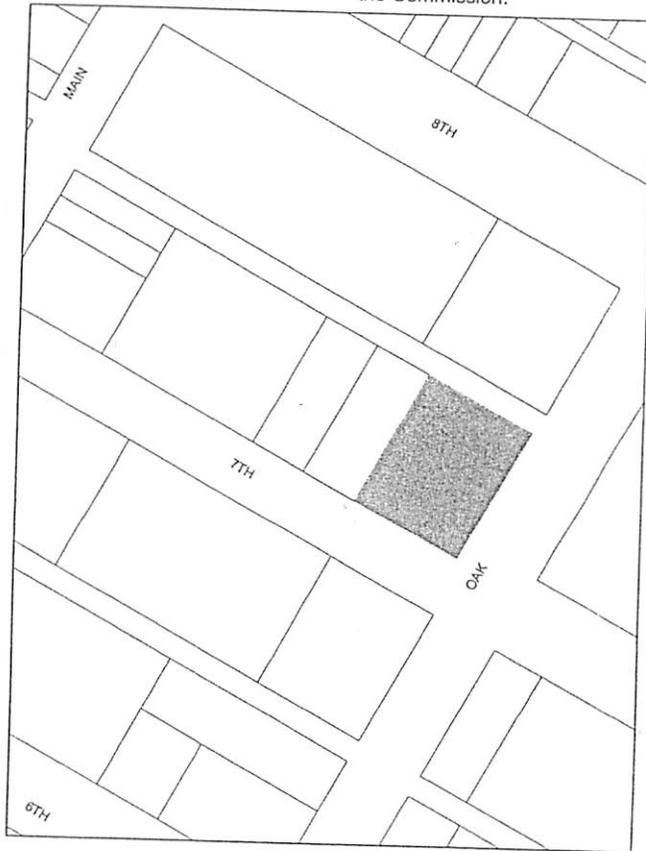
BEFORE THE HAYS AREA  
PLANNING COMMISSION  
THE CITY OF HAYS, KANSAS  
OFFICIAL NOTICE

TO WHOM IT MAY CONCERN  
AND TO ALL PERSONS  
INTERESTED:

NOTICE IS HEREBY GIVEN that on September 21, 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 "C-O" Office and Institution District to "C-2" General Commercial and Service District on the following real estate:

Lots 15 and 17, Block 6, H P Wilson Addition, located in Section 4, Township 14 South, Range 18 West of the 6th P.M., Ellis County, Kansas more generally known as 117 E 7th Street.

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.



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# Memo

DATE: September 21, 2015  
TO: Planning Commission  
FROM: Jesse Rohr  
RE: Rezoning request from A-L (Agricultural District) to I-1 (Light Industrial District) – 1517 Commerce Parkway

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An application has been submitted to request a change of zoning from A-L (Agricultural District) to I-1 (Light Industrial District) on property located at 1517 Commerce Parkway (See attached visuals).

Staff is requesting that the Planning Commission set a public hearing for the October 19, 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:

- Development of this site will require no extensions of public infrastructure (water, sewer, street)
- A lot split was approved by the City on July 1, 2015 splitting off 1.18 acres from the parent tract.
- This property will be annexed as part of the development process and development will require connection to City utilities.
- The property abuts existing Business Park (B-P) zoning with other districts (C-2 and R-4) nearby.
- The owner has requested the rezoning to be able to utilize the property for commercial ventures not currently available under the A-L designation.
- The subject property, as well as surrounding properties, is designated as “Business Park” on the Future Land Use Map and Comprehensive Plan. This

area, per the Comprehensive Plan and the B-P designation, is designated for limited industrial, office and research uses.

- This zoning is compatible to the adjacent B-P zoning. The reason for the I-1 recommendation (rather than B-P) is due to the pending zoning changes that will occur as part of the rewrite of the zoning and subdivision regulations. Under the new draft, the B-P designation no longer exists and has been “absorbed” into the I-1 district designation as a blend of the two districts. Business Park and Light Industrial are very compatible districts.

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

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

Case No. 15-04Z  
Date Filed 08-27-2015

### 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 Terry Schmidt  
Address 1521 Commerce Pkwy Phone (785) 735-7083  
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 A-L zoning district to I-1 zoning district for property legally described as Lot(s) see attached legal Block(s) \_\_\_\_\_ of the \_\_\_\_\_ Addition.

Generally known as 1517 Commerce Parkway  
(Metes and bounds descriptions shall be provided in the space below or on an attached sheet.)

See B

III. This property is located at (address) \_\_\_\_\_.

The general location is (use appropriate section):

- At the \_\_\_\_\_ (NW, NE, SW or SE) corner of \_\_\_\_\_  
(Street) and \_\_\_\_\_ (Street) or,

B. On the West (N, S, E, or W) side of Commerce (Ave. or Street) between attuned Legal (Ave. or Street).

IV. I request this change in zoning for the following reasons:

\*Do not include reference to proposed uses.

I would like to rezone ~~for business~~ for businesses that would be allowed in the I-1 zoning district.

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.

Terry Spawt  
APPLICANT

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

\_\_\_\_\_  
APPLICANT

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

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**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,  
Sept 1, 20 15, TOGETHER WITH THE APPROPRIATE FEE OF  
\$ 140.00.

Sinda Bjornson, Admin Assistant  
NAME AND TITLE

# BOUNDARY SURVEY

in the Southeast Quarter of Section 35, Township 13 South, Range 18 West, Ellis County, Kansas

**LEGAL DESCRIPTION: Tract 1**

A tract of land located in the Southeast Quarter of Section 35, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of Section 35, Township 13 South, Range 18 West; Thence on an assumed bearing of North 89 degrees 05 minutes 37 seconds West along the South line of the Southeast Quarter a distance of 75.46 feet; Thence North 01 degrees 28 minutes 31 seconds East parallel with the East line of the Southeast Quarter a distance of 55.77 feet to the intersection of the North line of 13th Street and the West line of Commerce Parkway; Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 500.00 feet to the Northeast corner of a tract described in Book 766, Page 53 and the Point of Beginning; Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 166.36 feet; Thence North 89 degrees 05 minutes 33 seconds West a distance of 310.00 feet; Thence South 01 degrees 28 minutes 31 seconds West parallel with the East line of the Southeast Quarter a distance of 166.37 feet to the Northwest corner of a tract described in Book 766, Page 53; Thence South 89 degrees 05 minutes 37 seconds East along the North line of a tract described in Book 766, Page 53 a distance of 310.00 feet to the Point of Beginning. Said Tract 1 contains 1.18 acres more or less and is subject to any easements or rights-of-way of record.

**LEGAL DESCRIPTION: Tract 2**

A tract of land located in the Southeast Quarter of Section 35, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, more particularly described as follows:

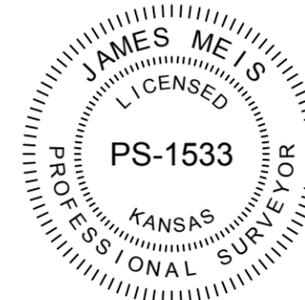
Commencing at the Southeast corner of Section 35, Township 13 South, Range 18 West; Thence on an assumed bearing of North 89 degrees 05 minutes 37 seconds West along the South line of the Southeast Quarter a distance of 75.46 feet; Thence North 01 degrees 28 minutes 31 seconds East parallel with the East line of the Southeast Quarter a distance of 55.77 feet to the intersection of the North line of 13th Street and the West line of Commerce Parkway; Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 666.36 feet to the Point of Beginning; Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 427.79 feet to the South line of Tallgrass 3rd Addition; Thence North 89 degrees 05 minutes 37 seconds West along the South line of Tallgrass 3rd Addition and parallel with the South line of Southeast Quarter a distance of 539.54 feet to the East line of Tallgrass Addition extended North; Thence South 01 degrees 28 minutes 31 seconds West along the East line of Tallgrass Addition extended North and parallel with the East line of the Southeast Quarter a distance of 1099.92 feet to the North line of 13th Street; Thence South 89 degrees 05 minutes 37 seconds East along the North line of 13th Street and parallel with the South line of the Southeast Quarter a distance of 229.54 feet to the Southwest corner of a tract described in Book 766, Page 53; Thence North 01 degrees 28 minutes 31 seconds East along the West line of a tract described in Book 766, Page 53 and parallel with the East line of the Southeast Quarter a distance of 672.14 feet; Thence South 89 degrees 05 minutes 33 seconds East a distance of 310.00 feet to the Point of Beginning. Said Tract 2 contains 8.84 acres more or less and is subject to any easements or rights-of-way of record.

**SURVEY NOTES:**

- Field work completed February 18, 2015
- Bearings based on the South line of the Southeast Quarter being N 89°05'37" W

**SURVEYOR'S CERTIFICATE:**

I, James Meis, Professional Surveyor #1533 in the State of Kansas, certify that the survey shown on this plat was made by me or under my direct supervision on May 27th, 2015. This plat is true and correct to the best of my knowledge and belief.



James Meis  
Kansas PS 1533

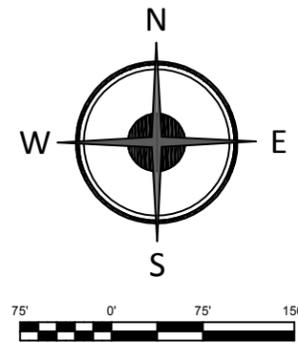
Terry and Kelly Schmidt  
1521 Commerce Parkway  
Hays, KS 67601

**DRIGGS DESIGN GROUP, PA**

Surveying Engineering Planning

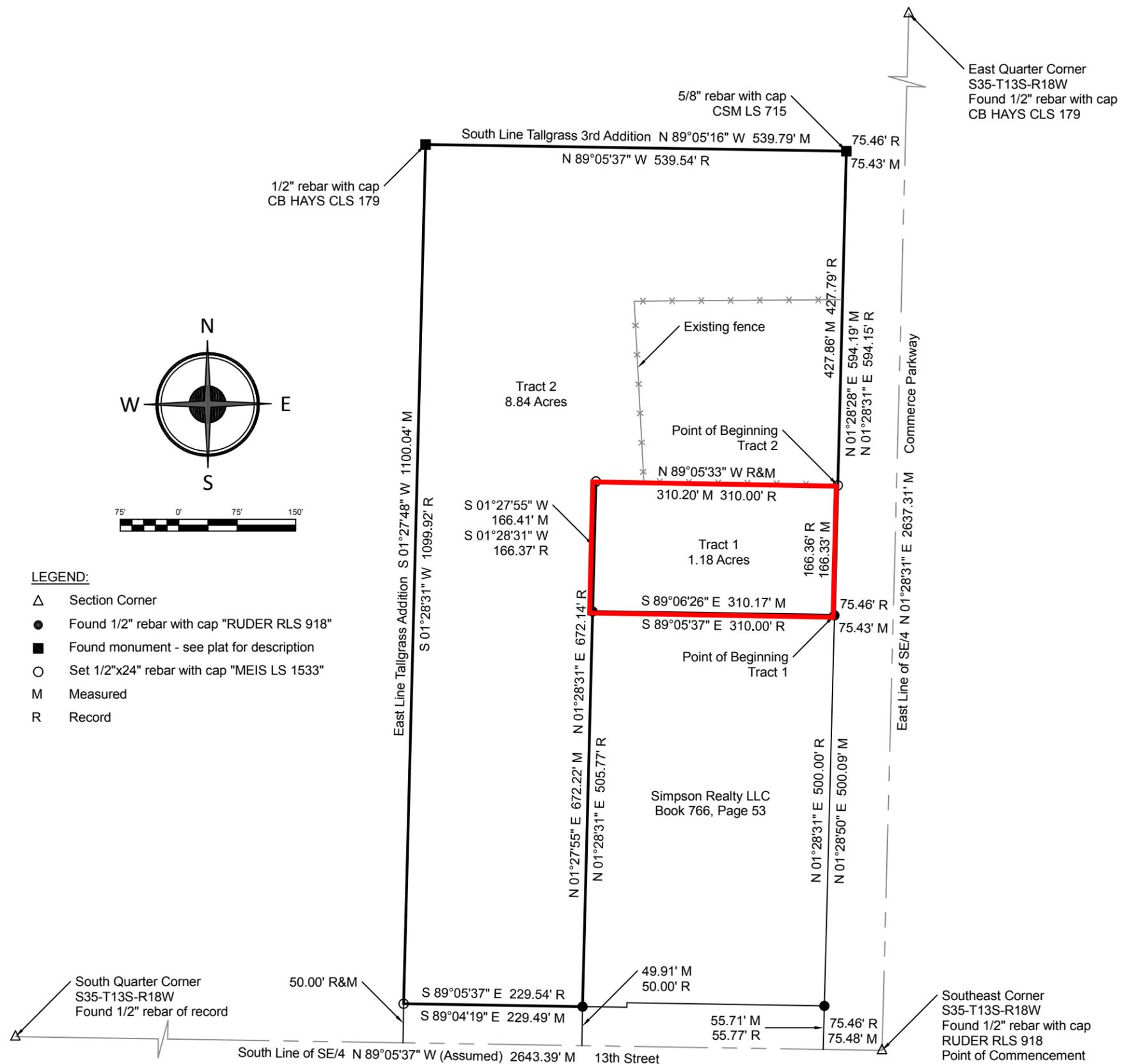
James Meis, PS 1533  
203 E 7th, Suite D, Hays, Kansas 67601  
jmeis@driggsdesign.com (785) 650-9864

Project No: 2015-009  
Date: 05-27-2015  
Scale: 1" = 150'  
Sheet No: 1 of 1  
Drawn By: JM

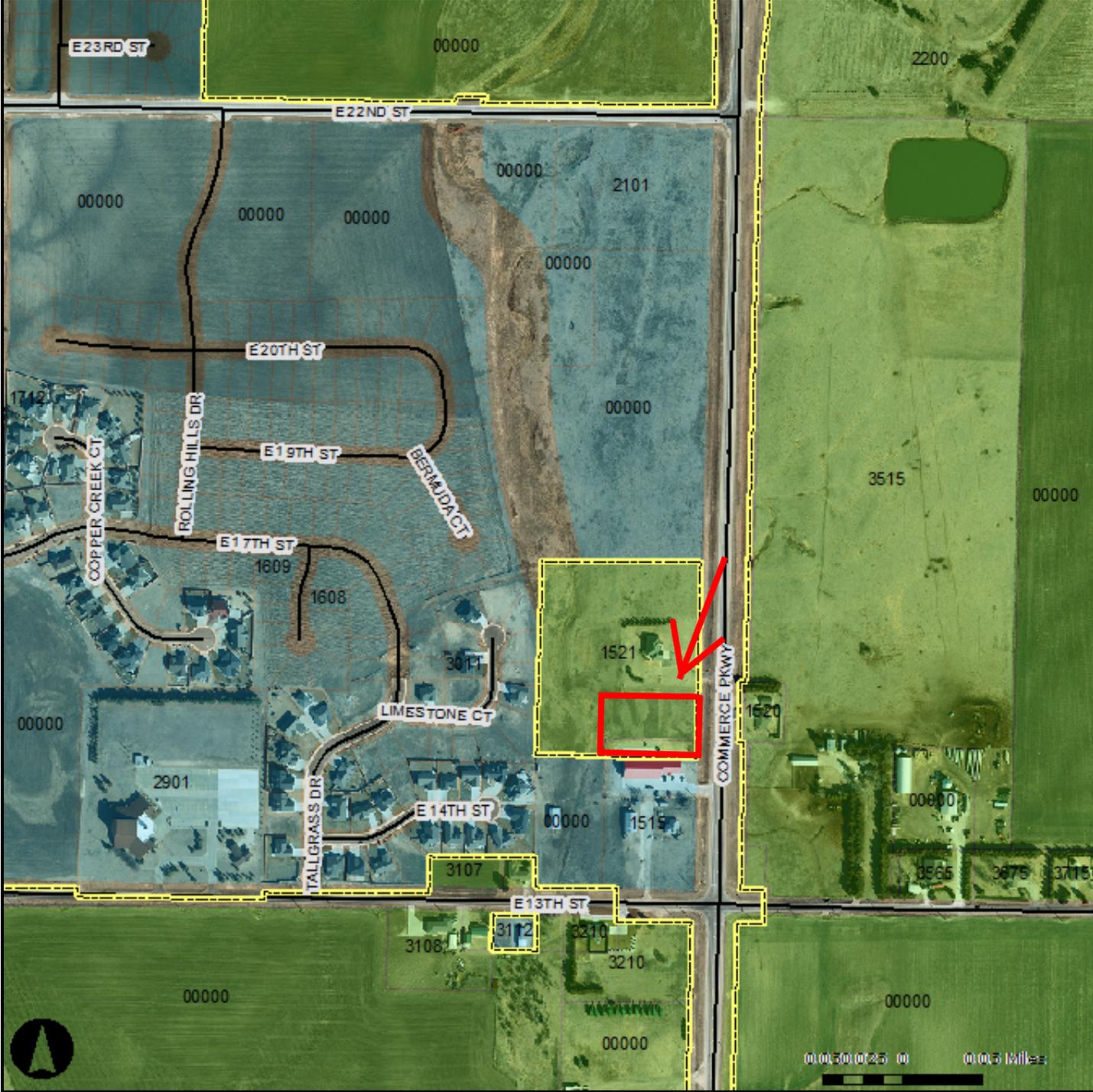


**LEGEND:**

- △ Section Corner
- Found 1/2" rebar with cap "RUDER RLS 918"
- Found monument - see plat for description
- Set 1/2"x24" rebar with cap "MEIS LS 1533"
- M Measured
- R Record









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## Planning Commission Action Report

AGENDA ITEM:	Consider the Preliminary and Final Replat of Lots 1 and 2 and Arnhold Dr. in Arnhold's Industrial Addition
OWNER:	Richard A. Arnhold Rev. Trust
TYPE OF REVIEW:	Preliminary and Final Plat
PRESENTED BY:	Jesse Rohr, P.I.E. Superintendent
DATE PREPARED:	September 15, 2015
AGENDA DATE:	September 21, 2015

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### **SUMMARY AND RECOMMENDED ACTION:**

The subject property, known as Arnhold's Industrial Addition, is under consideration for approval of a replat of Lots 1 and 2 as well as the portion of right of way currently platted as Arnhold Dr. This is undeveloped and unimproved property outside the City limits located west of Canterbury and north of E 8<sup>th</sup> St. Approval of the plat as submitted would act to combine two lots (1 and 2) and vacate the right of way platted as Arnhold Dr. **Staff recommends approving the plat as submitted and provide a favorable recommendation to the City Commission for approval of this plat.**

### **BACKGROUND:**

- The plat of Arnhold's Industrial Addition was originally approved in 1979, over 35 years ago.
- No physical, accepted improvements have ever been made to the area and most of the area is completely undeveloped.

### **POINTS TO CONSIDER:**

- The right-of-way of Arnhold Drive has never been improved
- Any future development of the larger common area would likely require replatting of the entire area beyond the plat of Arnhold's Industrial Addition.
- Staff from the Public Works and Utilities Departments has been apprised of this proposed replat. There are no known utility conflicts or issues. This plat was also taken before the Utility Advisory Committee with no issues noted.
- This site will be developed for an electrical substation operated by Midwest Energy.

- The replat as submitted meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.

**PROS:**

- Replatting of this property cleans up the legal records of combining lots and vacating right-of-way therefore making it easier for future development without unnecessary hindrances.

**CONS:**

- None identified

**OPTIONS:**

The following options are available for consideration:

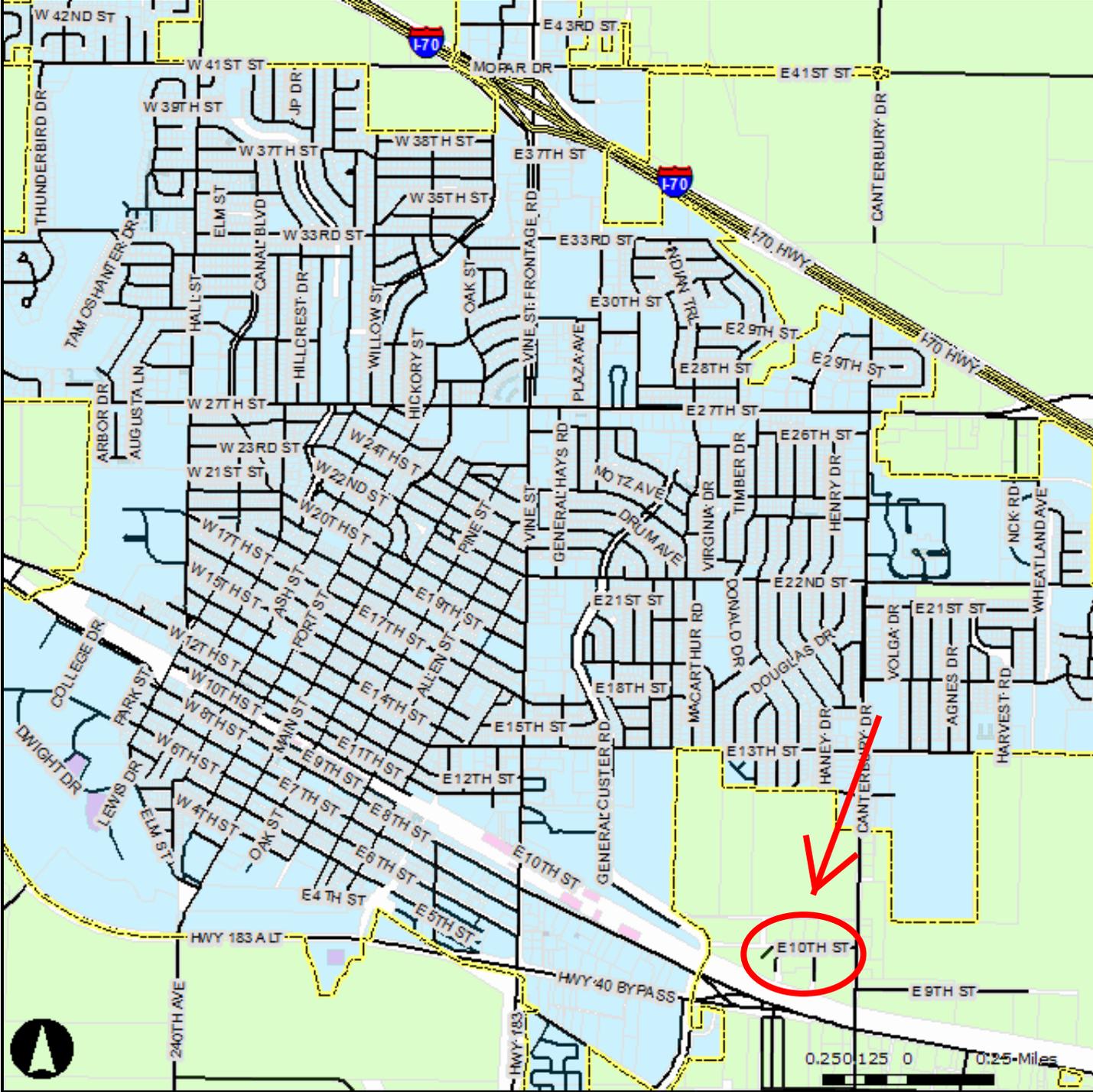
- Approve the plat as submitted
- Request further changes or considerations to the plat
- Do not approve the plat as submitted

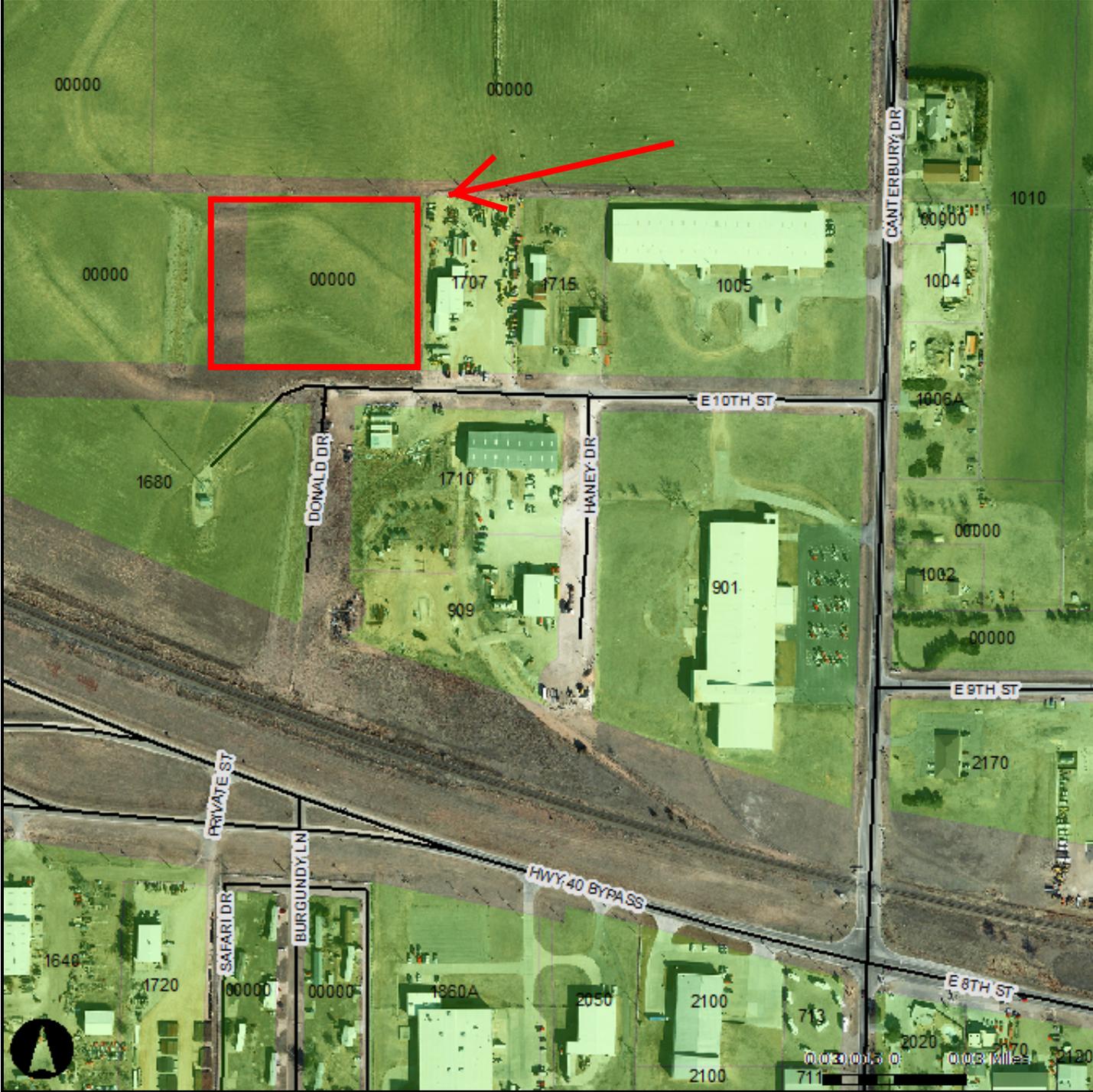
**RECOMMENDATION:**

The continued in-fill of this property, as well as other properties similar to this one, should be encouraged. This is an acceptable change to the City. **Staff recommends approving the plat as submitted and provide a favorable recommendation to the City Commission for approval of this plat.**

**ATTACHMENTS:**

- Final Plat Map
- Area Maps
- Plat Checklist





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

Case No. 15-03P

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

Date Filed 09-11-2015

**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

Name of Subdivision ARNHOLD'S INDUSTRIAL ADDITION

General Location SE 1/4 Sec. 3, T 14S, R 18W 6TH PM, HAYS, ELLIS Co., KS

Name of Applicant MIDWEST ENERGY, INC.

Address 1330 CANTEBURY DRIVE  
HAYS, KS 67601 Phone (785) 625-3437

Name of Agent WILLIAM N. DOWLING, PE

Address 1330 CANTEBURY DRIVE  
HAYS, KS 67601 Phone (785) 625-1432

Name of Surveyor or Engineer BRIAN T. KRUSE, PS

Address WESTWOOD PROFESSIONAL SERVICES, INC.  
7501 COLLEGE BLVD, SUITE 101 Phone (913) 890-4807  
OVERLAND PARK, KS 66210

**SUBDIVISION INFORMATION:**

1. Gross Acreage of Plat: REPLAT OF LOTS 1 & 2, BLOCK 2  
APPROXIMATELY 4.31 ACRES

- 2. Number of Lots:
  - a. Residential 0
  - b. Commercial 0
  - c. Industrial 1
  - d. Other 0

Total Number of Lots 1

3. Minimum Lot Frontage: 480.03 feet

4. Minimum Lot Area: 4.31 ACRES ~~feet~~

5. Existing Zoning INDUSTRIAL I-2

6. Proposed Zoning INDUSTRIAL I-2



**AFFIDAVIT**

State of Kansas )  
 )  
County of Ellis )

The undersigned, being first duly sworn, deposes and says that:

1. This affidavit is given to consent to an application for plat approval, preliminary and/or final, to be submitted to the City of Hays, Kansas, by Midwest Energy, Inc. ("Midwest") concerning a replat of Lots 1 and 2, Block 2 and Arnhold Drive of Arnhold's Industrial Addition, in the SE ¼ of Section 3, Township 14, Range 18, in Hays, Ellis County, Kansas (the "Property").
2. That the Property is owned by the Richard A. Arnhold Rev. Trust (the "Trust"), and that affiant is duly authorized to provide this consent on behalf of the Trust.
3. That Midwest and the Trust have reached an agreement regarding the purchase of the Property and this consent and replat is intended to further the completion of this purchase.
4. That affiant has read the foregoing Affidavit and that the statements made therein are true and correct to the best of affiants information, knowledge and belief.

Further affiant saith naught.

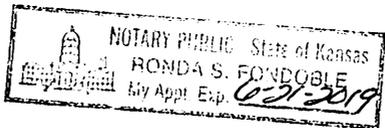
By R. Arnhold

Title Trustee

Subscribed and sworn to before me this 15<sup>th</sup> day of September, 2015.

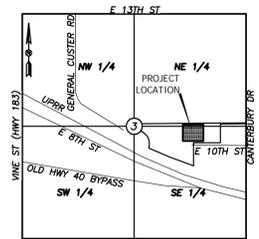
Ronda S. Fondoble  
Notary Public

My Commission Expires:



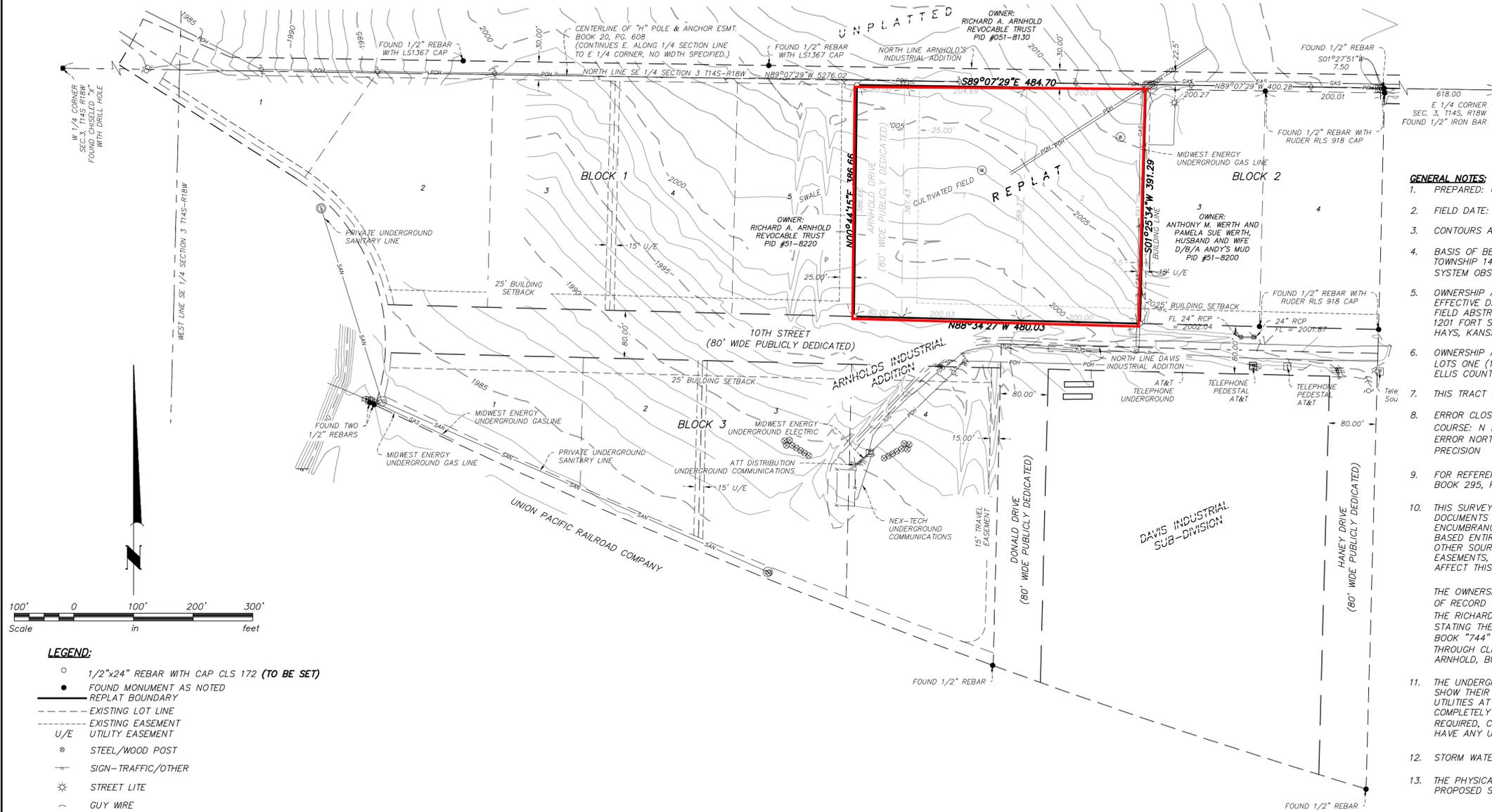
# PRELIMINARY PLAT

## A REPLAT OF ALL OF LOTS 1 AND 2, BLOCK 2 AND ARNHOLD DRIVE OF ARNHOLD'S INDUSTRIAL ADDITION SE 1/4 SECTION 3 T14S-R18W 6TH PM HAYS, ELLIS COUNTY, KANSAS



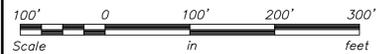
VICINITY MAP  
SECTION 3-T14S-R18W 6TH PM  
(NOT TO SCALE)

DRAFT COPY  
SUBJECT TO CHANGE  
WITHOUT NOTICE



**GENERAL NOTES:**

1. PREPARED: 09/03/2015
2. FIELD DATE: 05/18/2015
3. CONTOURS ARE SHOWN AT 1 FOOT INTERVALS.
4. BASIS OF BEARINGS: NORTH 89° 07' 29" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 3 TOWNSHIP 14 SOUTH RANGE 18 WEST OF THE 5TH PRINCIPAL MERIDIAN AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS AND REFERENCED TO THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83).
5. OWNERSHIP AND ENCUMBRANCE REPORT: TRACT #12 EFFECTIVE DATE: SEPTEMBER 15TH, 2014 AT 8:00 AM FIELD ABSTRACT AND TITLE LLC 1201 FORT STREET, PO BOX 129 HAYS, KANSAS 676015
6. OWNERSHIP AND ENCUMBRANCE REPORT DESCRIPTION: LOTS ONE (1) AND TWO (2), BLOCK TWO (2), ARNHOLD'S INDUSTRIAL ADDITION TO THE CITY OF HAYS, ELLIS COUNTY, KANSAS.
7. THIS TRACT CONTAINS 187,623.95 SQUARE FEET OR 4.31 ACRES, MORE OR LESS.
8. ERROR CLOSURE: 0.00077249  
COURSE: N 50°00'04" E  
ERROR NORTH: 0.000496533 EAST: 0.000591771  
PRECISION 1: 2255934.705
9. FOR REFERENCE: THE PLAT OF "ARNOLD'S INDUSTRIAL ADDITION" RECORDED SEPTEMBER 20TH, 1979 AND FILED IN BOOK 295, PAGE 667.
10. THIS SURVEYOR HAS MADE NO SEARCH AT THE COUNTY REGISTER OF DEEDS OFFICE OR SEARCHED COURT DOCUMENTS FOR EASEMENTS, VACATIONS, RIGHT-OF-WAY ACQUISITIONS, CONDEMNATIONS, COURT DECREES OR ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY. THE AFOREMENTIONED ITEMS SHOWN HEREON, IF ANY, ARE BASED ENTIRELY UPON THE OWNERSHIP AND ENCUMBRANCE REPORT CITED ABOVE, DOCUMENTS OBTAINED FROM OTHER SOURCES, OR OTHER INFORMATION THAT PROMPTED A SPECIFIC SEARCH FOR SUCH ITEMS. IF ANY OTHER EASEMENTS, VACATIONS, RIGHT-OF-WAY ACQUISITIONS, CONDEMNATIONS, COURT DECREES OR ENCUMBRANCES AFFECT THIS PROPERTY THEIR EXISTENCE IS UNKNOWN TO THIS SURVEYOR AND ARE THEREFORE NOT SHOWN.  
  
THE OWNERSHIP AND ENCUMBRANCE REPORT CITED ABOVE STATES "THE LAST DEED CONVEYANCE OR CONDEMNATION OF RECORD COVERING THE ABOVE DESCRIBED REAL ESTATE VESTS TITLE IN: RICHARD A. ARNHOLD, THE TRUSTEE OF THE RICHARD A. ARNHOLD REVOCABLE TRUST, DATED MARCH 8, 2007" AND CONTAINS AN ABSTRACTOR'S NOTE STATING THE FOLLOWING: "A CERTIFICATE OF DEATH WAS FILED ON RICHARD A. ARNHOLD ON JUNE 7, 2010, IN BOOK "744" OF RECORDS AT PAGE 279. DATE OF DEATH WAS MAY 28TH, 2010. THROUGH CLIENT RELATIONS, THIS SURVEYOR BELIEVES THE CURRENT OWNER OF SUBJECT PARCEL TO BE BRUCE ARNHOLD, BUT NO CURRENT DEED SHOWING CHAIN OF TITLE HAS BEEN PROVIDED FOR VERIFICATION.
11. THE UNDERGROUND UTILITIES SHOWN HEREON ARE REPRESENTATIONAL ONLY AND ARE IN NO WAY INTENDED TO SHOW THEIR EXACT LOCATION, NOR IS THIS INFORMATION TO BE CONSTRUED AS A COMPLETE INVENTORY OF ALL UTILITIES AT THIS LOCATION. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED WITHOUT EXCAVATION. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY. IT IS THE EXCAVATOR'S RESPONSIBILITY TO HAVE ANY UTILITIES MARKED BEFORE DIGGING.
12. STORM WATER PREVENTION PLAN TO BE SUBMITTED SEPARATELY BY THE DEVELOPER'S ENGINEER.
13. THE PHYSICAL PURPOSE FOR THIS PRELIMINARY PLAT IS FOR AN ELECTRICAL SUBSTATION. THERE ARE NO PROPOSED SEWAGE OR WATER UTILITIES CURRENTLY PLANNED FOR THIS SITE.



**LEGEND:**

- 1/2"x24" REBAR WITH CAP CLS 172 (TO BE SET)
- FOUND MONUMENT AS NOTED
- REPLAT BOUNDARY
- - - EXISTING LOT LINE
- - - EXISTING EASEMENT
- U/E UTILITY EASEMENT
- ⊗ STEEL/WOOD POST
- SIGN—TRAFFIC/OTHER
- ✱ STREET LITE
- GUY WIRE
- POWER POLE
- ⊙ SANITARY MANHOLE
- ⊙ SEWER CLEANOUT
- ⊙ FLARED END SECTION
- ☐ TELEPHONE BOX
- ⊙ TELEPHONE MANHOLE
- HAND HOLE
- ▽ GATE VALVE
- ⊗ WATER METER
- ⊙ WELL
- ⊗ GAS METER
- GAS— GAS LINE
- POW— POWER OVERHEAD
- PUG— POWER UNDERGROUND
- SAN— SANITARY SEWER
- TUG— TELEPHONE UNDERGROUND

**REPLAT DESCRIPTION:**

ALL OF LOTS 1, 2, BLOCK 2 AND ARNHOLD DRIVE, 80 FEET WIDE, ACCORDING TO THE PLAT OF ARNHOLD'S INDUSTRIAL ADDITION, RECORDED SEPTEMBER 29, 1979 IN BOOK 295 AT PAGE 667, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 18 WEST IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS BEING BOUNDED ON THE EAST BY THE WEST LINE OF LOT 3 BLOCK 2, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF 10TH STREET, BOUNDED ON THE WEST BY THE EAST LINE OF LOT 5 BLOCK 1, AND BOUNDED ON THE NORTH BY A LINE BEING 30 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF ARNHOLD'S INDUSTRIAL ADDITION. SAID TRACT CONTAINS 187,623.95 SQUARE FEET OR 4.31 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY.

**SURVEYOR:**  
**Westwood**

**DEVELOPER:**  
MIDWEST ENERGY INC.  
1330 CANTERBURY DRIVE  
HAYS, KS 67601  
785-625-1432

**OWNER:**  
BRUCE ARNHOLD  
1600 EAST 13TH STREET  
HAYS, KS 67601-2601

Phone (813) 851-4492 7501 College Blvd Suite 101  
Fax (813) 273-7024 Overland Park, KS 66210  
westwoodps.com

Westwood Professional Services, Inc.

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

Case No. 15-05 F

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

Date Filed 09-16-2015

APPLICATION FOR FINAL PLAT APPROVAL

Name of Subdivision ARNHOLD'S INDUSTRIAL ADDITION

General Location SE 1/4 Sec. 3, T14S, R18W 6TH PM, HAYS, ELLIS Co., KS

Name of Applicant MIDWEST ENERGY, INC.

Address 1330 CANTEBURY DRIVE  
HAYS, KS 67601 Phone (785) 625-3437

Name of Agent WILLIAM N. DOWLING, PE

Address 1330 CANTEBURY DRIVE  
HAYS, KS 67601 Phone (785) 625-1432

Name of Surveyor or Engineer BRIAN T. KRUSE, PS

Address WESTWOOD PROFESSIONAL SERVICES, INC.  
7501 COLLEGE BLVD, SUITE 101 Phone (913) 890-4807  
OVERLAND PARK, KS 66210

**SUBDIVISION INFORMATION:**

1. Gross Acreage of Plat: REPLAT OF LOTS 1 & 2, BLOCK 2

APPROXIMATELY 4.31 ACRES

2. Number of Lots:

a. Residential 0

b. Commercial 0

c. Industrial 1

d. Other 0

Total Number of Lots 1

3. Minimum Lot Frontage: 480.03 feet

4. Minimum Lot Area: 4.31 ACRES feet

5. Existing Zoning INDUSTRIAL

6. Proposed Zoning INDUSTRIAL

7. Public Water Supply (Yes, No) Name N/A
8. Public Sanitary Sewers (Yes, No) Name N/A
9. Health Department Approval (where applicable) (Yes, No)
10. Lineal Feet of New Street:
- a. N/A R/W \_\_\_\_\_ Ft.
- b. \_\_\_\_\_ R/W \_\_\_\_\_ Ft.
- c. \_\_\_\_\_ R/W \_\_\_\_\_ Ft.
- d. \_\_\_\_\_ R/W \_\_\_\_\_ Ft.
- e. \_\_\_\_\_ R/W \_\_\_\_\_ Ft.
11. Provision for Open Space: Reservation N/A Acres  
 Dedication N/A Acres  
 Cash \$ N/A

Comments REPLAT OF LOTS 1 AND 2, BLOCK 2 AND ARNHOLD DRIVE IS BEING SUBMITTED TO VACATE ARNHOLD DRIVE. APPLICANT INTENDS TO CONSTRUCT AN ELECTRICAL SUBSTATION ON THE REPLATTED TRACT.

The applicant herein agrees to comply with the Subdivision Regulations for the City of Hays, Kansas, as amended, and all other pertinent ordinances or resolutions of the City of Hays, and Statutes of the State of Kansas. It is agreed that all costs of copying and recording the plat and supplemental documents thereto with the Register of Deeds shall be assumed and paid by the owner. The undersigned further states that he is the owner, or agent representing the owner, of the property proposed for platting.

Midwest Energy, Inc. William Dowling  
 APPLICANT AUTHORIZED AGENT (IF ANY)

**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,  
Sept 16, 2015, TOGETHER WITH THE APPROPRIATE FEE OF  
 \$ 50.00.

Sunda Bjelerman, Administrative Assistant  
 NAME AND TITLE

**FINAL PLAT CHECK-LIST**

NAME OF SUBDIVISION: **ARNHOLD'S INDUSTRIAL ADDITION**      DATE:      **09-11-2015**

NAME OF OWNER:              **RICHARD A ARNHOLD REV TRUST, BRUCE ARNHOLD, TRUSTEE**

NAME OF SUBDIVIDER:      **MIDWEST ENERGY, INC**

NAME OF PERSON WHO PREPARED THE PLAT: **WESTWOOD PROFESSIONAL SERVICES INC.**

PERSON WHO COMPLETED THIS CHECKLIST: **JESSE ROHR**

Instructions:

The following checklist is to be completed by the City Staff and shall accompany the Final Plat when it is submitted to the Planning Commission. Indicate N/A if not applicable.

A.      Does the Final Plat show the following information?

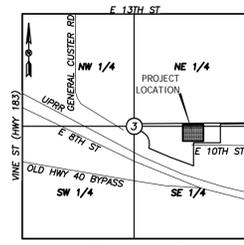
	<u>YES</u>	<u>NO</u>
1.      Name of Subdivision.	<b>X</b>	
2.      Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be 1 foot in 5,000.	<b>X</b>	
3.      Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments of the nearest established street lines, including the true angles and distances to such reference points or monuments.	<b>X</b>	
4.      The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curves to lot lines.	<b>X</b>	

	<u>YES</u>	<u>NO</u>
5. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	<b>X</b>	
6. Exact locations, widths and names of all streets and alleys to be dedicated.	<b>X</b>	
7. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	<b>X</b>	
8. Building setback lines on the front and side streets with dimensions.	<b>X</b>	
9. Name and address of the developer, surveyor or the licensed engineer making the plat.	<b>X</b>	
10. Scale of plat, 1" = 100' or larger, date of preparation and north point.	<b>X</b>	
11. Statement dedicating all easements.	<b>X</b>	
12. Statement dedicating all streets, alleys and all other public areas not previously dedicated.	<b>X</b>	
B. Were the original (on mylar, tracing cloth or similar material ) and 20 copies submitted?		<b>X</b>
C. Signatures?		
1. Owner or owners and all mortgagers.		<b>X</b>
a. Notarization or notarizations.		<b>X</b>
2. Engineer, surveyor or person preparing plat.		<b>X</b>
D. Has a title opinion been submitted? (CERT OF TITLE)	<b>X</b>	
E. Have the plat and dedication papers been submitted?		<b>X</b>
F. Deed restrictions:		
1. Are any deed restrictions planned for subdivision? <b>N/A</b>		
2. If so, has a copy been submitted? <b>N/A</b>		

Comments:

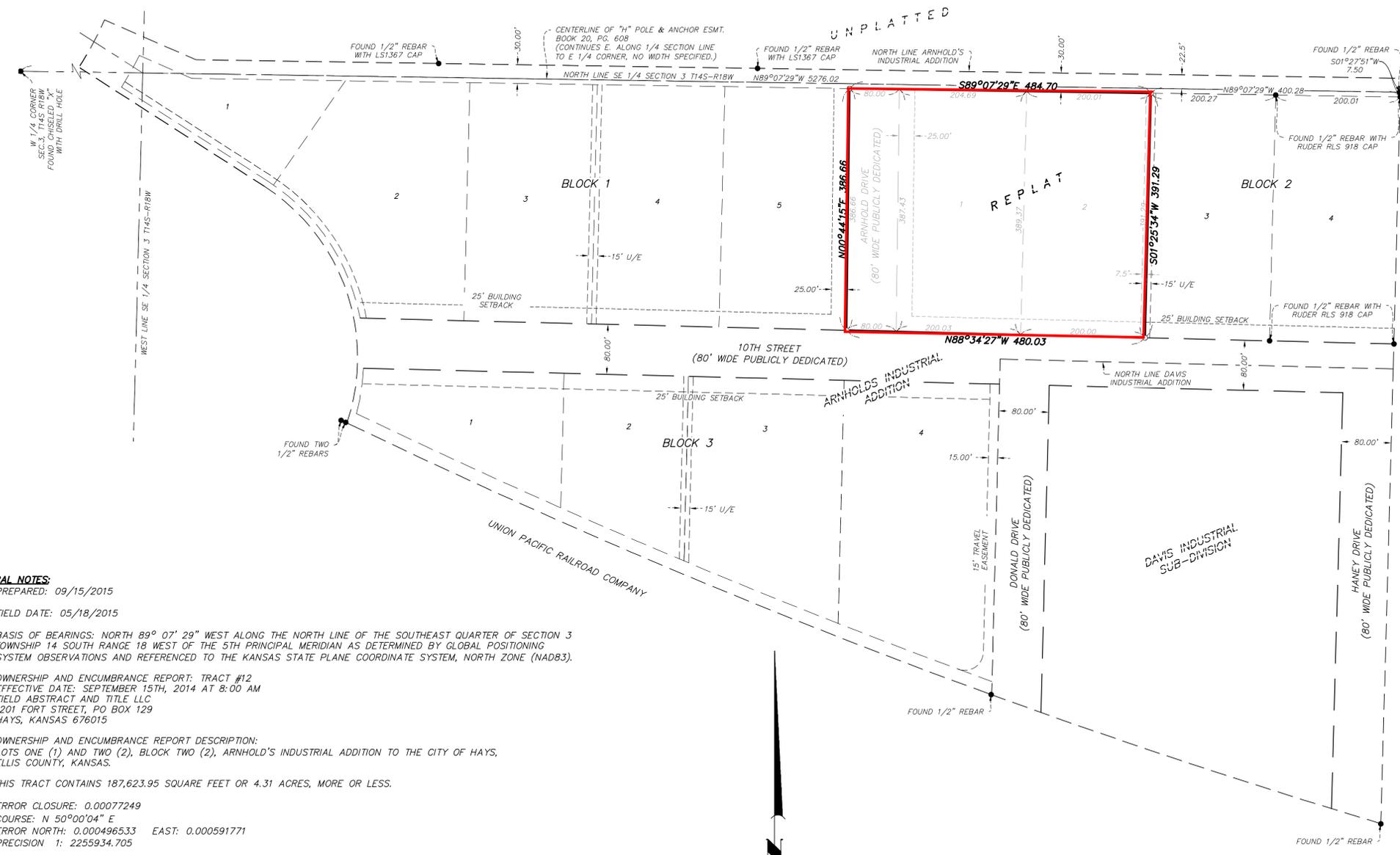
# FINAL PLAT

## A REPLAT OF ALL OF LOTS 1 AND 2, BLOCK 2 AND ARNHOLD DRIVE OF ARNHOLD'S INDUSTRIAL ADDITION SE 1/4 SECTION 3 T14S-R18W 6TH PM HAYS, ELLIS COUNTY, KANSAS



VICINITY MAP  
SECTION 3-T14S-R18W 6TH PM  
(NOT TO SCALE)

DRAFT COPY  
SUBJECT TO CHANGE  
WITHOUT NOTICE



**OWNER'S CERTIFICATE:**  
KNOW ALL MEN BY THESE PRESENTS, THAT I THE UNDERSIGNED PROPERTY OWNER OF THE THE LAND ABOVE DESCRIBED HAVE CAUSED THE SAME TO BE SURVEYED AND RE-PLATTED AS "REPLAT OF ALL OF LOTS 1 AND 2, BLOCK 2 AND ARNHOLD DRIVE OF ARNHOLD'S INDUSTRIAL ADDITION", IN THE CITY OF HAYS, ELLIS COUNTY, KANSAS.

BRUCE ARNHOLD, TRUSTEE  
RICHARD A. ARNHOLD REVOCABLE TRUST  
DATE

**NOTARY CERTIFICATE:**  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_, SS:  
BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME \_\_\_\_\_, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

(SEAL) \_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

**APPROVALS:**  
THIS PLAT OF \_\_\_\_\_ ADDITION HAS BEEN SUBMITTED TO AND APPROVED BY THE HAYS-ELLIS COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

(SEAL) \_\_\_\_\_  
CHAIRPERSON

SECRETARY

THE DEDICATIONS SHOWN ON THIS PLAN ACCEPTED BY THE CITY COMMISSION OF THE CITY OF HAYS, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

(SEAL) \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_ CITY CLERK

**RECORDED:**  
ENTERED ON TRANSFER RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
COUNTY CLERK  
STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_

PAGE \_\_\_\_\_  
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 IN BOOK \_\_\_\_\_

REGISTER OF DEEDS \_\_\_\_\_ DEPUTY

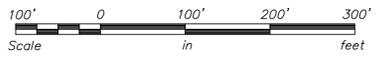
**SURVEYOR'S CERTIFICATE:**  
I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF KANSAS.

PRELIMINARY

BRIAN T. KRUSE, REGISTERED LAND SURVEYOR  
KANSAS LICENSE NO. LS 1569

- GENERAL NOTES:**
- PREPARED: 09/15/2015
  - FIELD DATE: 05/18/2015
  - BASIS OF BEARINGS: NORTH 89° 07' 29" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 3 TOWNSHIP 14 SOUTH RANGE 18 WEST OF THE 5TH PRINCIPAL MERIDIAN AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS AND REFERENCED TO THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83).
  - OWNERSHIP AND ENCUMBRANCE REPORT: TRACT #12 EFFECTIVE DATE: SEPTEMBER 15TH, 2014 AT 8:00 AM FIELD ABSTRACT AND TITLE LLC 1201 FORT STREET, PO BOX 129 HAYS, KANSAS 676015
  - OWNERSHIP AND ENCUMBRANCE REPORT DESCRIPTION: LOTS ONE (1) AND TWO (2), BLOCK TWO (2), ARNHOLD'S INDUSTRIAL ADDITION TO THE CITY OF HAYS, ELLIS COUNTY, KANSAS.
  - THIS TRACT CONTAINS 187,623.95 SQUARE FEET OR 4.31 ACRES, MORE OR LESS.
  - ERROR CLOSURE: 0.00077249  
COURSE: N 50°00'04" E  
ERROR NORTH: 0.000496533 EAST: 0.000591771  
PRECISION 1: 2255934.705
  - FOR REFERENCE: THE PLAT OF "ARNOLD'S INDUSTRIAL ADDITION" RECORDED SEPTEMBER 20TH, 1979 AND FILED IN BOOK 295, PAGE 667.
  - THIS SURVEYOR HAS MADE NO SEARCH AT THE COUNTY REGISTER OF DEEDS OFFICE OR SEARCHED COURT DOCUMENTS FOR EASEMENTS, VACATIONS, RIGHT-OF-WAY ACQUISITIONS, CONDEMNATIONS, COURT DECREES OR ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY. THE AFOREMENTIONED ITEMS SHOWN HEREON, IF ANY, ARE BASED ENTIRELY UPON THE OWNERSHIP AND ENCUMBRANCE REPORT CITED ABOVE, DOCUMENTS OBTAINED FROM OTHER SOURCES, OR OTHER INFORMATION THAT PROMPTED A SPECIFIC SEARCH FOR SUCH ITEMS. IF ANY OTHER EASEMENTS, VACATIONS, RIGHT-OF-WAY ACQUISITIONS, CONDEMNATIONS, COURT DECREES OR ENCUMBRANCES AFFECT THIS PROPERTY THEIR EXISTENCE IS UNKNOWN TO THIS SURVEYOR AND ARE THEREFORE NOT SHOWN.

THE OWNERSHIP AND ENCUMBRANCE REPORT CITED ABOVE STATES "THE LAST DEED CONVEYANCE OR CONDEMNATION OF RECORD COVERING THE ABOVE DESCRIBED REAL ESTATE VESTS TITLE IN: RICHARD A. ARNHOLD, THE TRUSTEE OF THE RICHARD A. ARNHOLD REVOCABLE TRUST, DATED MARCH 8, 2007" AND CONTAINS AN ABSTRACTOR'S NOTE STATING THE FOLLOWING: "A CERTIFICATE OF DEATH WAS FILED ON RICHARD A. ARNHOLD ON JUNE 7, 2010, IN BOOK "744" OF RECORDS AT PAGE 279. DATE OF DEATH WAS MAY 28TH, 2010. THROUGH CLIENT CORRESPONDENCE, THIS SURVEYOR BELIEVES THE CURRENT TRUSTEE OF SUBJECT PARCEL TO BE BRUCE ARNHOLD.



- LEGEND:**
- 1/2"x24" REBAR WITH CAP CLS 172 (TO BE SET)
  - FOUND MONUMENT AS NOTED
  - REPLAT BOUNDARY
  - - - - EXISTING LOT LINE
  - - - - EXISTING EASEMENT
  - U/E UTILITY EASEMENT

**REPLAT DESCRIPTION:**  
ALL OF LOTS 1, 2, BLOCK 2 AND ARNHOLD DRIVE, 80 FEET WIDE, ACCORDING TO THE PLAT OF ARNHOLD'S INDUSTRIAL ADDITION, RECORDED SEPTEMBER 29, 1979 IN BOOK 295 AT PAGE 667, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 14 SOUTH, RANGE 18 WEST IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS BEING BOUNDED ON THE EAST BY THE WEST LINE OF LOT 3 BLOCK 2, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF 10TH STREET, BOUNDED ON THE WEST BY THE EAST LINE OF LOT 5 BLOCK 1, AND BOUNDED ON THE NORTH BY A LINE BEING 30 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF ARNHOLD'S INDUSTRIAL ADDITION.  
SAID TRACT CONTAINS 187,623.95 SQUARE FEET OR 4.31 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY.

**SURVEYOR:**  
**Westwood**  
Phone (813) 851-4492 7501 College Blvd Suite 101  
Fax (813) 273-7024 Overland Park, KS 66210  
westwoodps.com  
Westwood Professional Services, Inc.

**DEVELOPER:**  
MIDWEST ENERGY INC.  
1330 CANTERBURY DRIVE  
HAYS, KS 67601  
785-625-1432

**OWNER:**  
BRUCE ARNHOLD, TRUSTEE  
RICHARD A. ARNHOLD REVOCABLE TRUST, DATED MARCH 8, 2007  
1600 EAST 13TH STREET  
HAYS, KS 67601-2601

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# Memo

DATE: September 15, 2015  
TO: Planning Commission  
FROM: Jesse Rohr  
RE: Rezoning request from A-L (Agricultural District) to R-S (Residential Suburban District) – Proposed Unrein Addition

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An request as been made for a change of zoning from A-L (Agricultural District) to R-S (Residential Suburban District) within the proposed Unrein Addition (See attached visuals).

Prior to setting a public hearing, staff is requesting the Planning Commission take an in depth look at the request and consider the points made by staff within this memo. After considering the known information, a public hearing may be set if it is found that the zoning request is to be considered further in a public hearing.

Following is some information about the property to better help guide in the decision to set a public hearing for rezoning. Many concerns have been raised about this possible development. Although the development is adjacent to existing R-S zoning (Vonfeldt Addition, zoned and platted in 1977), it is in staff's opinion that expanding the existing development further is not in the best interest of both the City and County for various reasons. Those reasons include:

- There is no public water available, including rural water. The developer intends on serving al the residential lots with private well only. There are concerns from existing and abutting property owners who are served by water well what additional wells may do to current water levels. Water wells should not be considered a reliable water source long term.
- Ellis Co. Public Works staff has indicated a strong resistance to additional County roads that will require ongoing maintenance. The developer has stated that the roads could remain private. This raises other concerns about the future of private roads that will be expected to be maintained to a high standard and maintenance may get pushed on to the County in the future.

Expectations of homeowners along these types of County roads are often high and create a burden on the PW Department and County officials.

- Staff with Ellis County rural fire has expressed general concerns about development of this type outside of the City limits where adequate structure fire protection is not available.
- Midwest Energy does not have gas service available to serve this location.
- There are conflicts with the proposed development access (Randall Lane) including a new power pole structure directly in the center of the drive. KDOT has raised questions about the existing drive entrances into the existing development and how adding additional development may impact US 183 Highway.
- If approval to develop this property is justified, the question, “What next?” needs to be asked. What if another 6 lots are considered, then another 6, and so on? How many is enough? Are there too many there now?
- Having this many septic systems in such a close proximity to each other is a concern relating to water quality, particularly the water wells serving the existing homes as well as the proposed homes.

Due to these and other possible issues, **staff cannot favorably recommend this development to move forward.** Residential developments of this type have proved time and time again to be a drain on resources and create a burden for the general taxpayer who must absorb the costs of maintaining such developments for the long term. Developments without adequate public infrastructure, including water, sanitary sewer, and adequate roads are discouraged and in some cases should be out-right prohibited.

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

Case No. 15-05Z  
Date Filed 09-17-2015

### 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 Mary Alice Unrein  
Address 414 E 21<sup>st</sup> St Phone 785-432-1123  
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 "A-L" zoning district to "R-S" zoning district for property legally described as Lot(s) See Attached Legal Block(s) See Attached Legal of the See Attached Legal Addition.

See Attached Legal

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

III. This property is located at (address) See Below.

The general location is (use appropriate section):

- A. At the See Below (NW, NE, SW or SE) corner of See Below (Street) and See Below (Street) or, South US 183/250<sup>th</sup> Ave west of VonFeldt's Addition (250<sup>th</sup> between Springhill Road and Mount Pleasant Road)

B. \_\_\_\_\_ (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 Residential Development

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.

Mary Alice Unwin  
APPLICANT

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

\_\_\_\_\_  
APPLICANT

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

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**OFFICE USE ONLY:**

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,  
\_\_\_\_\_, 20\_\_\_, TOGETHER WITH THE APPROPRIATE FEE OF  
\$\_\_\_\_\_.

\_\_\_\_\_  
NAME AND TITLE

