

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
SEPTEMBER 22, 2014
6:30 P.M.

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the regular meeting of July 28, 2014

Action: Consider approving the minutes of the July 28, 2014 meeting

3. PUBLIC HEARING ITEMS.

A. None

4. NON-PUBLIC HEARING ITEMS.

A. Set the public hearing for request of change of zoning classification from "A-L" Agriculture to "C-2" General Commercial & Service District by Carrico Colorado LLC on the property of Lots 5 and 6, Block 3, North Hays Addition (NE Corner of E 48th St. and General Hays Road) (Case # 14-02Z)

Action: Set the public hearing for request of change of zoning classification from "A-L" to "C-2" on the property of Lots 5 and 6, Block 3 North Hays Addition

B. Zoning and Subdivision Regulations Rewrite - Presentation by Kendig Keast Collaborative on discussion of Module 1 - Highlight key issues and consensus points (Site Visit #3).

Action: – No formal action required on this item at this time

5. OFF AGENDA ITEMS/COMMUNICATIONS.

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

B. Discuss upcoming Planning Commissioner training in Wichita (KSAPA Conference October 2-3)

C. Other

6. ADJOURNMENT:

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

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
JULY 28, 2014
MINUTES
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, July 28, 2014 at 6:30 p.m. in Commission Chambers at City Hall. Chairman Paul Phillips declared that a quorum was present and called the meeting to order.

Roll Call:

Present:	Paul Phillips Pam Rein	Lou Caplan Jake Glover	Matthew Wheeler Travis Rickford
Absent:	Kris Munsch	Justin McClung	Tom Denning

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

2. CONSENT AGENDA:

A. Minutes: Pam Rein moved, Lou Caplan seconded to approve the minutes from the June 16, 2014 meeting. There were no corrections or additions to those minutes.

Vote: AYES	Paul Phillips Pam Rein	Lou Caplan Jake Glover	Matthew Wheeler Travis Rickford
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3. PUBLIC HEARING ITEMS:

A. None.

4. NON-PUBLIC HEARING ITEMS:

A. Zoning Regulations Rewrite – Presentation by Kendig Keast Collaborative on the Strategic Assessment and Annotated Outline (Site Visit #2): Jesse Rohr introduced Matt Bucchin and Bret Keast, of Kendig Keast Collaborative that would provide the presentation of the above.

Chairman Paul Phillips explained to the commission and audience to hold the questions until after the presentation.

Matt Bucchin, Senior Staff and Brett Keast, owner and president of Kendig Keast Collaborative came before the Commission. Mr. Bucchin provided the presentation on the Strategic Assessment Report and Annotated Outline for the potential rewrite of the Zoning and Subdivision Regulations.

The purpose of the strategic assessment report and outline is to determine if this is the right path of what the City is looking for. If so, they are hoping that the Planning Commission make a recommendation to the governing body to move forward with the drafting of the regulations.

The regulations would be developed in a software program called "Encode Plus". They would be presented in three modules. He explained the project schedule.

The following is an outline of the presentation:

- Comprehensive Plan Directions
- Community Input
- Federal Regulations
- Enhancing Community Character
- Zoning Districts & Land Uses
- Housing Types
- Landscaping Standards and Buffering
- Parking
- Streets, Sidewalks and Trails
- Signs
- Development (balance for market)
- Downtown
- 3-mile zone
- Enforcement

Paul Phillips set the stage pointing out that the Commission will be asked to recommend moving forward with the drafting of the regulations if they approve the Strategic Assessment approach and outline as presented.

He read a recommendation on behalf of City Staff. "The City Staff feels that the strategies outlined by Kendig Keast are not only valid, but critical to the success of the community going forward".

He explained that the Planning Commission will state their comments and then it will be open to the audience for comments.

Travis Rickford asked if they received the feedback they wanted from meeting with those that came to the table. He asked if there were any feedback missing or additional groups that should have been included.

Matt Bucchin answered that the feedback and the respective groups were in line of their expectations. When they get into the regulations is where the rubber

meets the road. This is a public process where comment and concerns are addressed. The Planning Commission disseminates the information to the user groups.

Pam Rein asked about what they meant about lot sizes. Mr. Bucchin explained about buffering within districts for separation of character. He explained flexibility in marketability for development.

Paul Phillips asked for a spokesperson from the audience to come forward. Errol Wuertz, Hays Board of Realtors, and Kelly Leiker, President of the Hays Board of Realtors, presented a list of concerns that were put together by retailers, realtors, contractors, developers and bankers.

Errol Wuertz read the list of concerns that the realtors had expressed.

- ❖ Part I Introduction and Input - This project is to create housing opportunities and choices
 - *(Feel this is more of a stumbling block)*
- ❖ Part II Legal Content
Zoning Authority (pages 9 & 11) –
 - Composition of the Planning Commission should also include at least one developer or contractor.
 - City may enact provisions for the gradual elimination of nonconforming uses. See K.S.A. 12-771.
- ❖ Part III Recommendation – (Page 20) Use Intuitive district names-table (page 21) is very confusing

General Site Design; Outdoor Storage/Display of Material (page 22)

- Limit size of outdoor storage area
- Screen the outdoor storage area via landscaping/walls/fences – *(should be screened by a wall which consists of the same materials of principal building.*
 - *(too costly)*
- Limit amount of days for outdoor displays of merchandise
- Prohibit outdoor storage from being placed in areas of required parking

Minimum/Maximum Parking (page 23)

- Reductions in automobile parking spaces in lieu of bicycle parking spaces and/or previous parking lot materials.
 - *This should not be a requirement, but a recommendation.*

Parking Lot Landscaping –General Site Design; Parking Lot Landscaping (Page 23 & 24)

- Required shade trees per a certain amount of parking spaces provided. The shade trees will be drought resistant or native to Western Kansas.
 - *Lack of water to water trees*
 - *Safety issue for evening shoppers*
 - *Liability if kids climb trees, fall and get hurt*
- Required landscape islands, comprised of both planted and other materials ?????
- A minimum percentage of screening of parking lots from street right-of-ways using shrubs or ornamental grasses

Signs (Pages 24 & 29)

- Elimination of pole signs outside the area of the I-70 corridor.
 - *This should be a business decision not a government mandate*

Pedestrian and Bicycle Connectivity; Residential Development (Page 29)

- Regulation of downtown bicycle parking spaces and bicycle parking in all non-residential development.
 - *This should be a business decision not a government mandate.*
- Pedestrian access easement in cul-de-sac streets.
 - *Difficult for developer to line up.*
 - *People do not want people walking between their homes.*

Multi-Family Design (Page 26-27)

- Permitted and limited exterior finish materials
 - *This should be a business decision not a government mandate*
- Building Orientation Provisions

Infill & Redevelopment; Neighborhood Conservation; Access to buildings (Page 27-28)

- Square footage limitations for accessory buildings
- Two-family and single-family units to orient the front access toward the street
- No secondary access from the side of the building

Nonconformities (Page 30)

- It is recommended that the use of new zoning and subdivision regulations as a means of eliminating existing nonconformities, consider the character of existing development and tailor the regulations accordingly.

General Concerns & Suggestions:

- Feel these regulations could be too restrictive and hinder development
- The process should be smooth and relatively easy. We need to attract developers, not frustrate them with the process that they possibly not develop in Hays.

- Concern that these regulations could lead to the Planning Commission telling developers the size of home and lot size they can have on ground they want to develop versus what they want to build.
- These Zoning and Subdivision Regulations may work in a big city, but we feel they are not realistic for the City of Hays and will not be practical.
- Set up a bulk mailing or e-mail list of stakeholders and send out information regarding all Zoning & Subdivision regulations/changes to them prior to meeting or voting on them.

Another comment to be included with the list was that the last thing we need is to make it more expensive to build a house or bring business to the city.

Mr. Wuertz emphasized the importance of notification of the meetings on the rewrite of the zoning and subdivision regulations. They would not have known about this meeting if a realtor had not brought this to their attention. He suggested that the stakeholder meetings be held in the evenings. Many could not attend the first stakeholder meeting because it was during their business hours.

Paul Phillips stated that it appeared that the concerns were taking issue with some of the examples. He asked, to be sure they were not taking issue with the idea of character that they were not against bringing the regulations in line with the master plan. The consultant will be given these concerns to be considered as they develop the modules.

Chris Wentz, representing Western Plains Service Corporation, stated that they have done a lot of development in the City of Hays. His concerns were to be sure the right people are being talked to as the regulations are being drafted. He believed good things could come out of it to align with the Comprehensive Plan; his concern would be that regulations would get approved that could be harmful to development.

He was just brought aware of this meeting today. He was not able to attend the stakeholder meeting. He would be happy to work with this group.

Paul Phillips asked that, in essence, that he would not be negative to the idea of the rewrite of bringing the regulations in line with the master plan; the concern is how it is done. Chris Wentz answered that is how he feels.

Errol Wuertz stated that the regulations adopted in 1973 do need to be updated; although it is important to be careful not to be too restrictive that no one wants to build or put a business here.

Matthew Wheeler explained that the whole idea is to make it more uniform and easier to understand and easier to know what regulations apply; not more restrictive. They are trying to make it easier for all in the process.

Jake Glover voiced appreciation for the depth of their comments and explained that the consultants would take them into consideration as the regulations are brought into alignment with the Comprehensive Plan. He pointed out the project schedule of the timelines of the process.

Errol Wuertz thanked the commission for listening to their concerns.

Lyn Klein, realtor in Hays, stated that he has a lot of faith in City Staff. He hopes that they take a serious look at what revisions are proposed and make. He suggested they take a serious look at what is occurring at 44th and 45th Street of the number of homes for sale. Some of the residents want to move out of the area because of the following:

1. Street Size
2. Density of housing
3. Unsafe for kids to play in the area
4. concerned for ambulance and fire protection because of all the cars parked along the street

He followed up with his concern for that part of the commercial development of "pervious surface" used in the paving of parking lots. It is the goal to keep costs down and be attractive for retail and other businesses. He asked that they look at the definition of "Pervious Surface". It is at a 40% higher cost than asphalt and is detrimental for walk ability for certain shoes. He thought it would be more of hindrance that it would help.

He expressed that they have a good city staff that do an excellent job for what they are here for. He hopes they will approach this with caution given all the aspects to be taken into consideration for residential and commercial.

He pointed out, that he thinks the recommendations as they come forward should be by City Staff, and not an outside source since city staff will be at the forefront for explanation and questions by developers.

Travis Rickford stated that his interpretation from the comments and concerns presented is that maybe there was not all of the representation of everyone's voice at the table for the comprehensive plan and this report.

Paul Phillips explained that what he understood is that when it comes to craft these modules for the regulations, the public want to be heard and be informed of those meeting dates. The audience appeared to agree with him.

Jake Glover moved, Matthew Wheeler seconded the motion to recommend approval of the Strategic Assessment and Annotated Outline with the consideration from the comments presented and approval to proceed with drafting of the Zoning Regulations with consideration of these comments.

AYES

Paul Phillips	Lou Caplan	Matthew Wheeler
Pam Rein	Jake Glover	Travis Rickford

Jesse Rohr explained how to sign up on the notification process on the city web page. He also explained the location of the project information and the project schedule on the city web page.

Travis Rickford thanked those in the audience for coming. He emphasized his appreciation for their feedback. He explained that they are welcome to attend the Planning Commission Meetings.

Paul Phillips thanked the audience for coming and his appreciation for their feedback. He explained that if some find they are unable to attend to please send a representative in their place.

Jesse Rohr added that they can also leave their comments with any of the Planning Commissioners or City Staff.

5. OFF AGENDA ITEMS/COMMUNICATIONS (Continued):

A. City Commission action and planning and development updates on Planning Commission issues: None.

6. ADJOURNMENT: Pam Rein moved, Travis Rickford seconded the motion to adjourn the meeting. The meeting was adjourned at 8:23 p.m.

Vote: AYES

AYES

Paul Phillips	Lou Caplan	Matthew Wheeler
Pam Rein	Jake Glover	Travis Rickford

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

Memo

DATE: 9-15-14
TO: Planning Commission
FROM: Jesse Rohr
RE: Rezoning Request - Lots 5 and 6, Block 3, North Hays Addition –
Background Summary

An application has been submitted to request a change of zoning from A-L to C-2 for lots 5 and 6, block 3, North Hays Addition (See attached visuals).

Staff is requesting that the Planning Commission set a public hearing for the October 20, 2014 Planning Commission meeting to consider the rezoning request.

In addition to the rezoning request, the applicant has also submitted a Consent to Annex request. If the property is to be developed, annexation will be required.

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

- The property is contiguous with current city limits
- The property abuts existing C-2 zoning
- The Comprehensive Plan identifies this area as “Commercial Mixed Use” which rates a 4 out of 5 on the compatibility matrix scale in the Comprehensive Plan, with 5 being the most compatible
- City streets and utilities are existing and available for connection
- Future build-out of 48th St. and associated utilities will be considered as part of this development

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

14-17

Approved/Denied by Planning Commission _____

Case No. 14-02Z

Approved/Denied by City/County Commission _____

Date Filed 08-15-2014

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 Carrico Colorado, LLC
 Address 3160 US 24 Hwy Beloit, KS Phone 785-738-5744
 Agent Patty Stull / Adam Pray Coldwell Banker
 Address 1001 Main St Hays KS Phone 625-7313
- 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 C-2 zoning district for property legally described as Lot(s) 5+6 Block(s) 3 of the N. Hays Addition Addition.

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

III. This property is located at (address) E 48th St, General Hays Rd

The general location is (use appropriate section):

- A. At the NE (NW, NE, SW or SE) corner of 48th (Street) and General Hays (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: *For development For Commercial Purposes*
*Do not include reference to proposed uses.

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

Karen R. Pestinger, mgr
APPLICANT


AUTHORIZED AGENT (IF ANY)

APPLICANT

AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,
August 20, 2014, TOGETHER WITH THE APPROPRIATE FEE OF
\$ 200.00 Receipt # 610632

Sinda Binkerman, Administrative Assistant
NAME AND TITLE

Authorization To Sign
City of Hays Annexation, Zoning, Platting
and other related documents

We (I), **Carrico Colorado, LLC**, hereby authorize **Patricia M. Stull and Adam Pray of Coldwell Banker Executive Realty**, to on our (my) behalf, execute any documents related to the annexation, zoning, and platting required for application in conjunction with the following described property:

Property located at E. 48th St, General Hays Rd, Hays, KS 67601, consisting of the following legal description:

Lot 5, Block 3, North Hays Add and Lot 6, Block 3, North Hays Add, City of Hays, KS 67601

Date: 8-14-14

Carrico Colorado, LLC

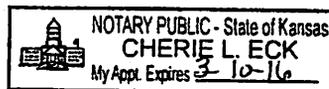
By Karen Pestinger
Karen Pestinger

STATE OF KANSAS)
)ss **ACKNOWLEDGMENT FOR INDIVIDUAL**
COUNTY OF ELLIS)

The foregoing instrument was acknowledged before me this 14th day of August, 2014 by **Karen Pestinger**.

My commission expires 3-10-16

By Cherie L Eck
Notary Public

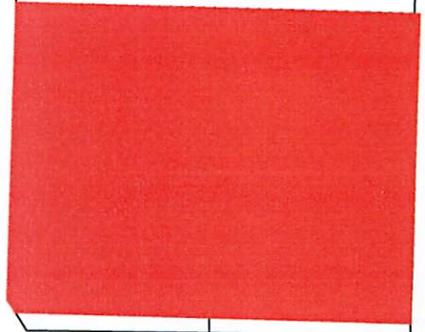


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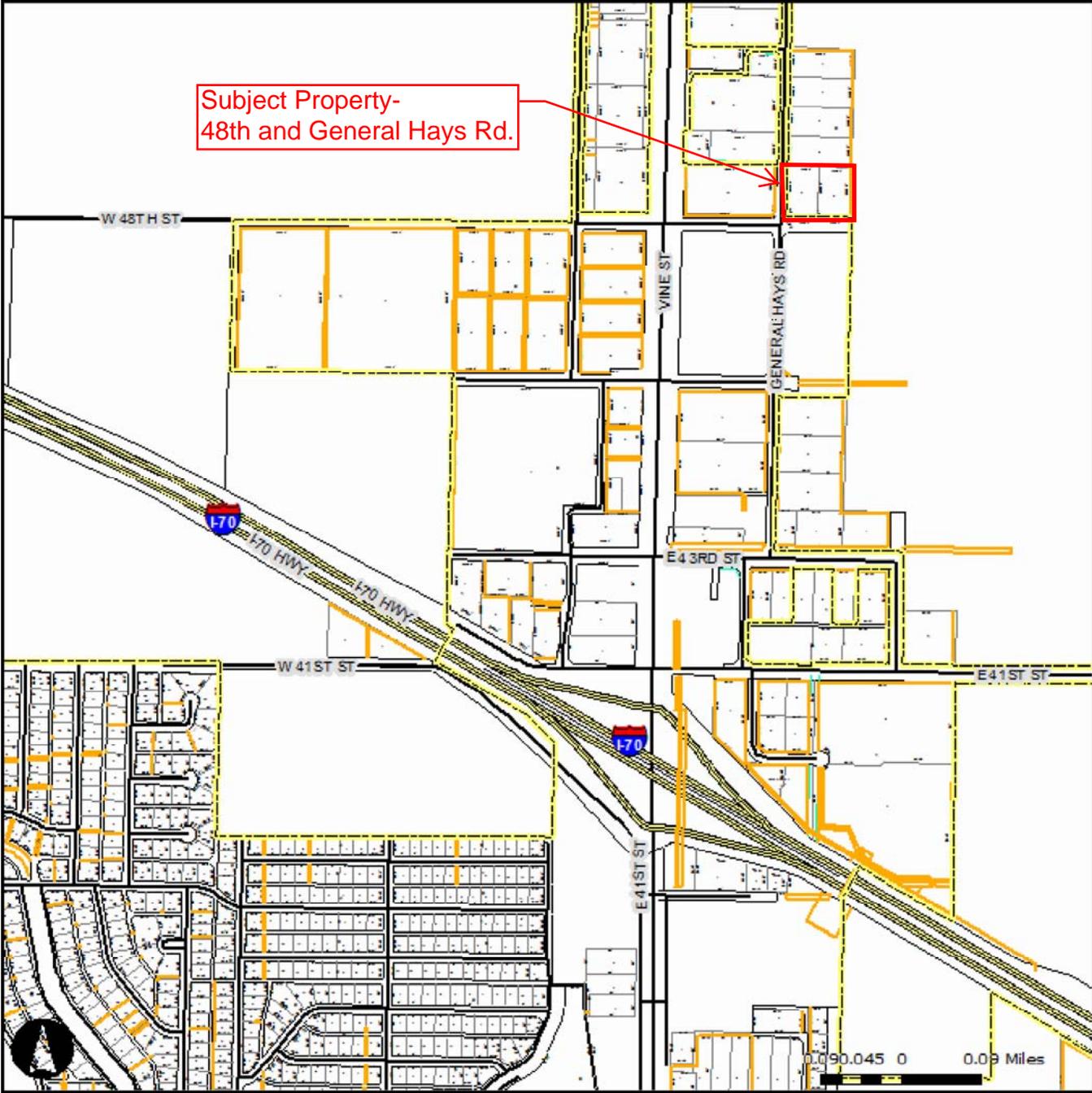
US HIGHWAY 183

E 48TH ST

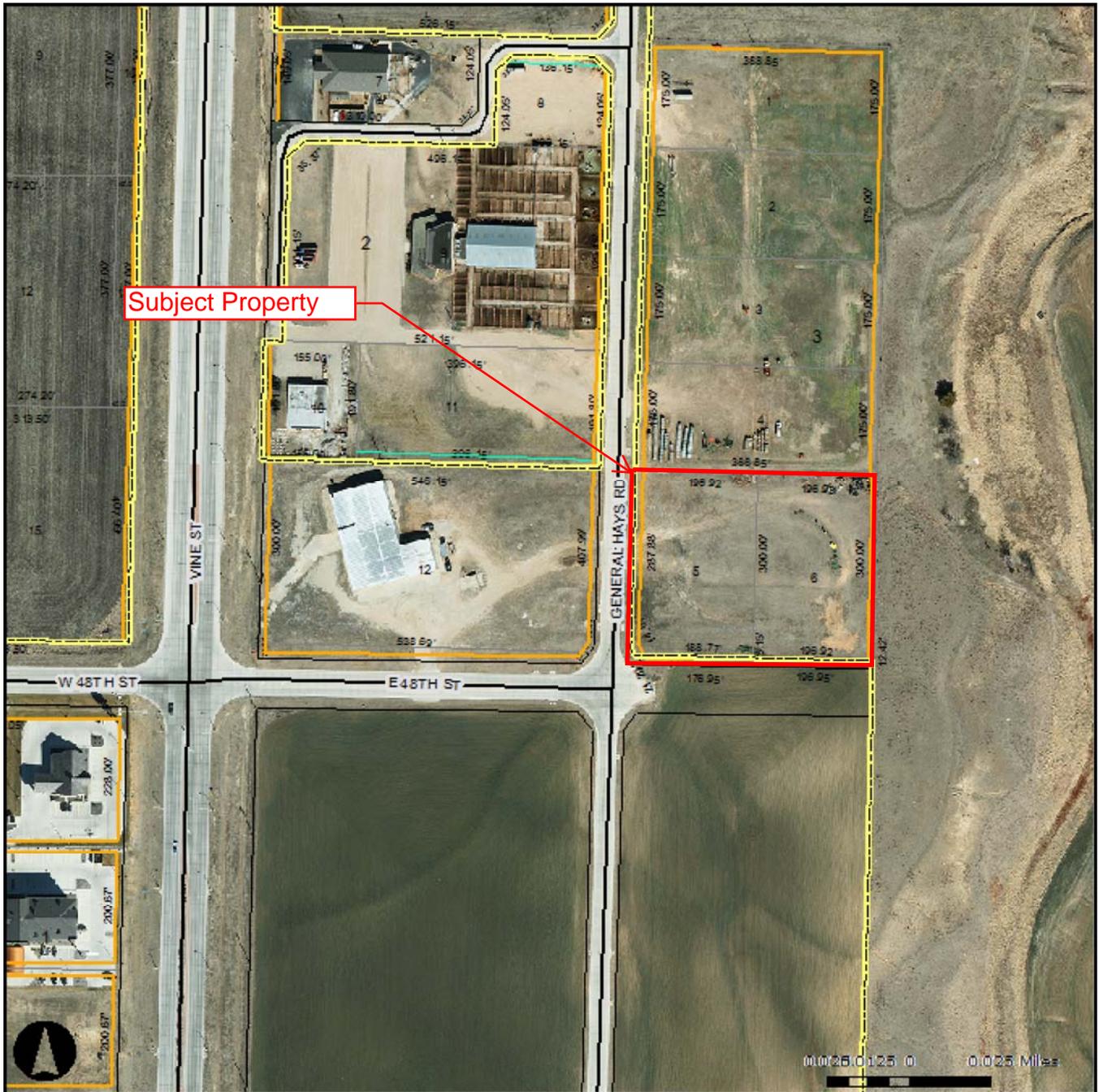
GENERAL HAYS RD



Map Title

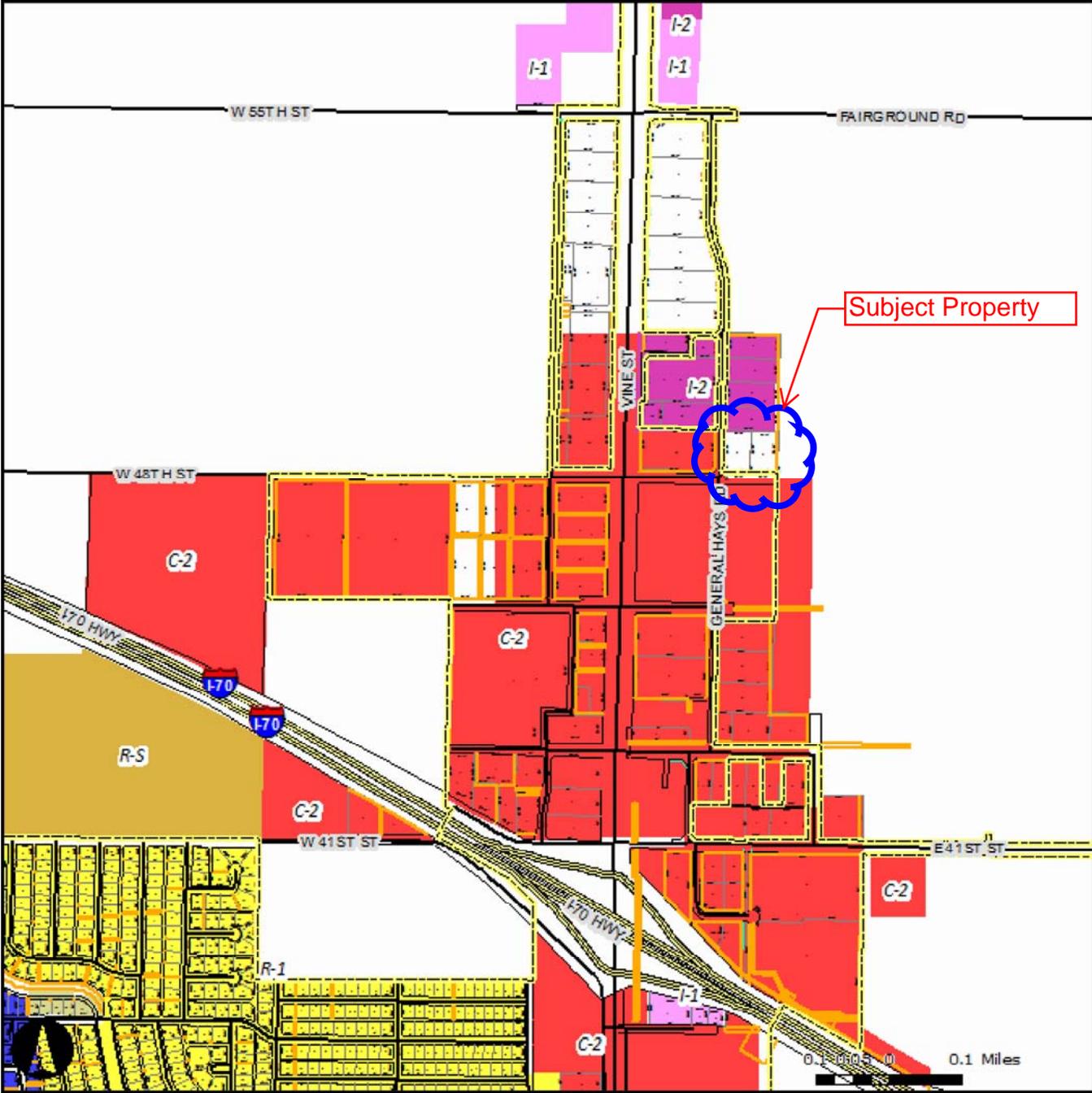


Map Title



Subject property (Lots 5 and 6) is currently zoned A-L (Agriculture) but is proposed to be C-2 (General Commercial and Service). The area is contiguous with other C-2 zoned areas. The area is identified as Mixed Use/Commercial on the Comprehensive Plan. The property is not currently in the City limits, however a Consent to Annex form has been submitted asking for annexation of this property prior to development.

Map Title





Google © 2014 Google Image Date: Apr 2013

Parcel Details for 026-135-22-0-00-01-004.02-0

Owner Information



Owner's Name (Primary): CARRICO COLORADO LLC

Mailing Address: 520 S Highway 24
Beloit, KS 67420

Property Address



Address: Hays, KS 67601

General Property Information



Property Class: Vacant Lots - V

Living Units:

Zoning:

Neighborhood: 509.1 - Hays

Taxing Unit: 051-BIG CREEK TWP

Neighborhood / Tract Information



Neighborhood: 509.1 - Hays Block: 03 Lot: 6

Tract: Section: 22 Township: 13 Range: 18

Legal Description: NORTH HAYS ADDITION , BLOCK 03 , Lot 6 , ACRES 1.4 , SECTION 22
TOWNSHIP 13 RANGE 18

Acres: 1.4