

HAYS AREA PLANNING COMMISSION MEETING AGENDA  
CITY COMMISSION CHAMBERS  
1507 MAIN, HAYS, KS  
OCTOBER 19, 2015  
6:30 P.M.

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

**2. CONSENT AGENDA.**

A. Minutes of the meeting of September 21, 2015.

**3. STRONG TOWNS PRESENTATION.**

A. City Manager presentation on Strong Towns

**4. PUBLIC HEARING ITEMS.**

A. 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 a recommendation to the City Commission for the rezoning of a tract of land located at 1517 Commerce Parkway from "A-L" Agriculture to "I-1" Light Industrial Zoning District.*

B. Public hearing for a rezoning request for the proposed *Blue Sky Acres Addition* located on a tract in the SE/4 of Section 16, Township 14 South, Range 18 West of the 6<sup>th</sup> p.m. (250<sup>th</sup> Avenue west of VonFeldt's Addition) from "A-L" Agriculture to "R-S" Residential Suburban Zoning District. (Case # 15-05Z)

*Action: Consider a recommendation to the City Commission for the rezoning of the proposed Blue Sky Acres Addition located at 250<sup>th</sup> Avenue West of VonFeldt's Addition from "A-L" Agriculture to "R-S" Residential Suburban Zoning District.*

**5. NON-PUBLIC HEARING ITEMS.**

A. Preliminary Plat of Blue Sky Acres Addition located on a tract of land in the SE/4 of Section 16, Township 14S, Range 18W (250<sup>th</sup> Avenue west of VonFeldt's Addition). (Case # 15-04P)

*Action: Consider accepting the Preliminary Plat of Blue Sky Acres Addition located on a tract of land in the SE/4 of S16-T14S-R18W of the 6<sup>th</sup> p.m. (250<sup>th</sup> Street west of VonFeldt's Addition.*

B. Review Proposed Changes to the Development Policy.

*Action: Consider providing a recommendation to the City Commission on the proposed changes to the Development Policy.*

C. Discussion of the Zoning and Subdivision Regulations Rewrite.

*Action: Progress update on the zoning and subdivision regulations rewrite project.*

**6. OFF AGENDA ITEMS/COMMUNICATIONS.**

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

**7. ADJOURNMENT**

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  
SEPTEMBER 21, 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, September 21, 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  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

**Absent**

Paul Phillips

City Staff in attendance: 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:** Matthew Wheeler moved, Chris Crawford seconded the motion to approve the minutes from the August 10, 2015 meeting. There were no additions or corrections to those minutes.

**AYES:**

Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

**B. Minutes:** Chris Crawford moved, Matthew Wheeler seconded the motion to approve the minutes from the August 17, 2015 meeting. There were no additions or corrections to those minutes.

**AYES:**

- Lou Caplan
- Tom Denning
- Robert Readle
- Darrell Hamlin
- Chris Crawford
- Matthew Wheeler
- Kris Munsch
- Justin McClung

**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:** Jesse Rohr introduced the above rezoning request with a power point presentation on the overhead visual. The property is located at the northwest corner of 7<sup>th</sup> and Oak Street. The reason for the rezoning request is to broaden the scope of potential uses of the property. There are very few properties with the "C-O" zoning classification.

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

The uses are as follows:

- East - Hadley Area
- North/West - County Administrative Offices & Commerce Bank Drive-up
- South - Multiple Family and Medical Offices to Southeast
- West - "R-4" Multiple family

There is a structure on one of the lots and the other lot is vacant.

He explained the options:

1. Recommend approval to the City Commission
2. Deny rezoning request if it does not meet the criteria

Based on staff findings of fact, staff recommends approval of the rezoning request and a favorable recommendation to be forwarded to the city commission.

Lou Caplan 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 then there would be a substantive motion of their recommendation to the governing body.

Lou Caplan asked if there was anyone in the audience for comments. There were none.

Lou Caplan closed the public hearing. He entertained a motion on staff findings of fact.

Robert Readle moved, Chris Crawford seconded the motion to approve staff findings of fact.

**AYES:**

Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

Lou Caplan entertained a substantive motion and explained for them to include what considerations are applicable to this motion.

Matthew Wheeler moved, Robert Readle seconded the motion to recommend to the City Commission to approve the 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 and Service District based on the consideration it is consistent with the character of the neighborhood and zoning and uses of nearby properties.

**AYES:**

Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

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

**A. Set a Public Hearing for a above rezoning request for a tract of land located at 1517 Commerce Parkway from "A-L" Agriculture to "I-1" Light Industrial**

**Zoning District (1.18 acres) (Case 15-04Z):** Jesse Rohr presented the information for the consideration of setting the public hearing on the above rezoning request with a power point presentation on the overhead visual. The property is located on Commerce Parkway north of 13<sup>th</sup> Street. It is located between the tract with the residential dwelling and the development to the south.

The infrastructure is in place. There was a lot split to separate the vacant lot from the residential tract earlier this year. The zoning change would provide uses to better utilize the property than in the current zoning classification.

The comprehensive plan zoning map reflects this area as a Business Park district. This rezoning classification of "I-1" does blend in with the uses of Business Park.

The consent to annex has been submitted and will go before the City Commission for action at the same time as the rezoning request.

Based on this information staff recommends that the Planning Commission set a public hearing for the October 19, 2015 Planning Commission meeting.

Matthew Wheeler asked if the annexation was for just the 1.18 acres. Jesse Rohr answered that it was for only the 1.18 acres. The residential home on the abutting property has city water and a septic sewer system. If it were to be annexed, it would have to be connected to the city sewer and be provided with all other city services.

Tom Denning asked if the tract to the west would be landlocked. Jesse Rohr answered that it was part of the tract with the residential dwelling and it is not likely developable due to the drainage area on the property.

Kris Munsch moved, Darrell Hamlin seconded the motion to set the public hearing for October 19, 2015 to hear the rezoning request of the property at 1517 Commerce Parkway from "A-L" Agriculture to "I-1" Light Industrial.

**AYES:**

Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

Jesse Rohr explained that the notification of the public hearing will be published in the Hays Daily News and a copy sent to the required surrounding property owners.

**B. & C Preliminary and Final Plat of area known as the Replat of Lots 1 & 2, Block 2, and Arnhold Drive, Arnhold's Industrial Addition, Hays, Ellis County, Kansas:**

Jesse Rohr introduced both the preliminary and final plat of the above with a power point presentation on the overhead visual. The undeveloped and unimproved property outside the city limits within the 3 mile zone was platted in 1979 and is located west of Canterbury Dr and north of East 8<sup>th</sup> Street. This is a request for approval of a replat of Lots 1 and 2 and vacate the right of way platted as Arnhold Drive to one lot.

He explained that it would take two motions; one for the preliminary plat and a subsequent motion on the final plat.

The property is planned to be purchased by Midwest Energy for an electrical substation subject to the approval of the plat.

A couple of county roads encroach into the property. Staff and Utility Advisory Committee have reviewed the plat and have no issues. The requirements of the current subdivision regulations are met in regard to the lot size, setbacks and specific utility requirements.

City Staff recommends that the Planning Commission recommend to the City Commission approval of the replat as submitted. The pros are that this replat would make it easier for future development. There were no cons noted.

He explained they could approve, disapprove or ask for changes to the plat.

Lou Caplan asked if there were any comments from the audience.

Bill Dowling, representing Midwest Energy, introduced himself to ask if the commission had any questions of him.

Chris Crawford asked if east 10<sup>th</sup> Street would be extended for access to this property. Bill Downing answered that they have been working with the county to meet the specifications to just extend 10<sup>th</sup> Street to the frontage of their property.

Matthew Wheeler moved, Kris Munsch seconded the motion to approve the preliminary plat of the Replat of Lots 1 and 2 and Arnhold Drive in Arnhold's Industrial Addition to one lot.

**AYES:**

Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

Jesse Rohr explained that the final plat was the same as the preliminary plat.

Matthew Wheeler moved, Robert Readle seconded the motion to recommend to the City Commission for approval of the final plat of the Replat of Lots 1 and 2 and Arnhold Drive in Arnhold's Industrial Addition to one lot.

**AYES:**

Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

**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, Range 18 West) from "A-L" Agricultural to R-S (Residential Suburban):** Jesse Rohr provided a power point presentation on the overhead visual for the information on the above rezoning request emphasizing some of the concerns before the Planning Commission considers setting a public hearing. The property is located approximately 2 miles south of Hays off of U.S. Highway 183 (250<sup>th</sup> Avenue).

The proposal is to develop 6 residential lots west of the existing 7 improved residential lots (Vonfeldt's Addition, zoned and platted in 1977) pending a zoning change to "R-S" Residential Suburban. It has been discussed before the Utility Advisory Committee, surveyor and county staff.

The concerns are as follows:

- There is no public water available. The developer plans on serving the lots with a private water well. There are concerns how additional water wells may affect the current water levels particularly the affect to the existing residential properties. Water wells are not considered a long term water source.
- The Ellis County Public Works staff has indicated a resistance for additional county roads that will require ongoing maintenance. The developer has proposed private roads. The concern is this may get pushed to the county or city in the future. It would be important to ensure the private roads would be built to county specifications in case that would happen.
- The Ellis County Fire Chief expressed concerns for adequate structure fire protection. It eased their concern somewhat because of the larger size of the lots and greater spacing between the homes.
- There is no gas service. They would have to use electric or propane.

- There are conflicts with the access road (Randall Lane) off of U.S. Highway 183 and about increased traffic to access the highway. Access may have to meet the KDOT corridor access regulations. Also there is a new power pole in the center of the lane that may need to be relocated.
- The properties would be served by their own septic system. Having this many septic systems in a close proximity raises a concern relating to water quality, particularly the water wells serving the existing homes and proposed homes. The lot sizes are proposed to be larger to address the concerns of the Ellis Count Environmental Department.

He explained that the commission can choose to set or not to set a public hearing.

Due to the above listed issues, staff does not recommend that this move forward. They would recommend not setting a public hearing. It is staff's concern that expanding the development is not in the best interest of the city and county.

Tom Denning disagreed and read a list addressing each of the above issues.

- ❖ He did not see any issues with the residents having their own private water well. Most of the county is served by the private water well. The city and water districts get their water from a water well. There is ample water in the area; the owner across the road has a farm irrigation well. The prudent prospective buyer will purchase contingent on assurance of a water well.
- ❖ There are private roads in the city, why not in the county. Private roads should meet county specifications in case they are ever turned over to the county.
- ❖ Fire Protection is no different then any other county residence. It is part of county life.
- ❖ The county residential dwellings use propane since there is no gas service.
- ❖ The Midwest Energy Power Pole in the middle of the road identified as Randall Lane could be moved.
- ❖ The increase in traffic would be minimal. Even if it would grow, it is better to have access to highway than a county road.
- ❖ He asked when did the city of Hays begin to determine how big a development could grow. It is residential adjacent to residential. They are asking to rezone only 6 lots.
- ❖ The septic systems meet the county specs.

- ❖ He emphasized he knew of no rural developments that had to meet the requirements that this development has to meet. There is a 60 foot wide road and a 20 foot Right of Way to be used for access.

He emphasized that he thinks the proposed development does meet the legal requirements and recommended to set the public hearing for the rezoning request.

Mary Alice Unrein, owner, came before the board and handed out correspondence from the Ellis County Environmental Office, Kansas Department of Transportation and the Trego County Water District to provide documentation to satisfy the expressed concerns.

She explained that there is ample water supply for well water. In addition, she plans to submit application to the Trego County Water District for the hopeful opportunity for public water also. She has water at her shed south of the development. The Kansas Department of Transportation letter explained that she would not have to move the Midwest Energy pole for only six lots. She plans to build the private roads to county specifications. This development would be covered by a Homeowners Association. She is calling the development "Blue Sky Acres".

Kris Munch concurred with Tom Denning. He pointed out that if potential buyers of the lots cannot find water, they will not purchase the lots.

Darrell Hamlin, referencing Tom Denning's information, asked Jesse Rohr to distinguish the reason that the city and county are held to different standards for this development. Jesse Rohr answered that private streets and roads are looked at differently than they used to be and should be built to city and county standards in case there are issues where the roads have to be turned over to the city or county. Sometimes it gets lost in the paperwork that they are private roads and subsequent owners call the city or county when maintenance is requested.

Kris Munsch asked if the development of the private streets can be required to be built to county standards.

Lou Caplan asked if there would be a Homeowners Association to cover the maintenance of the roads. Mary Alice Unrein answered that there would be a Homeowners Association for taking care of the roads.

Tom Denning moved, Chris Crawford seconded the motion to set the public hearing for October 19, 2015 for a rezoning of the subject tract of land for the proposed Unrein's Addition (Blue Sky Acres) (tract in the SE/4 of S16-T14s-R18W) from "A-L" Agriculture to "R-S" (Residential Suburban).

**AYES:**

Lou Caplan  
Tom Denning

Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung

**E. Review Proposed Changes to the Development Policy:** John Braun, Assistant Director of Public Works, handed out a red-lined copy of the proposed changes to the development policy. Because this document works parallel to the development code, the development policy is being reviewed for update in conjunction with the rewrite.

1. The developer would pay for installation of all sanitary sewer lines and manholes and appurtenances. The city will not pay for over sizing of the street, sanitary sewer lines, water lines or curb and gutter.
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. There is new language on annexation.
4. Developer required looping water mains within a development specified by the Director of Utilities. The number of feet of the water main is to meet minimum fire code and water quality requirements.
5. Alleys designed as a means to convey stormwater should be made of concrete rather than a rock alley.
6. The street and right of way width subject to what will be written in the development code.
7. As an alternative to curb and gutter there is the option of vegetative water conveyance systems (ditches or swales)
8. Sidewalks (curbside or setback) required on all new developments unless a alternative means of multi-modal transportation is provided and approved. It is to be determined at what stage of the development it will call for all sidewalks to be constructed within the development.
9. 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.
10. Add another option for assessment of development cost from 15 years to 20 years.

11. 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.
12. 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.

He asked for input from the commission to determine what the minimum requirements should be for street right of way and street pavement. He prepared cross section examples for respective street widths and the difference in cost. The question is should the minimum allowed street width be changed from 31 feet to 29 feet.

Tom Denning asked if there would be required specifications of the concrete used in the alleys that convey stormwater. John Braun answered there are specifications.

He also asked who would be responsible for maintenance of those that have swales. John Braun answered that the property owners would maintain them.

He also asked what determines the sidewalk width. John Braun explained that if there is parking along the street, the sidewalk width would be 5 feet next to the curb; if there is no parking along the street, there would be a setback sidewalk of 4 feet with 1 foot of green space. A six foot sidewalk could be constructed where warranted by the Public Works Director.

He pointed out that the developed properties north of Vine do not have sidewalks. John Braun answered that they have a sidewalk plan with certain triggers that dictate when the sidewalks are required.

Matthew Wheeler asked if the city encourages ditches to benefit the rainwater runoff and no parking along them. He asked if any future developments would be developed like Prairie Acres. John Braun answered that there could not be any developments like Prairie Acres with the gravel roads. The option with the swales provides another option to the developer particularly for a suburban setting.

There was discussion on pros and cons of cul-de-sacs.

Kris Munsch asked if the local developers have been asked for their input. He sees this input being huge. John Braun answered that they are asking for their input.

**F. Discussion of the Zoning and Subdivision Regulations Rewrite:** Jesse Rohr explained that changes to the draft regulations are being done. He directed them to the on-line version that would reflect those changes and will inform the Planning Commission when those changes and comments are complete.

He explained the schedule of this process would be changed from November to into the first part of the next year. An update will be provided when available.

"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."

Kris Munsch concurred.

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

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

**1601 E 27<sup>th</sup> St Frontage Rd** The City Commission approved the rezoning of 1601 E 27<sup>th</sup> St Frontage Road from "R-1" Single-Family Residential to "R-4" Multiple-Family Dwelling District.

**Kings Gate 1<sup>st</sup> Addition on Phase 2** The City Commission authorized the City Manager to enter into contract for improvements for the above.

**Subdivision Sign Kings Gate 1<sup>st</sup> Addtiion Phase 2** The City Commission approved an agreement for a subdivision sign at 41<sup>st</sup> Street and King's Gate Drive at the cost of the developer. The developer also pays a \$2,000.00 removal fee up front that can be used to remove the sign in the future if it is not maintained.

**6. ADJOURNMENT:** Vice-Chairman Lou Caplan adjourned the meeting at 8:45 p.m.

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

## Planning Commission Action Report

AGENDA ITEM: Rezoning Request – 1517 Commerce Parkway

OWNER: Terry and Kelly Schmidt

TYPE OF REVIEW: Rezoning from A-L (Agricultural District) to I-1 (Light Industrial District)

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

PREPARED DATE: October 14, 2015

AGENDA DATE: October 19, 2015

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

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).

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 A-L (Agricultural District) to I-1 (Light Industrial 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 Business Park (B-P) zoning with other districts (C-2 and R-4) nearby.
- A lot split was approved by the City on July 1, 2015 splitting off 1.18 acres from the parent tract.

### **POINTS TO CONSIDER:**

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

- This property will be annexed as part of the development process and development will require connection to City utilities.
- 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 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 I-1 must be taken into consideration.
- 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.
- 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 1517 Commerce Parkway from A-L (Agricultural District) to I-1 (Light Industrial District).

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)

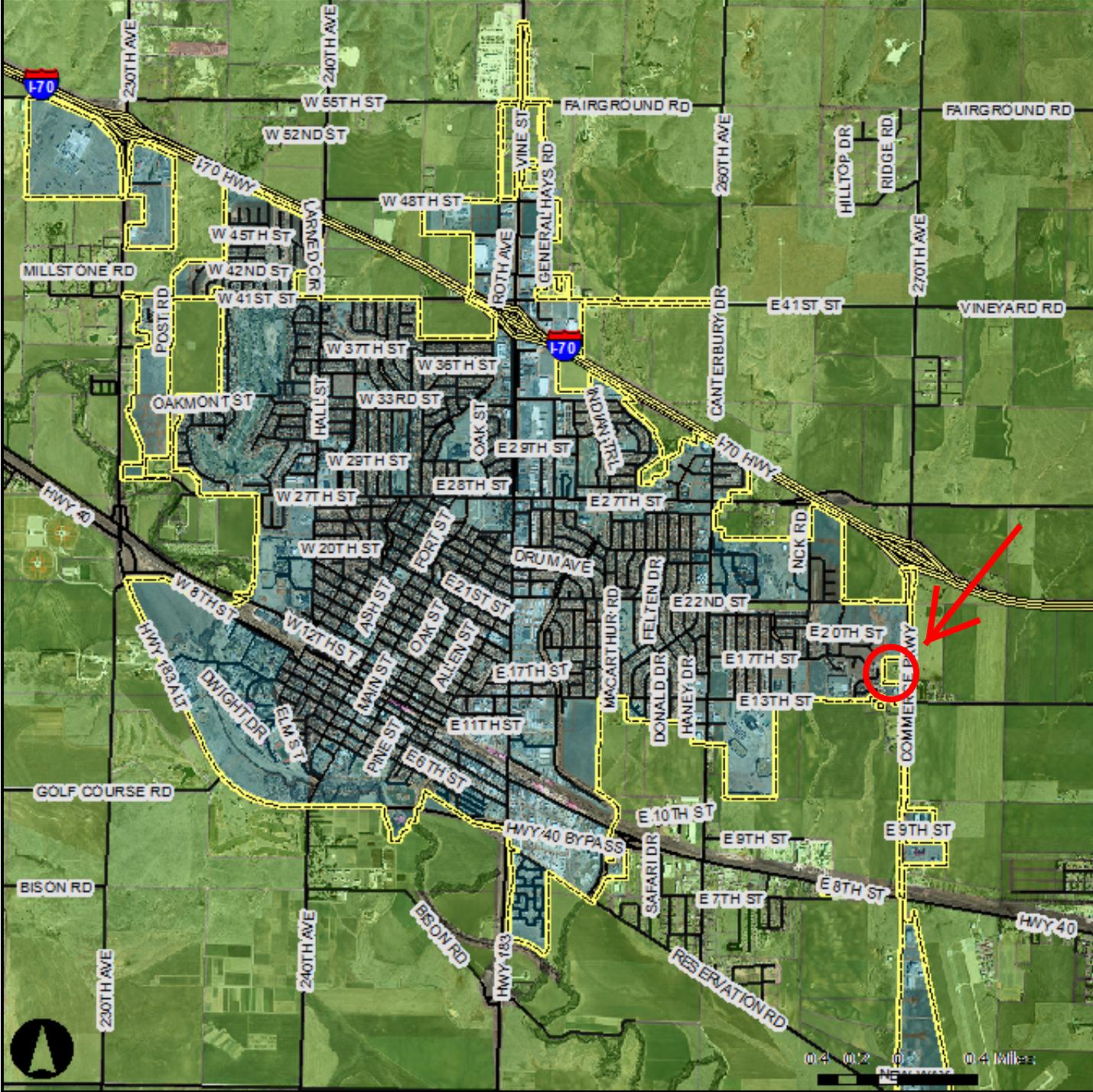
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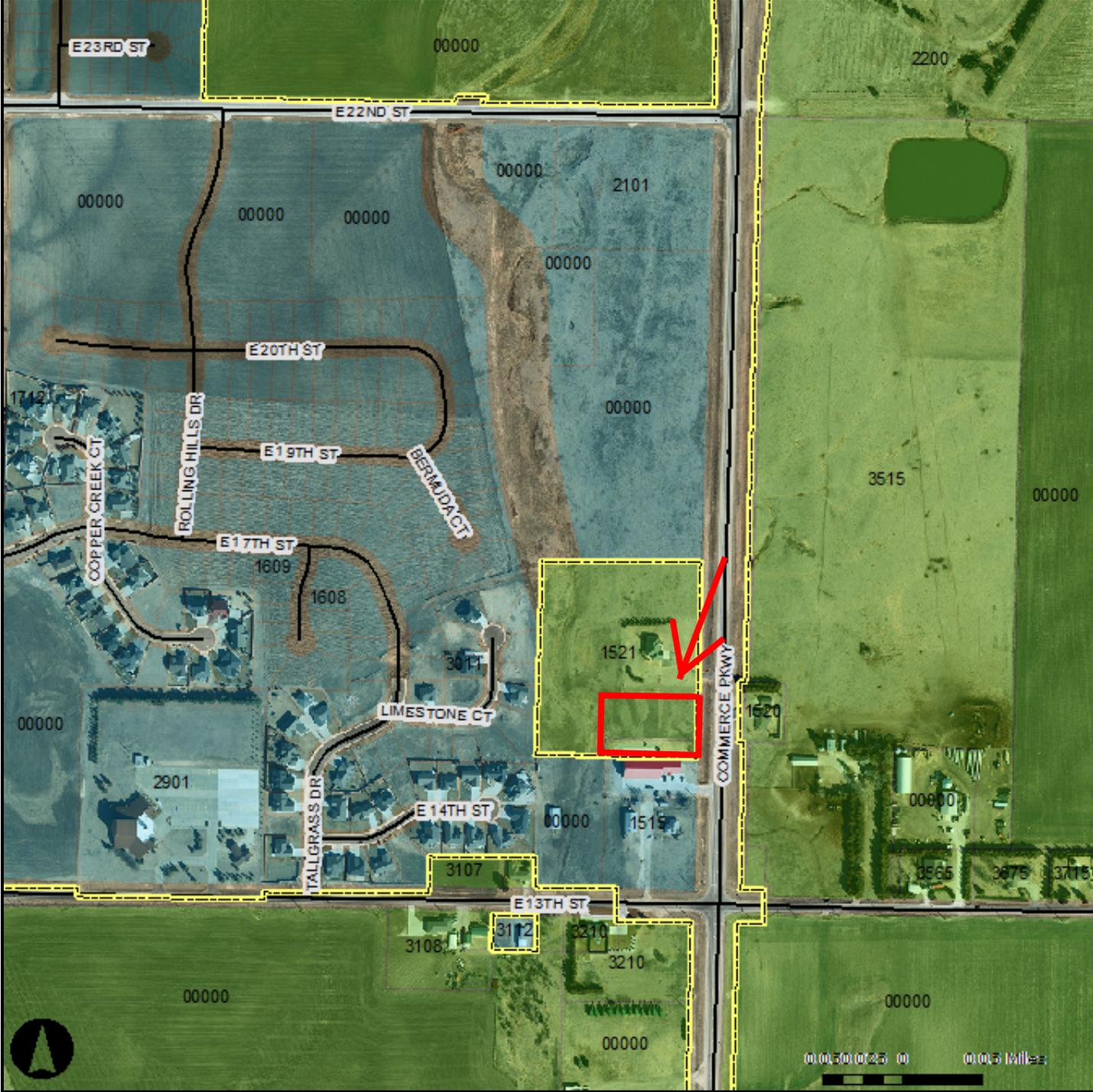
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**OFFICE USE ONLY:**

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





E23RD ST

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2200

E22ND ST

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2101

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E20TH ST

1712

E19TH ST

BERMUDA CT

COPPER CREEK CT

ROLLING HILLS DR

E17TH ST

1609

1608

3011

LIMESTONE CT

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2901

TALL GRASS DR

3107

3108

3112

3210

3210

3108

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E14TH ST

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1515

COMMERCIAL PKWY

1520

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3565

3675

3715



0 0.025 0.05 Miles



# 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:

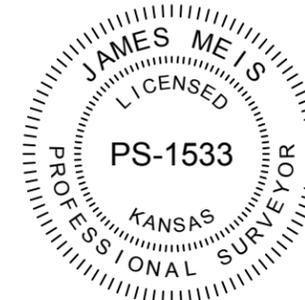
Commencing at the Southeast corner of Section 35, Township 13 South, Range 18 West; Thence on an assumed bearing of North 89 degrees 05 minutes 37 seconds West along the South line of the Southeast Quarter a distance of 75.46 feet; Thence North 01 degrees 28 minutes 31 seconds East parallel with the 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

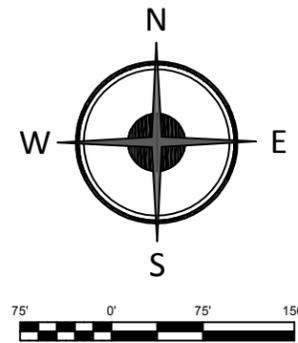
Terry and Kelly Schmidt  
1521 Commerce Parkway  
Hays, KS 67601

**DRIGGS DESIGN GROUP, PA**

Surveying Engineering Planning

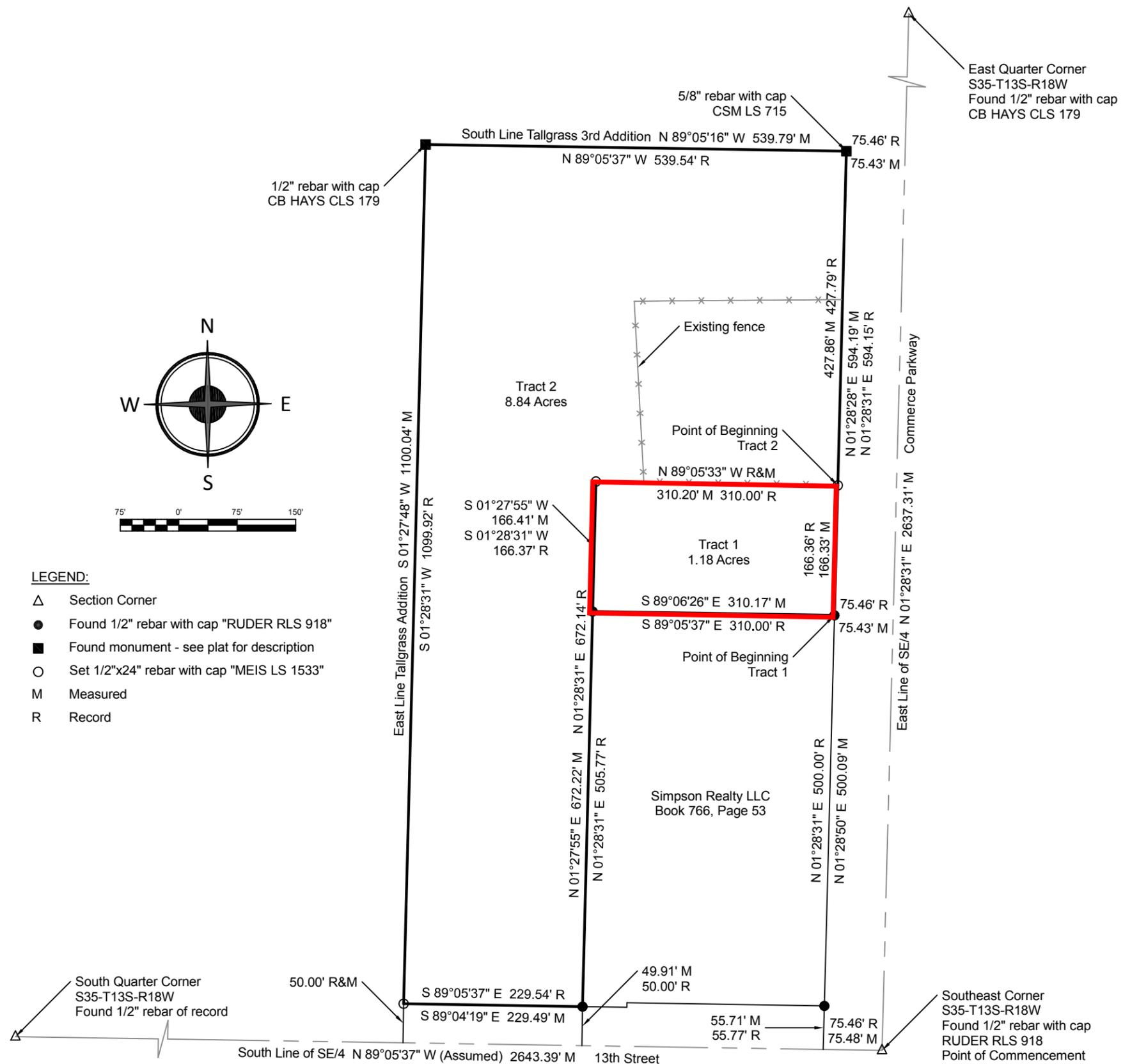
James Meis, PS 1533  
203 E 7th, Suite D, Hays, Kansas 67601  
jmeis@driggsdesign.com (785) 650-9864

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



**STAFF FINDING OF FACT**

1. CASE NO.: **15-04Z** FILING FEE PAID: **\$140.00**
  2. DATE FILED: **08/27/2015**
  3. DATE ADVERTISED FOR HEARING: **09/27/2015 and 09/28/2015**
  4. PUBLIC HEARING DATE: **10/19/2015**
  5. APPLICANT'S NAME: **Terry and Kelly Schmidt**
  6. LOCATION OF PROPERTY: **1517 Commerce Parkway**
  7. DESCRIPTION OF PROPERTY: **Tract in the SE/4 of Section 35-T13S-R18W of 6<sup>th</sup> p.m.**
  8. PRESENT USE OF PROPERTY: **Agriculture**
  9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"I-1"**
- 

1. CHARACTER OF THE NEIGHBORHOOD:  
DIRECTION  
  
NORTH: **Commercial (Bruckner's Trucks and Sales) and Agriculture (with residence)**  
  
SOUTH: **Business Park District – Industrial Business**  
  
EAST: **Agriculture**  
  
WEST: **Residential and Agriculture**
2. THE ZONING OF SURROUNDING PROPERTY:  
DIRECTION  
  
NORTH: **"A-L" Agriculture**  
  
SOUTH: **"B-P" Business Park District**  
  
EAST: **"A-L" Agriculture**  
  
WEST: **"A-L" Agriculture**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: This zoning is compatible to the adjacent "B-P" Business Park zoning district. The reason for the "I-1" recommendation is due to the pending rewrite of the zoning and subdivision regulations where the "B-P" designation will be absorbed into the "I-1" zoning district. This area is designated as a Business Park per the Comprehensive Plan and Future Land Use Map as the Commerce Parkway area is intended for business/commercial/industrial development.
4. DEDICATION OR RESERVATION NEEDED FOR:
  1. DRAINAGE: **Existing**
  2. STREETS: **Existing**
  3. UTILITY EASEMENTS:
    - a. ELECTRICITY: **Existing**
    - b. GAS: **Existing**
    - c. SEWERS: **Existing**
    - d. WATER: **Existing**
  4. SHOULD PLATTING BE REQUIRED: **N/A**
  - A. TRAFFIC CONDITIONS:
    1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Arterial**
    2. RIGHT-OF-WAY WIDTH: **70' ROW**
    3. SIGHT DISTANCE: **OK**
    4. TURNING MOVEMENTS: **OK**
    5. COMMENTS ON TRAFFIC: **Local/Business/Pass-through traffic**
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 will still keep the area compatible with the surrounding areas, the future plans for the area, and allow for a broader range of uses along Commerce Parkway.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Changing the zoning classification from "A-L" Agriculture Zoning District "I-1" Light Industrial should not detrimentally affect nearby properties as the area is intended for commercial/industrial development.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **The property has been used for grazing farm animals. The property has always been in its current zoning status.**
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 is designated as "Business Park" on the Future Land Use Map and Comprehensive Plan. Per the pending rewrite of the zoning regulations this will be "absorbed" into the "I-1" Light Industrial Zoning District. A zoning designation of "Business Park" would also allow for the intended uses on the property.

The request for the "I-1" Light Industrial Zoning District classification does blend with the overall scheme of the surrounding properties and does meet the intent of the Comprehensive Plan.

**Based on these considerations, Staff does recommend the change of zoning from "A-L" Agriculture to "I-1" Light Industrial Zoning Classification.**

**This is a list of property owners within 1,000 feet of the subject property that were sent a copy of the Publication Notice.**

026-181-02-0-10-01-002.01-0	3210 E 13th St	Clayton & Sharon	Befort	1177 Commerce Parkway	Hays	KS	67601
026-181-02-0-10-01-002.00-0	3210 E 13th St	Clayton	Befort	1177 Commerce Parkway	Hays	KS	67601
026-181-02-0-10-01-003.00-0	O E 13th St	Philanco LLC		P O Box 206	Hays	KS	67601
026-181-01-0-00-00-002.00-0	O Victoria Rd	Al F Pfeifer Trust		2012 Victoria Rd	Hays	KS	67601
026-181-02-0-10-01-005.00-0	3110 E 13th St	Tom W & Lisa J	Wiesner	3108 E 13th St	Hays	KS	67601
026-181-02-0-10-01-006.00-0	3108 E 13th St	Thomas W & Lisa J	Wiesner	3108 E 13th St	Hays	KS	67601
026-181-02-0-10-01-008.00-0	O E 13th St	Philanco LLC		P O Box 206	Hays	KS	67601
026-137-35-0-40-01-003.00-0	3225 E 13th St	Leslie S & Christa	Kinderknecht	3225 E 13th St	Hays	KS	67601
026-137-35-0-40-01-004.00-0	3107 E 13th St	Thomas W & Lisa	Wiesner	3108 E 13th St	Hays	KS	67601
026-137-36-0-00-00-007.00-0	3675 E 13th St	Robert Alan and Constance Louise	Grant	3675 E 13th St	Hays	KS	67601
026-137-36-0-00-00-006.00-0	3565 E 13th St	Jody B Hoffman Liv Trust		3565 E 13th St	Hays	KS	67601
026-137-36-0-00-00-005.00-0	3435 E 13th St	City of Hays		P O Box 490	Hays	KS	67601
026-137-36-0-00-00-004.03-0	O E 13th St	William Dale	Hoffman	3565 E 13th St	Hays	KS	67601
026-137-35-0-40-01-002.03-0		Simpson Realty LLC		P O Box 1733	Hays	KS	67601
026-137-36-0-00-00-004.01-0	1520 Commerce Parkway	Curtis J & Kaye M	Hoffman	1520 Commerce Parkway	Hays	KS	67601
026-137-35-0-40-01-002.00-0	1521 Commerce Parkway	Terrance S & Kelly A	Schmidt	1521 Commerce Parkway	Hays	KS	67601
026-137-36-0-00-00-004.00-0	3515 E 13th St	Curt J	Hoffman	1520 Commerce Parkway	Hays	KS	67601
026-137-36-0-00-00-004.00-0	3515 E 13th St	Curt J	Hoffman	1520 Commerce Parkway	Hays	KS	67601
026-181-02-0-10-01-008.01-0	O Commerce Parkway	Clayton Befort Trust		1177 Commerce Parkway	Hays	KS	67601
026-137-36-0-00-00-004.04-0	O E 13th St	Robert G	Hoffman	3715 E 13th St	Hays	KS	67601
026-137-35-0-40-04-002.00-0	1521 Commerce Parkway	Terrance S & Kelly A	Schmidt	1521 Commerce Parkway	Hays	KS	67601
026-137-35-0-40-01-002.02-0	O E 13th St	Terrance S & Kelly A	Schmidt	1521 Commerce Parkway	Hays	KS	67601
026-137-35-0-40-01-002.01-0	1515 Commerce Parkway	Simpson Realty LLC		1515 Commerce Parkway	Hays	KS	67601
026-137-35-0-40-01-002.01-0	3335 E 13th St	Simpson Realty LLC		1515 Commerce Parkway	Hays	KS	67601
026-137-35-0-40-01-002.03-0	1515 Commerce Parkway	Simpson Realty LLC		1515 Commerce Parkway	Hays	KS	67601

(First published in The Hays Daily News, September 27, 2015)

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

TO WHOM IT MAY CONCERN  
AND TO ALL PERSONS  
INTERESTED:

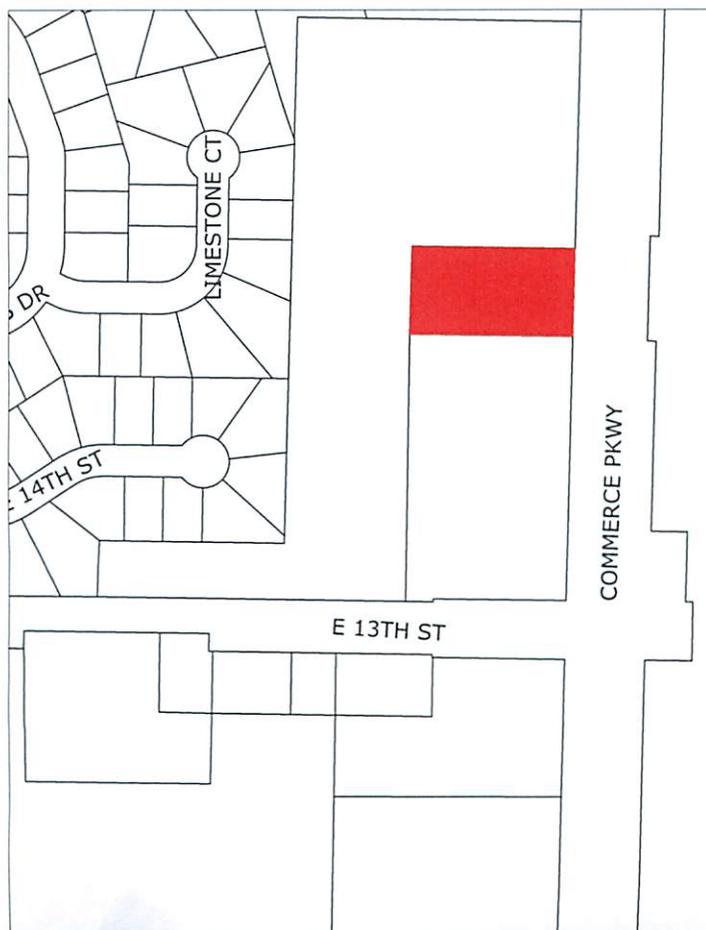
NOTICE IS HEREBY GIVEN that on October 19, 2015, the Hays Area Planning Commission, in City Hall at 1507 Main Street, Hays, Kansas, at 6:30 p.m., will consider the following zoning change from "A-L" Agriculture to "I-1" Light Industrial Zoning District on the following real estate:

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 more generally known as 1517 Commerce Parkway. Said tract contains 1.18 acres more or less.

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.

(Last published in The Hays Daily News, September 28, 2015)



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## Planning Commission Action Report

AGENDA ITEM: Rezoning Request – Blue Sky Acres

OWNER: Mary Alice Unrein

TYPE OF REVIEW: Rezoning from A-L (Agricultural District) to R-S (Residential Suburban District)

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

PREPARED DATE: October 14, 2015

AGENDA DATE: October 19, 2015

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

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). Do to the concerns mentioned below, **staff cannot favorably recommend this zoning request to go forward as a favorable decision to the City Commission.**

### **BACKGROUND:**

- Residential development on this site and other similar sites within the 3-mile area designated as “AP” is discouraged by the Comprehensive Plan and the draft zoning regulations. *(See Agricultural Production (AP) section on page 91 of the 2012 Comprehensive Plan)*
- The property abuts 7 lots of existing Residential Suburban (R-S) zoning *(zoned and platted in 1977)*

### **POINTS TO CONSIDER:**

Following is some information about the property to better help guide in the decision to consider a change of 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 all 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.
- **The Comprehensive Plan states this area:**
  - Should be generally used for agriculture
  - Extension of urban services is unlikely
  - Extremely low residential densities (below one unit per 20 acres) may be permitted
  - Should remain as open space or agriculture – urban encroachment should be discouraged

## OPTIONS:

- Recommend to the City Commission **Denial** of the rezoning request as submitted
- Recommend approval of the rezoning request
- Table the request if additional information is required to make an informed decision

## RECOMMENDATION:

Due to these and other possible concerns, including the fact that a favorable recommendation to approve the zoning as requested would be contrary to the Comprehensive Plan, **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.

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

Case No. 15-05Z

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

Date Filed 09-17-2015

Publication Notice 27th and 28th of Sept 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,  
September 22, 2015, TOGETHER WITH THE APPROPRIATE FEE OF  
\$ 200.00.

Sunda Bjorkman, Administrative Assistant  
NAME AND TITLE

Receipt # 612007



Proposed New Area

Existing  
Development

1039

1037

1035

1033

1031

1029

1027

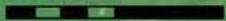
250TH AVE

HWY 183

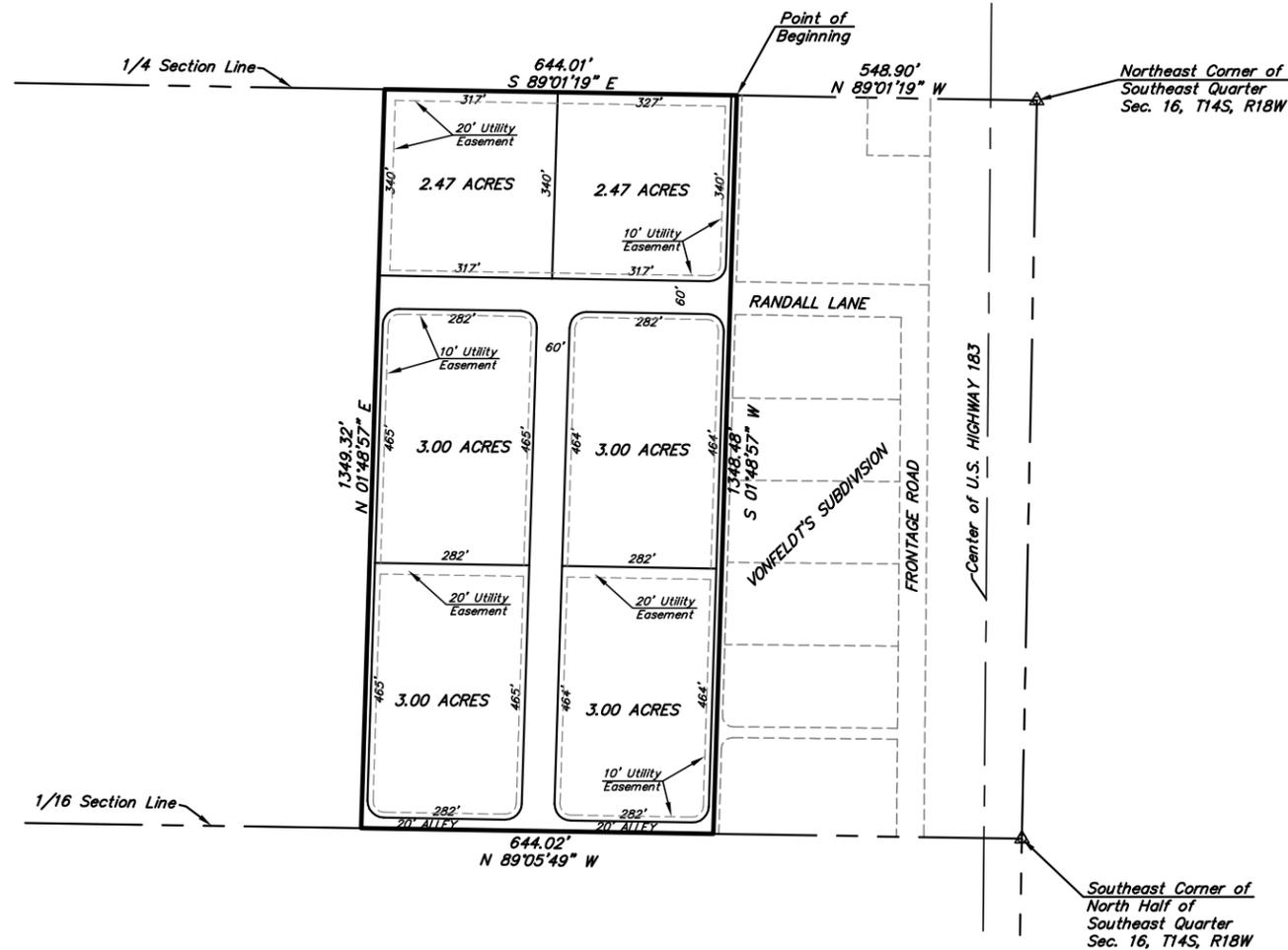
1653B



0.04 0.02 0 0.04 Miles



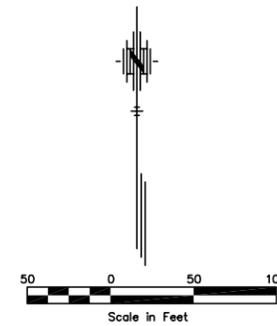
# PRELIMINARY PLAT OF UNREIN'S ADDITION TO ELLIS COUNTY, KANSAS



**DESCRIPTION**

That part of the North Half of the Southeast Quarter of Section 16, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the northeast corner of said North Half of the Southeast Quarter; thence on an assumed bearing of North 89 degrees 01 minutes 19 seconds West, along the north line of said North Half of the Southeast Quarter, a distance of 548.90 feet to the point of beginning of the land to be described, said point also being the northwest corner of Vonfeldt's Subdivision to Ellis County, Kansas; thence South 01 degrees 48 minutes 57 seconds West, along the west line of said Vonfeldt's Subdivision, a distance of 1,348.48 feet to the southwest corner of said Vonfeldt's Subdivision, said point being on the south line of said North Half of the Southeast Quarter; thence North 89 degrees 05 minutes 49 seconds West, along said south line, a distance of 644.02 feet; thence North 01 degrees 48 minutes 57 seconds East a distance of 1,349.32 feet to a point on the north line of said North Half of the Southeast Quarter; thence South 89 degrees 01 minutes 19 seconds West, along said north line, a distance of 644.01 feet to the point of beginning.



**OWNER and SUBDIVIDER:**

Mary Alice Unrein

**APPROVALS:**

This plat has been submitted to and approved by the Hays Area Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

**LEGEND**

△ Section Corner

**SURVEYOR'S CERTIFICATE:**

I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder

\_\_\_\_\_  
Date



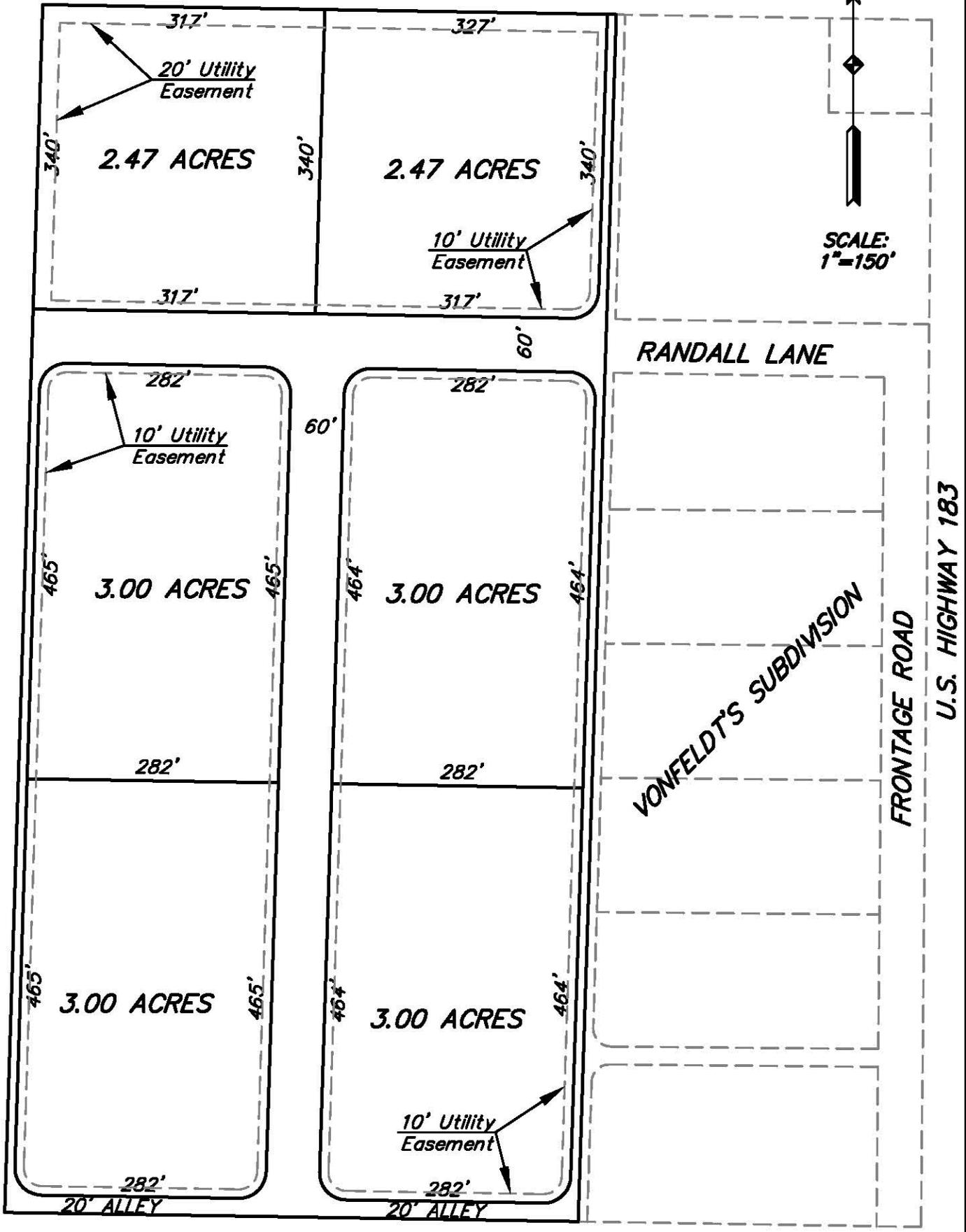
**RUDER ENGINEERING  
& SURVEYING, LLC**  
1376 Butterfield Trail Rd.  
Hays, Kansas 67601  
785-259-1382

# PROPOSED UNREIN PLAT

N



SCALE:  
1"=150'



**RUDER ENGINEERING  
& SURVEYING, LLC**

1376 Butterfield Trail Rd.  
Hays, Kansas 67601  
785-259-1382

**STAFF FINDING OF FACT**

1. CASE NO.: **15-05Z** FILING FEE PAID: **\$200.00**
  2. DATE FILED: **09/17/2015**
  3. DATE ADVERTISED FOR HEARING: **09/27/2015 and 09/28/2015**
  4. PUBLIC HEARING DATE: **10/19/2015**
  5. APPLICANT'S NAME: **MARY ALICE UNREIN**
  6. LOCATION OF PROPERTY: **South U.S. 183/250<sup>th</sup> Ave west of Von Feldt's Addition**
  7. DESCRIPTION OF PROPERTY: **Tract in the N/2 of SE/4 of Section 16-T14S-R18W (currently farm ground)**
  8. PRESENT USE OF PROPERTY: **Agriculture**
  9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"R-S"**
- 

1. CHARACTER OF THE NEIGHBORHOOD:  
DIRECTION  
  
NORTH: **Agriculture**  
  
SOUTH: **Agriculture**  
  
EAST: **Suburban Residential (7 lots)**  
  
WEST: **Agriculture**
2. THE ZONING OF SURROUNDING PROPERTY:  
DIRECTION  
  
NORTH: **"A-L" Agriculture**  
  
SOUTH: **"A-L" Agriculture**  
  
EAST: **"R-S" Residential Suburban**  
  
WEST: **"A-L" Agriculture**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: The property abuts an existing residential suburban area to the east surrounded by agriculture properties in all other directions. The subject property, as well as surrounding properties, is designated as "Agriculture" on the Future Land Use Map and Comprehensive Plan. Residential development is discouraged in areas denoted as "Agricultural Production" in the Comprehensive Plan.
4. DEDICATION OR RESERVATION NEEDED FOR:
  1. DRAINAGE: **Yes**
  2. STREETS: **Yes**
  3. UTILITY EASEMENTS:
    - a. ELECTRICITY: **Yes**
    - b. GAS: **Yes**
    - c. SEWERS: **Yes**
    - d. WATER: **Yes**
  4. SHOULD PLATTING BE REQUIRED: **Platting is in process**

A. TRAFFIC CONDITIONS:

  1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Local/State Highway**
  2. RIGHT-OF-WAY WIDTH: **60' ROW**
  3. SIGHT DISTANCE: **OK**
  4. TURNING MOVEMENTS: **OK**
  5. COMMENTS ON TRAFFIC: **Local/Highway**
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **The existing zoning (Agriculture) is very suitable for the subject property. Other zoning districts and development is discouraged.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Changing the zoning classification from "A-L" Agriculture Zoning District "R-S" Residential Suburban could impact existing residential development and also could impact existing agricultural properties as Ag land preservation is undermined.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **The property has been used for agricultural production or natural land preservation for as far back as records are available.**
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: **There is no known gain to the public health, safety, or welfare that will occur if this property is developed as a residential use. There is also no**

foreseen hardship on the subject property landowner if the property were to remain as agriculture.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The subject property is surrounded by agriculture uses except to the east is the “R-S” Residential Suburban Zoning District. The Comprehensive Plan designates this area as agriculture.**

The request for the “R-S” Residential Suburban zoning classification is contrary to that of the Comprehensive Plan.

**The Comprehensive Plan states this area:**

- Should be generally used for agriculture
- Extension of urban services is unlikely
- Extremely low residential densities (below one unit per 20 acres) may be permitted
- Should remain as open space or agriculture – urban encroachment should be discouraged

**Based on these considerations, Staff does not recommend the change of zoning from “A-L” Agriculture to “R-S” Residential Suburban Zoning Classification.**

This is a list of property owners within 1,000 feet of the subject property that were sent a copy of the Publication Notice.

15-05Z							
Parcel	Parcel Address	First Name	Last Name	Mailing Address	City	State	Zip
026-185-16-0-00-00-012.00-0	O Mount Pleasant Rd	Mary Alice	Unrein	414 E 21st St	Hays	KS	67601
026-185-16-0-00-00-008.00-0	1027 250th Ave	James & Veronica	Hartman	1027 250th Ave	Hays	KS	67601
026-185-16-0-00-00-002.00-0	1039 250th Ave	Bryan M & Amy	Church	1039 250th Ave	Hays	KS	67601
026-185-16-0-00-00-003.00-0	1037 250th Ave	Terry & Sylvia	Krannawitter	1037 250th Ave	Hays	KS	67601
026-185-16-0-00-00-004.00-0	1035 250th Ave	Harold R & Patricia Ann	Legleiter	1035 250th Ave	Hays	KS	67601
026-185-15-0-00-00-001.00-0	0 250th Ave	Kansas State University		Waters Hall	Manhattan	KS	66506
026-185-16-0-00-00-001.00-0	0 240th Ave	Kansas State University		Waters Hall	Manhattan	KS	66506
026-185-16-0-00-00-009.00-0	0 250th Ave	Mary Alice	Unrein	414 E 21st St	Hays	KS	67601
026-185-16-0-00-00-005.00-0	1033 250th Ave	Kevin W & Korinna K	Parker	1033 250th Ave	Hays	KS	67601
026-185-16-0-00-00-006.00-0	1031 250th Ave	Arthur F & Rebecca A	Herzog	1031 250th Ave	Hays	KS	67601
026-185-16-0-00-00-007.00-0	1029 250th Ave	B L S Trust		1029 250th Ave	Hays	KS	67601
026-185-15-0-00-00-003.00-0	1653B Mount Please Rd	Binder Trust		1653B Mount Pleasant Rd	Hays	KS	67601
026-185-15-0-00-00-003.00-0	1617 Mount Pleasant Rd	Rick J & Gayla A	Binder	1617 Mount Pleasant Rd	Hays	KS	67601
026-185-15-0-00-00-003.01-0	1625 Pleasant Rd	Rodney A	Rippe	1625 Mount Pleasand Rd	Hays	KS	67601

(First published in The Hays Daily News, September 27, 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 October 19, 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 "A-L" Agriculture to "R-S" Residential Suburban on the following real estate:

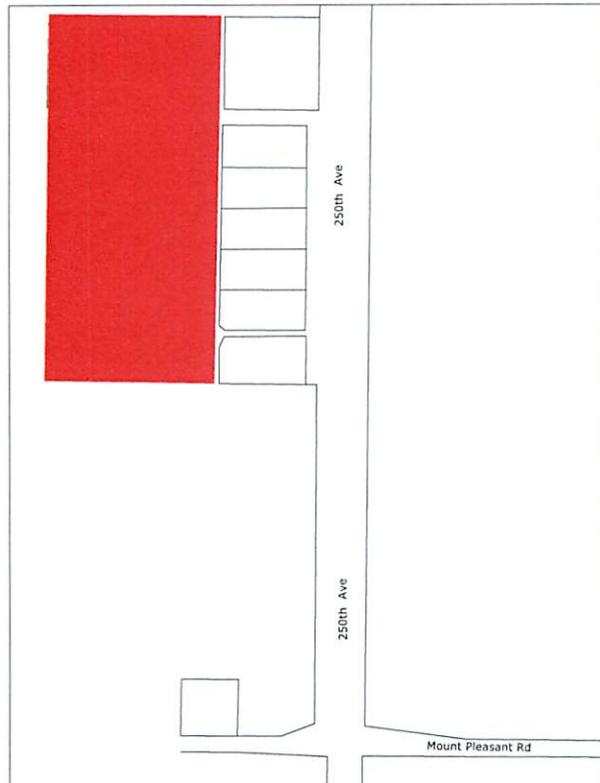
That part of the North Half of the Southeast Quarter of Section 16, Township 14 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas described as follows:

Commencing at the northeast corner of said North Half of the Southeast Quarter thence on an assumed bearing of North 89 degrees 01 minutes 19 seconds West, along the north line of said North Half of the Southeast Quarter, a distance of 548.90 feet to the point of beginning of the land to be described, said point also being the northwest corner of Vonfeldt's Subdivision to Ellis

County, Kansas; thence South 01 degrees 48 minutes 57 seconds West, along the west line of said Vonfeldt's Subdivision, a distance of 1,348.48 feet to the southwest corner of said Vonfeldt's Subdivision, said point being on the south line of said North Half of the Southeast Quarter; thence North 89 degrees 05 minutes 49 seconds West, along said south line, a distance of 644.02 feet; thence North 01 degrees 48 minutes 57 seconds East a distance of 1,349.32 feet to a point on the north line of said North Half of the Southeast Quarter; thence South 89 degrees 01 minutes 19 seconds West along said north line, a distance of 644.01 feet to the point of beginning.

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.

(Last published in The Hays Daily News, September 28, 2015)



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## Planning Commission Action Report

AGENDA ITEM: Consider the Preliminary Plat of Blue Sky Acres Addition  
OWNER: Mary Alice Unrein  
TYPE OF REVIEW: Preliminary Plat – Blue Sky Acres Addition  
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent  
DATE PREPARED: October 14, 2015  
AGENDA DATE: October 19, 2015

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

The subject property, known as the proposed Blue Sky Acres Addition, is under consideration for preliminary plat approval. This is for the property located approximately 2 miles south of Hays along US Highway 183. The plat includes 6 lots ranging from 2.5 to 3 acres per lot and right-of-way dedication. **Staff does not recommend approving the plat as submitted due to the concerns noted below.**

### **BACKGROUND:**

- Residential development on this site and other similar sites within the 3-mile area designated as “AP” is discouraged by the Comprehensive Plan and the draft zoning regulations. *(See Agricultural Production (AP) section on page 91 of the 2012 Comprehensive Plan)*
- The property abuts 7 lots of existing Residential Suburban (R-S) zoning *(zoned and platted in 1977)*

### **POINTS TO CONSIDER:**

Many concerns have been raised about this possible development. Although the development is adjacent to existing residential development (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 all 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 with an HOA required to provide for the maintenance and snow removal. 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.
- The roads as platted do not contain adequate turn-around areas for vehicular traffic.
- 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.
- 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.
- **The Comprehensive Plan states this area:**
  - Should be generally used for agriculture
  - Extension of urban services is unlikely
  - Extremely low residential densities (below one unit per 20 acres) may be permitted
  - Should remain as open space or agriculture – urban encroachment should be discouraged

## 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:

Due to these and other possible concerns, including the fact that a favorable recommendation to approve the plat as requested would be contrary to the Comprehensive Plan, **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.

## ATTACHMENTS:

- Final Plat Map
- Area Maps
- Plat Checklist

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

Case No. 15-04P  
Date Filed 09-11-2015

**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

Name of Subdivision Unrein's Addition Blue Sky Acres  
General Location 2 miles south of Hays on Hwy 183 - West side  
SE 1/4 of Sec 16, T14S, R18W  
Name of Applicant Mary Alice Unrein  
Address 414 E. 21st., Hays Phone 785-625-4522  
Name of Agent \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Surveyor or Engineer Ruder Engineering & Surveying, LLC  
Address 1376 Butterfield Trail Rd. Phone 785-259-1302  
Hays

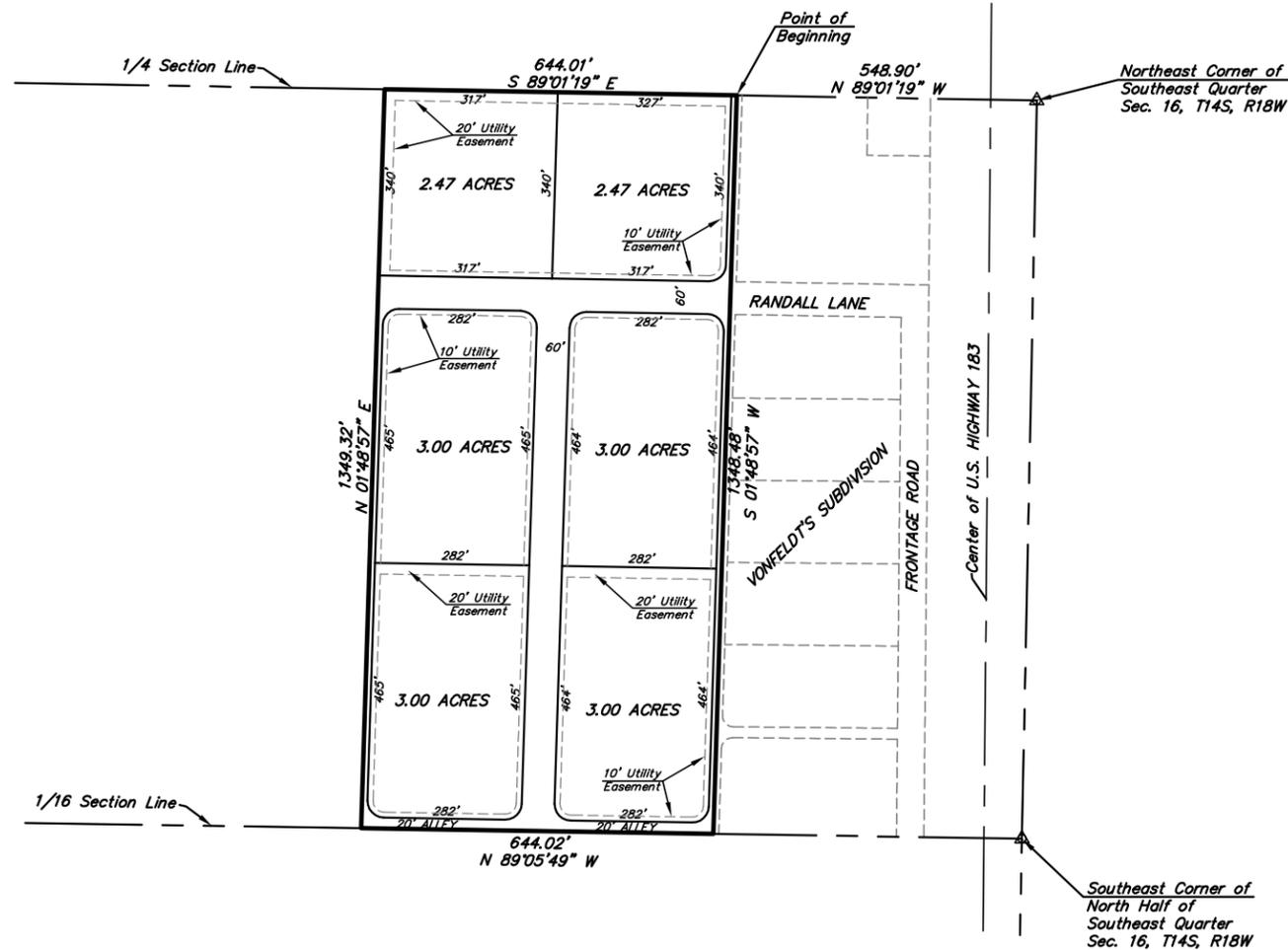
**SUBDIVISION INFORMATION:**

1. Gross Acreage of Plat: 19.94
2. Number of Lots:
  - a. Residential 6
  - b. Commercial \_\_\_\_\_
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_Total Number of Lots 6
3. Minimum Lot Frontage: 317' feet
4. Minimum Lot Area: 2.47 Acres feet
5. Existing Zoning A-L
6. Proposed Zoning \_\_\_\_\_

West Side US 183/250th Ave west of Von Feldt's Add



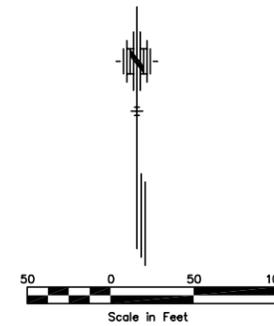
# PRELIMINARY PLAT OF UNREIN'S ADDITION TO ELLIS COUNTY, KANSAS



**DESCRIPTION**

That part of the North Half of the Southeast Quarter of Section 16, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the northeast corner of said North Half of the Southeast Quarter; thence on an assumed bearing of North 89 degrees 01 minutes 19 seconds West, along the north line of said North Half of the Southeast Quarter, a distance of 548.90 feet to the point of beginning of the land to be described, said point also being the northwest corner of Vonfeldt's Subdivision to Ellis County, Kansas; thence South 01 degrees 48 minutes 57 seconds West, along the west line of said Vonfeldt's Subdivision, a distance of 1,348.48 feet to the southwest corner of said Vonfeldt's Subdivision, said point being on the south line of said North Half of the Southeast Quarter; thence North 89 degrees 05 minutes 49 seconds West, along said south line, a distance of 644.02 feet; thence North 01 degrees 48 minutes 57 seconds East a distance of 1,349.32 feet to a point on the north line of said North Half of the Southeast Quarter; thence South 89 degrees 01 minutes 19 seconds West, along said north line, a distance of 644.01 feet to the point of beginning.



**OWNER and SUBDIVIDER:**

Mary Alice Unrein

**APPROVALS:**

This plat has been submitted to and approved by the Hays Area Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

**LEGEND**

△ Section Corner

**SURVEYOR'S CERTIFICATE:**

I, Harvey Ruder, a Registered Land Surveyor in the State of Kansas, do hereby certify this Plat to be true and correct to the best of my knowledge.

Harvey Ruder

\_\_\_\_\_  
Date



**RUDER ENGINEERING  
& SURVEYING, LLC**

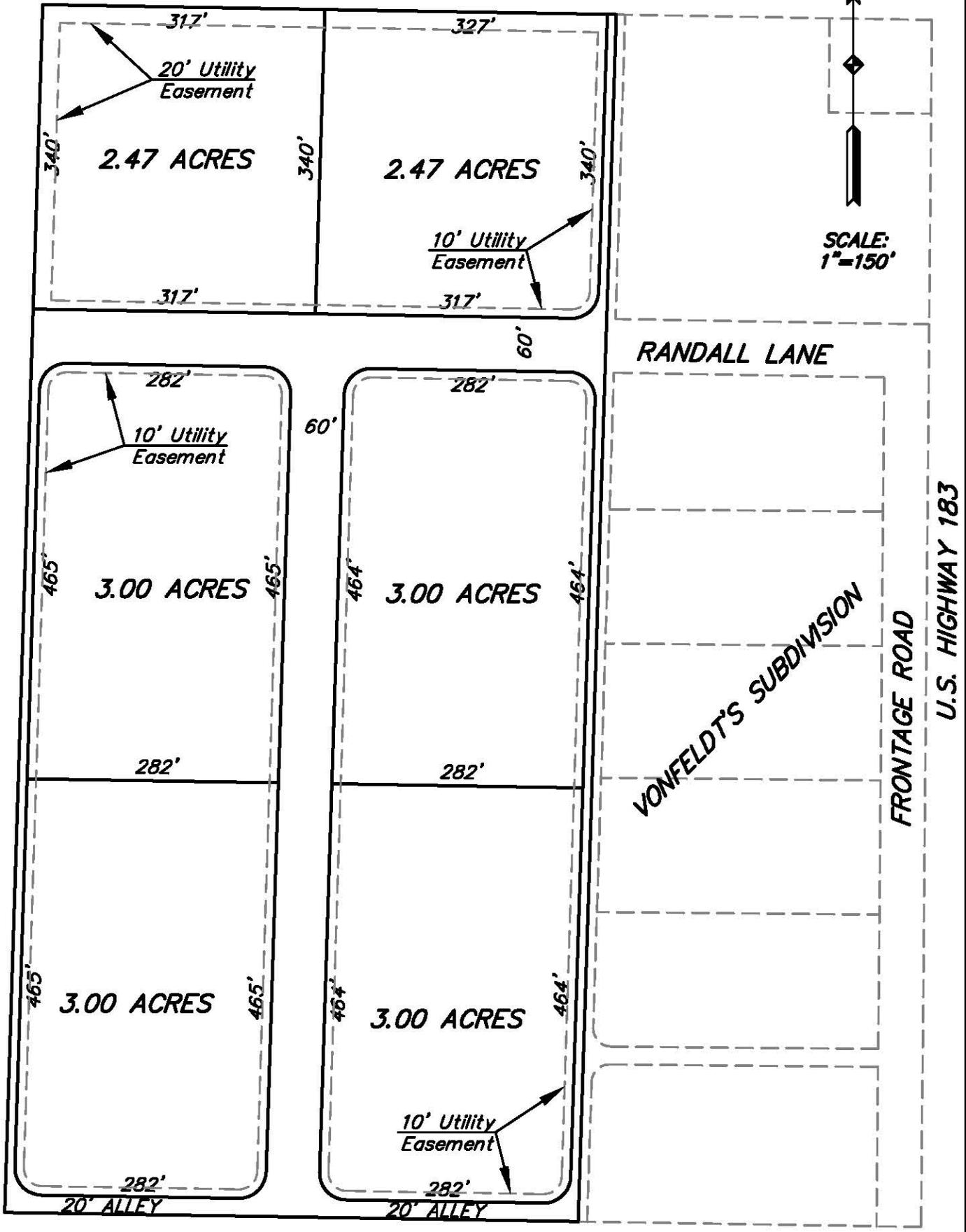
1376 Butterfield Trail Rd.  
Hays, Kansas 67601  
785-259-1382

# PROPOSED UNREIN PLAT

N



SCALE:  
1"=150'



**RUDER ENGINEERING  
& SURVEYING, LLC**

1376 Butterfield Trail Rd.  
Hays, Kansas 67601  
785-259-1382



arrangement of streets and lots and owners of adjacent parcels of unsubdivided land.		<b>X</b>
	<u>YES</u>	<u>NO</u>
11. Topography at contour intervals of not more than one (1) foot referred to U.S.G.S. or municipality datum and location of water courses, bridges, wooded areas, lakes, ravines and other significant physical features.		<b>X</b>
12. Arrangement of lots and their approximate sizes.	<b>X</b>	
13. Does plat conform to Master Street Circulation Plan?	<b>X</b>	
14. Location and width of proposed streets, alleys, pedestrian ways easements.	<b>X</b>	
15. General plan of sewage disposal, water supply and utilities, if public.		<b>X</b>
16. Notation of type of sewage disposal and water supply if non-public.	<b>N/A</b>	
17. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.	<b>N/A</b>	
B. Does the proposed use of land conform to the Comprehensive Plan?	<b>X</b>	
C. Is the proposed subdivision inside the City limits?		<b>X</b>
D. Preliminary Plat fee of <u>\$160.00</u> paid?	<b>X</b>	
E. Comments:		

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SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
<b>DEVELOPMENT POLICY INFRASTRUCTURE GUIDELINES FOR NEW DEVELOPMENT</b>	City Commission	June 10, 2004	November 24, 2015

POLICY STATEMENT:

The City of Hays encourages the orderly development of the City in a manner that promotes financial strength and resiliency. In order to ensure that developing areas of the City are provided with adequate streets, alleys, parks, utility easements, water, sewer, storm sewer systems and/or other franchised utility services, the following policies are necessary to guide City staff and developers in the development process. The policies contained herein are in addition to any state or federal regulations and are intended to complement the City's Subdivision Regulations, Code of Ordinances, KDOT Corridor Management Policy, and City of Hays Standard Details and Specifications for Public Works Construction Projects. Disputes between City staff and interested parties regarding applications and interpretation of these policies, after consideration by the City Manager, may be appealed to the Planning Commission for recommendation to the City Commission for final approval.

The following categories are outlined indicating developer responsibilities as well as those responsibilities assumed by the City of Hays. It is the City's desire to make this document as user friendly as possible.

Guidelines:

- 1) Sanitary Sewer Lines:
  - a. The developer will be required to pay for 100% of the costs for the installation of all sanitary sewer lines, manholes and appurtenances. At the discretion of the City Commission, the City may participate in the cost for installation of major sanitary sewer trunk lines.
  - b. If a developer anticipates the use of an existing major sanitary sewer trunk line for individual taps to serve a properly recorded plat, and the development will occur along both sides of the trunk line, the developer will be required to pay to the City cash for 100% of the cost of an equivalent eight (8) inch sewer main. If the development is only on one side of the trunk line, the developer will be responsible required to pay to the City cash for 50% of the cost of an equivalent eight (8) inch sewer main.

- c. All manholes and sanitary sewer lines shall be placed in existing or potential street right-of-way unless alleys are dedicated within the developing area, in which case the sewer lines may be placed in the alleys. At the discretion of the Director of Utilities, sewer lines may be placed in easements; however, all manholes shall be placed in street or alley right of way. The maximum distance between manholes shall be 600 feet. (See Section 13 for Backfill Requirements)
- d. When sewer lines are placed in the street or alley right-of-way, service laterals (taps) to service lots shall be installed prior to the final surfacing of the street or alley and shall extend a minimum of five (5) feet beyond all rights-of-way and/or franchise utility easements into the lots.
- e. Service laterals (risers) shall be installed to within ten (10) feet of the surface of the ground (See Section 13 for Backfill Requirements and the Service Lateral Detail in the Standard Details and Specifications for Public Works Construction Projects.)
- f. As a minimum, Sanitary Sewer Mains shall be 8" diameter, SDR 35 PVC solid wall gravity pipe in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects. The Director of Utilities shall review plans and specifications submitted by the developer, and make the final determination as to the location and sizing of sewer lines, and shall approve sanitary sewer line material, manholes and appurtenances.
- g. All sewer lines shall end at a manhole, or in certain instances, a cleanout upon approval from the City and KDHE.
- h. Sewer lines serving a development shall be extended to the far side of the development so that the improvement will be positioned for the next development to extend the service in an orderly progression, unless otherwise determined by the Director of Public Works and Director of Utilities that the extension is not warranted.
- i. Other requirements for the installation of sewer lines beyond those listed above will be specified by the Director of Utilities.

## 2) Water Lines

- a. The developer will be required to pay for 100% of the costs for the installation of all water lines, valves, hydrants, service lines, meters, and appurtenances. At the discretion of the City Commission, the City may participate in the cost for installation of major water distribution trunk lines.

- b. If a developer anticipates the use of an existing major water distribution main for individual taps to serve a properly recorded plat, and if the development will occur along both sides of the main, the developer will be required to pay to the City, in cash, 100% of the cost of an equivalent eight (8) inch water main. If the development is only on one side of the major transmission main, the developer will be required to pay to the City in cash 50% of the cost of an equivalent eight (8) inch water main.
- c. All water lines shall be placed in existing or potential street right-of-way. At the discretion of the Director of Utilities, water lines may be placed in easements. (See Section 13 for Backfill Requirements)
- d. The Director of Utilities shall make the final determination as to the location and sizing of water lines. By mutual agreement of the developer and the Director of Utilities, water service taps, meter setters, and service lines shall be installed in conjunction with street, storm sewer, sanitary sewer and water improvements. When installed, water service lines shall extend a minimum of five (5) feet beyond all rights-of-way and/or franchise utility easements into the lots.
- e. As a minimum, water mains shall be 8" diameter in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects. The Director of Utilities must approve all pipe materials and appurtenances. Water mains smaller than 8" diameter may be allowed in cul-de-sacs and other dead-end runs after the last fire hydrant when no potential for future expansion exists. Use of smaller mains will be approved or denied by the Director of Utilities in the development review process.
- f. Developers shall be required to loop water mains within a development, as specified by the Director of Utilities. Dead-end lines may be allowed if engineering study determines that minimum fire flow and water quality requirements are met. Dead-end water mains at the end of cul-de-sacs shall be looped to adjacent dead-end mains utilizing a minimum of 2" HDPE pipe unless an alternate is specified by the Director of Utilities.
- g. Water mains serving a development shall be extended to the far side of the development so that the improvement will be positioned for the next development to extend the service in an orderly progression, unless otherwise determined by the Director of Public Works and Director of Utilities that the extension is not warranted.
- h. Other requirements for the installation of water lines beyond those listed above will be specified by the Director of Utilities.

3) Alleys and Utility Easements:

## Alleys:

Where alleys are platted, all franchised or public utilities, with the exception of storm sewer and water lines, are to be installed in the alleys. As part of the development improvements, alleys designed and constructed to not convey stormwater shall be paved with 4" of compacted crushed rock/concrete or other approved material. Alleys designed or constructed as a means to convey stormwater shall be inverted and constructed of concrete with a minimum thickness of 7 inches. Grading plans and materials shall be approved by the Director of Public Works. For a typical 20' alley as required by the Subdivision Regulations, the improved surface shall be 16' in width. The developer may include his/her cost in the special assessment, if so created. Service laterals (taps) to service lots shall be installed prior to the final surfacing of the alley.

In subdivisions where alleys are not platted, all public utilities shall be placed in the street right-of-way and franchised utilities shall be placed in a 10' easement on each side of the street right-of-way. Service lines and crossings of franchised utilities shall be allowed in street right-of-way as required.

## Utility Easements:

Utility easements shall be provided where necessary. Easements along rear lot lines shall be twenty (20) feet in width and street light easements along side lot lines shall be ten (10) feet in width. Side lot easements, when needed for other than street lighting purposes, may exceed ten (10) feet. All easements shall be shown on the plat. Permanent easements shall not be obstructed by buildings or permanent, woody vegetation. No fences may be placed in storm drain easements. A property owner who erects fences and landscape on the easement does so at his or her own risk of loss.

## 4) Streets, Curb and Gutter and Sidewalks:

### Streets:

- a. The developer shall pay for 100% of street construction costs including curb and gutter, and ADA accessible ramps at intersections.
- b. The following street right-of-way requirements shall apply to all new development:

Residential streets -- 60 feet

Collector streets -- 70 feet

Industrial and Commercial (Business) streets -- 80 feet  
 Arterial streets -- 100 feet

c. The following minimum street pavement width requirements shall apply to all new development unless otherwise approved by the Planning Commission:

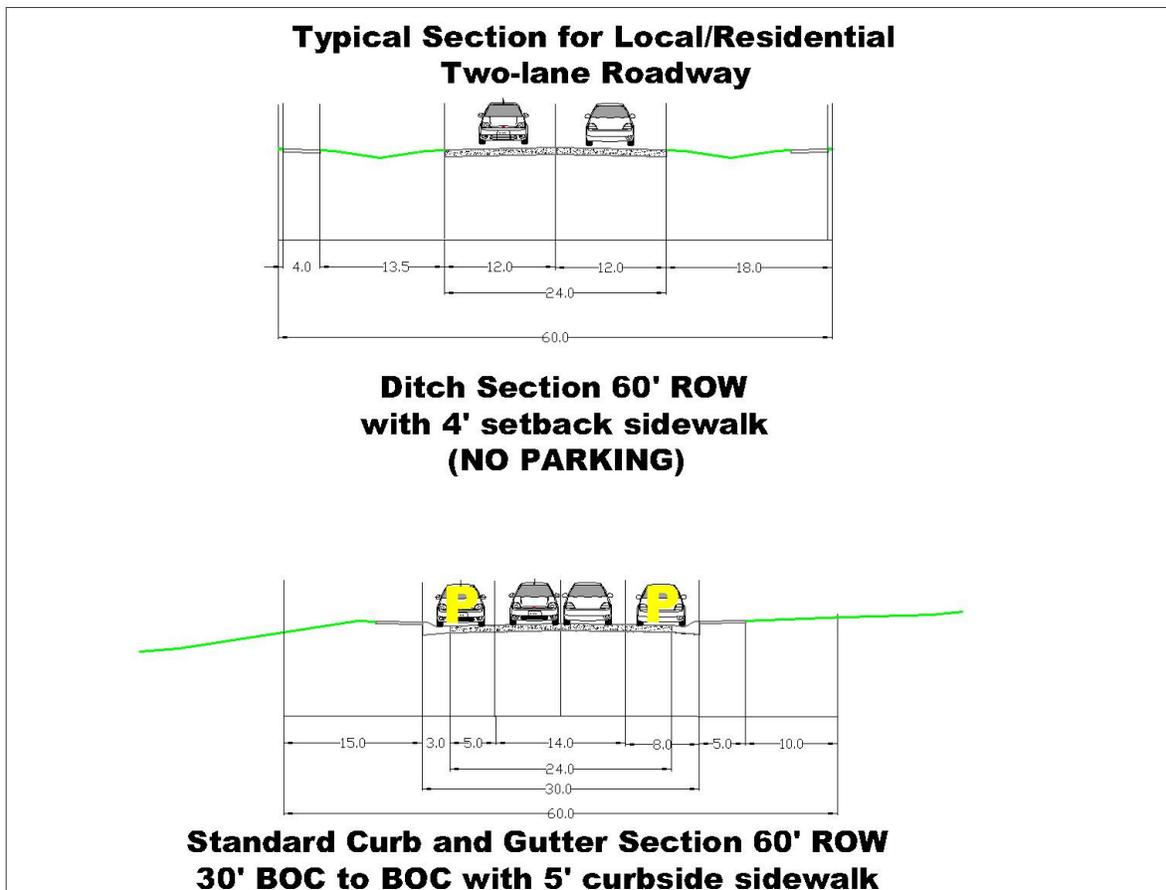
Residential (no curb & no parking) – two 12' lanes = 24'

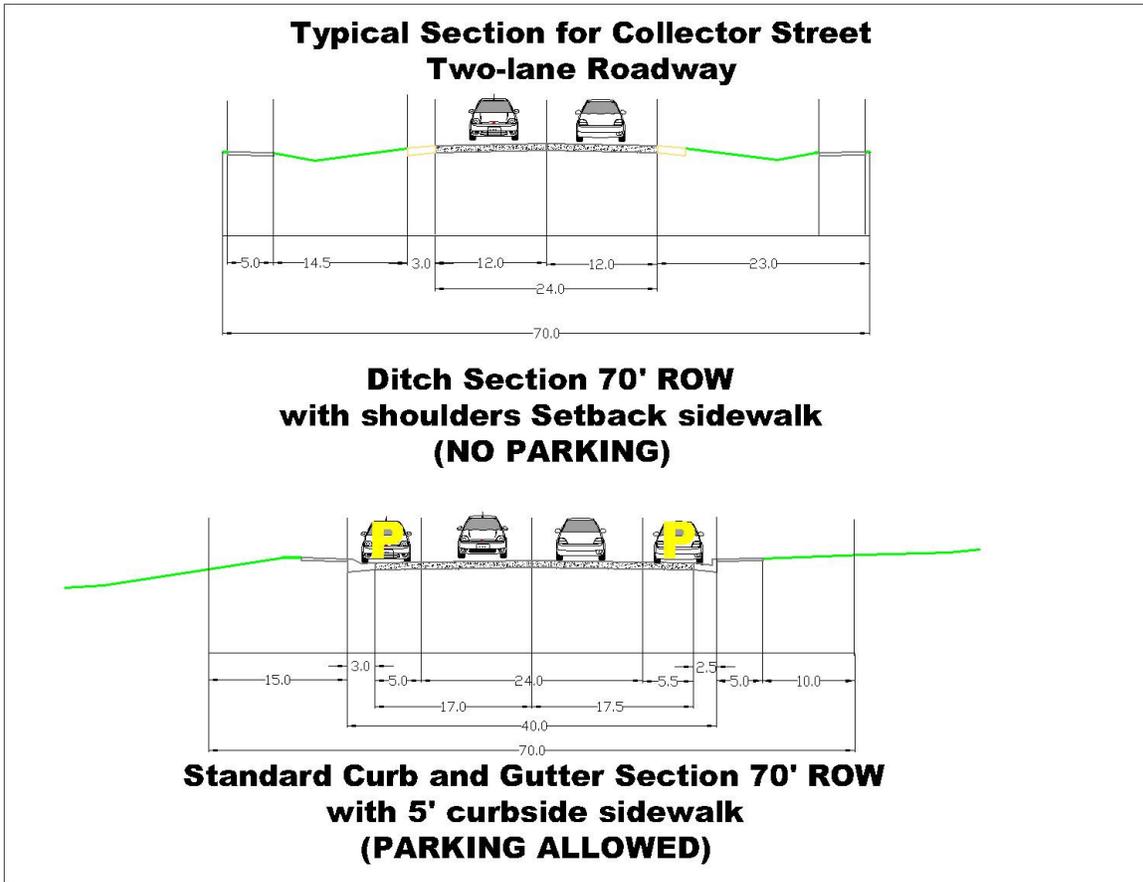
Residential (with curb & parking) - 30' BOC to BOC

Collector (no curb & no parking) – two 12' lanes = 24' (plus 3' minimum width gravel shoulders)

Collector (with curb and parking) – 40' BOC to BOC

Arterial Streets – Based on Engineering Study





- d. The City of Hays requires a Soils Investigation Report prior to any new street being designed. Based on the soils report, the engineer will design the street calling out the proper specifications for street construction materials. If soil stabilization is required, Kansas Department of Transportation (KDOT) standards will be used for approved stabilization materials. The developer is responsible for the cost of the Soils Investigation Report.

In lieu of a Soils Investigation and subsequent subgrade and pavement design, the Director of Public Works may approve the construction of streets to the following minimum specifications:

Residential – 6" non-reinforced concrete on 12" fly ash treated subgrade, OR 6" asphalt on 4" rock base with geogrid reinforcing fabric.

Collector/Industrial and Commercial (Business) – 8" non-reinforced doweled joint concrete on 12" stabilized subgrade, OR 8" asphalt on 4" rock base with geogrid reinforcing fabric.

## Arterial Streets – Per Pavement Design Analysis

- e. Construction specifications shall be in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects.
- f. Pavement markings where warranted shall be installed during initial construction and shall be paid for by the developer.
- g. Access Management shall be exercised with the goal of: 1) obtaining reasonable access to property while maintaining safe and efficient movement of traffic on arterial and collector streets, or 2) improving traffic flow by controlling/limiting access to arterial and collector streets. The Kansas Department of Transportation Corridor Management Policy as revised from time to time shall serve as the guide in determining access control requirements. At the discretion of the Director of Public Works, 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.

As a general rule, the following considerations shall apply:

- Access management principles should be applied.
- Direct access to arterial streets should be limited to intervals of 660 feet.
- Access should be gained to an arterial street from a public street.
- Access drives at major intersections (arterial-arterial, arterial-collector) should be located outside the influence of the intersection, generally 330 feet.
- Drives adjacent to arterials and collectors on local streets should be limited to intervals of 100 feet.
- Left turns should be planned for and accommodated in the design of the street.
- Arterial rights-of-way should ultimately accommodate the appropriate street section with traffic lanes and sidewalks on either side of the street. A right-of-way width of approximately 100 feet will accommodate a five-lane roadway with sidewalks.
- Direct access to collectors should be limited to intervals of 330 feet.
- Turning movements should be accommodated. A continuous turn lane (3-lane configuration) is an excellent technique that should be considered on arterials and collector streets.

- Collector rights-of-way should ultimately accommodate the appropriate street section with traffic lanes and sidewalks on both sides of the street.
- Parking setbacks along arterials and collectors will help to insure sight distance problems are not encountered.
- Offset Streets and drives shall be prohibited, unless approved by the Director of Public Works when warranted due to existing or unique environmental/topographical conditions.

Curb and Gutters:

- a. The developer shall be responsible for the construction of curb and gutters in new developments as part of the street construction. As an alternative to curb and gutter, vegetative water conveyance systems (ditches or swales) may be utilized if conditions allow for such design and approved by the Planning Commission.
- b. When curb and gutter is installed, for areas zoned industrial and commercial, and along arterial streets, standard barrier curbs shall be installed. In areas zoned residential, layback curbs shall be installed in accordance with the City of Hays Standard Detail and Specifications for Public Works Construction Projects.

Sidewalks:

- a. Sidewalks are required in all new developments unless a planned development with alternate means of multi-modal transportation is provided and approved by the Planning Commission. In residential areas, curbside sidewalks (at least 5-feet wide) shall be installed. Set-back sidewalks may be allowed where warranted with the approval of the Director of Public Works. In residential subdivisions, sidewalks shall be installed as houses are constructed within the development. Once at least 50% of the current phase of development is built upon, sidewalk construction on all remaining lots shall be completed within 36 months and shall be the full responsibility of the lot owner at that time.
- b. On arterial streets, collector streets, reverse access roads, and other streets where the driving lane is immediately adjacent to the curb (no on-street parking), curbside sidewalks shall be at least 6-feet in width or the sidewalk shall be set back from the curb.

5) Parks: (reserved)

6) Street Lights:

Street lighting within the City of Hays is operated and maintained by Midwest Energy. The City pays a monthly fee to Midwest Energy for each City Street Light operated and maintained by Midwest Energy.

Street lighting for vehicular and pedestrian traffic safety will be installed at intersections, around curves and in other hazard areas, as determined by the Director of Public Works, and will be paid for through the City Street Light lease agreement with Midwest Energy. The developer shall pay for any additional lighting. Street lighting approved by the City will be on wooden poles. Other types of poles (metal, decorative, etc.) may be installed at the developer's expense, with the approval of the Director of Public Works. The Director of Public Works must approve all street lighting plans and installations.

7) Storm Sewers/Storm Water Management:

- a. The intent of this section is to require developers to pay the cost of construction of storm water management improvements that are needed to accommodate storm water runoff generated by the area to be developed. The City prefers the use of overland storm water conveyance versus underground piping unless overland conveyance is proven infeasible.
- b. The developer must comply with storm water management requirements as set forth in the City's Storm Water Management Ordinance (Chapter 53 of the City Code of Ordinances).
- c. Storm water management plans shall be established in conjunction with the Platting and Subdivision process. The platting process shall include the dedication of drainage easements as required by the City's Subdivision Regulations. The developer shall submit a Storm Water Management Plan for the development to the Public Works Department for approval at the time of preliminary platting. The Storm Water Management Plan must be approved prior to any permits being issued. In the event the original property changes ownership, the current owner retains responsibility for storm water management.
- d. The Director of Public Works shall review plans and specifications submitted by the developer, and make the final determination regarding the proposed storm water management plan.

8) Fire Protection Requirements:

Fire Department Access

Roads for fire truck access, water mains and fire hydrants are to be installed and operational during construction as specified in the city fire code.

Buildings that are set back more than 150' from city streets are required to have private fire lanes as specified in the city fire code.

#### Water Supplies for Firefighting

All water mains and fire hydrants are to be installed as specified by the city fire code and in accordance with city utility requirements and shall be paid for by the developer. Two-way fire hydrants are not permitted. The spacing of fire hydrants is to be as specified in the Kansas Department of Health and Environment Minimum Design Standards and current adopted Fire Code, and as approved by the City of Hays Fire Chief.

Water mains and fire hydrants to be installed in the city rights-of-way shall become the responsibility of the city after proper inspection, testing and acceptance.

Private water mains and fire hydrants are to be installed to supply fire protection systems or to protect buildings where adequate public fire hydrants are not accessible as specified in the city fire code. Prior to providing water service from the public supply, private water mains are to be inspected and approved by the city. Future inspection, testing and maintenance of private water mains and fire hydrants are the responsibility of the property owner.

Fire Hydrants and other appurtenances shall be designed and constructed according to the City of Hays Standard Details and Specifications for Public Works Construction Projects.

#### 9) Utility Plans for Public Improvements

Prior to final approval of a plat for new development or replat of an existing subdivision, a general plan and preliminary cost estimate for street, storm water, sanitary sewage disposal, water supply, and other utility improvements to serve the subdivision shall be submitted to the Director of Public Works and Director of Utilities for review and approval. Along with the plan and cost estimate, and in lieu of Section 10 of this policy, the developer may prepare and submit a petition, signed by all property owners within the development, agreeing to participate in the cost of said future public improvements through the formation of a special benefit district, as authorized by K.S.A. 12-6a01 et seq., for the purpose of financing the construction of public streets, storm water management systems, sanitary sewer, water, and/or park improvements for the proposed development. The petition shall be properly recorded, and the property owners shall inform each and

every future purchaser that this petition is binding upon all owners and successors in interest.

10) Developer Agreement for Public Improvements

When improvements to public infrastructure are proposed without the establishment of a Special Benefit District, the developer shall submit a properly executed written agreement to undertake and complete, to the satisfaction of the City, all public improvements required. The Developer's Agreement for public improvements should include:

- the public improvements required,
- the name and address of engineer performing design and inspection work,
- include or incorporate by appropriate reference the plans and specifications for said improvements,
- detail any costs to be born by the City,
- identification of required permits, bid tabs, construction documents, material submittals and test results, construction observation and final inspection notes, as-built plans, and one-year warranty.
- set out the schedule and time limit for the completion of the work,
- the amount of bond or other acceptable surety to be posted as security for the satisfactory completion of the work, and
- the rights of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from developer or developer's sureties.

The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the Director of Public Works and the City Attorney. The developer's agreement shall be filed with the Ellis County Register of Deeds.

11) Special Assessment:

The City, at its discretion, will permit developers to finance improvements through special assessments in one of the following ways: NOTE: Engineering services to be a part of the special assessment costs associated with a project shall be performed by an engineer acceptable to the City.

OPTION 1

- a. The City will allow developers to use special assessments to finance 100% of the cost of construction of streets, curbs and gutters, park improvements, and the acquisition of property for public use through special assessments as provided by K.S.A. 12-6a01, et. seq. These special assessments shall be for a ten (10) year period.

- b. Developers will not be allowed to use special assessment Option #1 to finance the installation of water, sewer lines, storm water, or street lighting.
- c. No single developer can establish a special assessment district as herein provided while holding title to 25 or more unsold lots under an existing special assessment district unless approved by the City Commission.

## OPTION 2

- a. The City will allow developers to use special assessment to finance the installation of streets, curb and gutter, water lines, sanitary sewer lines, storm sewer lines, park improvements, and the acquisition of property for public use. Prior to award of bid for construction, the developer shall be required to pay to the City in cash, 30% of the total cost of the improvements. The remaining cost shall be assessed to the property owners through special assessments payable over a period not to exceed 20 years.
- b. No single developer can establish a special assessment district as herein provided while holding title to 25 or more unsold lots under an existing special assessment district unless approved by the City Commission.

## 12) Franchised Utilities:

### a. Electrical and Gas Utilities

1. All electrical distribution lines less than or equal to 34,500 volts, excepting substation tie lines, shall be installed below ground, according to utility company specifications, in developments with no alleys.
2. Developments with no alleys shall follow the guidelines presented in this section. An easement of 10 feet on each side of all streets, running parallel to the street, shall be required. Additional easements may be necessary for looping of electric and gas lines. Said easement shall be used for electric and gas installations and may also be used by telecommunications. A common trench may be used by the electric and gas utilities and may also be available for use by telecommunications. Electric and gas meters shall be installed at the house and on the same side of the house. The side of the house to be used shall be determined by the location of the utility equipment, (e.g., transformers, secondary pedestals, valve boxes, etc.). Contact the utility company for aid on providing for the utility equipment locations.

3. Developments with alleys shall follow the guidelines presented in this section. If the development utilizes overhead electric lines, certain easements may be necessary. Underground electrical service shall require minimum 10' by 10' easements being placed in some lots for transformer placement. In either case, the electric service to the house shall be installed underground. A common trench may be used for primary electric lines and gas mains in developments with underground utilities at the discretion of the utility provider. The trench may also be available for use by telecommunications and Cable TV. Easements 5 feet wide may be required occasionally to provide a route for street light conductors.

b. Telecommunications

1. All telecommunication distribution lines shall be installed below ground, according to utility company specifications, in developments with no alleys.
2. Developments with no alleys shall follow the guidelines presented in this section. An easement of 10 feet on each side of all streets, running parallel to the street, shall be required. Additional easements may be necessary for looping of utilities. Said easement shall be used for utility installation and may utilize a common trench for all utilities. Contact the utility companies for aid in providing for the utility equipment locations.
3. A common trench may be made available for use for all utility installation in developments with underground utilities. Service taps to the house may be installed in separate trenches.
4. Developments with alleys shall follow the guidelines presented in this section. Buried cables will be placed at the edge of the traveled way. Pedestals and poles will be placed at property lines.

c. Permanent Utility Easements

Permanent utility easements shall not be obstructed by buildings or permanent, woody vegetation. A property owner who erects fences and landscape on the easement does so at his or her own risk of loss.

13) Backfill Requirements for All Trenched Utility Lines, Water, Sewer, Gas, Electricity, Cable TV, Telecommunication, etc.

- a. When installing utility lines within the street or alley right-of-way:

1. Ninety-five (95%) compaction of backfill is required if tamped backfill is used.
  2. The contractor shall certify that 95% compaction has been achieved.
  3. Results of tests performed shall be submitted to the City of Hays Public Works Department, indicating that 95% compaction has been achieved.
- b. When installing utility lines that are not within the street or alley right-of-way but in an open field area, 90% compaction shall be achieved. No certification is required, but verification will be provided via engineering contract inspections or city inspector.
  - c. In instances where boring is performed in place of trenching to install utility lines, the backfilling requirements are not applicable except in the areas where excavation has taken place to construct boring and receiving pits.
  - d. If flowable fill is used for the entire depth, it shall be accepted in place of the 95% or 90% compaction requirements, respectively.
  - e. If settlement occurs, the City will not be responsible for repairs to private property, driveways, sidewalks, etc. Corrective action related to settlement on private property should be directed to the contractor hired to do the work. It is understood that, by the above requirements, the City has taken reasonable steps to safeguard the interests of both public and private improvements.

14) Annexation:

- a. The City of Hays recognizes that a prudent annexation policy will provide adequate land for the continued growth and balanced development of the City, maintain logical planning and governmental service units in accordance with the Comprehensive Plan, encourage quality development, integrate new growth into the existing urban fabric of the City, minimize negative fiscal impacts on existing residents, and equitably distribute the costs of local government services over the areas that enjoy the benefits of such services.
- b. Annexation shall be required prior to extension of City utility services to property outside the corporate limits. The development of all property annexed into the City shall be in compliance with the City's Development Policy and Infrastructure Guidelines, and requirements for dedication of right-of-way as provided in any applicable corridor and or transportation plans. In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of

land in the particular area of the City, it is the policy of the City that no application for special use permit, preliminary or final development plan or preliminary or final plat shall be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development.

c. The City may initiate annexation of areas that the Governing Body determines will promote the general welfare of the community. The City shall use annexation as a tool to join incorporated islands and eliminate unincorporated enclaves. The City shall avoid creating any new enclaves of County property within the City through new annexations. The City considers new enclaves to be areas that are surrounded completely by the City, other incorporated cities, and/or public parks. The City shall also avoid creating incorporated islands of City property surrounded completely by unincorporated property.

d. All annexations considered by the City shall be in conformance with the Comprehensive Plan, shall respect annexation agreements with other entities, and be in compliance with Kansas annexation statutes.

e. As a general policy, the City encourages landowner annexation petitions pursuant to K.S.A. 12-520 as the preferred method of annexation. The request must meet the applicable regulations contained within this policy prior to further consideration and approval by the City Commission. A request for connection to City water and/or sewer services requires an annexation petition to be filed with the City. The following shall be considered prior to the City accepting a petition to annex:

1. The City shall require, prior to the adoption of the annexation ordinance, that any costs associated with compensation to a Rural Water District, pursuant to K.S.A. 12-539, be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The requirement for property owner payment may be waived by the City in circumstances where the City is requesting annexation of the property to eliminate unincorporated enclaves of property.
2. In areas of the community where City boundaries nearly or completely surround unincorporated parcels, the City shall encourage property owners to consent to annexation. The City may initiate procedures to unilaterally annex these parcels. The policy intent of this requirement is to provide for generally uniform city boundaries, avoid confusion over service delivery due to irregular jurisdiction boundaries, and avoid unincorporated enclaves of property.
3. In reviewing annexation requests, the City shall encourage property owners to consent to the annexation of all portions of property under their ownership

which should logically be included within City boundaries. To this end, annexations should not create enclaves of partially or completely surrounded unincorporated property, nor create City boundaries with irregular shapes or dimensions.

f. The requesting property owner must file a Petition for Annexation, which allows the City to annex the property in accordance with State Statute. The Petition for Annexation must be approved by the City Commission through adoption of City Ordinance.

g. If the property under consideration for annexation is not part of an approved and properly recorded Subdivision Plat, the application must be accompanied by proof of survey completed by a land surveyor licensed by the State of Kansas and must contain the following information or documents:

1. Lot or tract dimensions and the relationship of the property to dedicated public right-of-way and the relationship of the property to two known Quarter Section Corners, provided further that if the property in question is adjacent to a Quarter Section Corner, a monument must be set in accordance with the current City standards as part of the survey.
2. Dimensions of all permanent structures located on the lot/tract and their relationship to property lines.
3. The location of all public or private easements existing on the lot or tract.
4. The relationship of the property to the recognized FEMA Flood Insurance Rate Map (FIRM) with the panel number and effective date of that panel.
5. Signature and registration number of the person completing the survey.
6. One (1) copy of the completed survey along with an electronic copy that is compatible with City software must accompany the application.

h. The requesting individual or business must agree to participate in any Benefit District which might be formed for the purpose of paving roads/street, and or extending public water mains or sanitary sewer lines to the property.

i. A non-refundable fee of \$200.00 shall be collected for the purpose of administrating each application for connection.

#### 15) Hike and Bike Trails -

The City is establishing a comprehensive bicycle and pedestrian system integrated with the city's street network to allow for easy movement of multi-modal transportation throughout the city. This can be realized through better coordina-

tion between land use and transportation, improving connectivity within the street network and developing multi-modal (or complete) streets that accommodate all forms of transportation while improving access to the city's features. Street design should include reasonable accommodations for non-motorized users.

For individual developments, this will require:

- a. Providing multimodal features that include sidewalks, multi-purpose trails, and bike lanes as appropriate to the street's design.
- b. Providing connections to the major street system, the existing trail/path system, and to adjoining developments along local streets, avoiding isolated enclaves.
- c. Provide adequate connections to recreation features, neighborhoods, and community destinations.
- d. Providing public access to trails and pathways through dedicated easements, particularly ones located at mid-block crossings and in cul-de-sacs.
- e. Preserving environmentally sensitive areas including drainage ways, green ways, and natural streams corridors, while providing access along and utilizing these features as extensions of the trail/path system.

#### 16) Project Acceptance and Final Closeout

- a. A set of approved plans shall be on file with the owner at all times. Before construction starts, all plans and specifications of the developer and his engineer shall have been approved by the owner to meet these minimum specifications. Any changes or revisions shall be accomplished with approval of the owner and copies of such changes or revisions furnished to the owner.
- b. As soon as practicable, after the completion of the entire work, it will be examined by the owner. The developer, contractor, and the engineer will be notified when the inspection will be made, and he, or his representative, shall be present. When the work is found satisfactory by the owner, it will be accepted as part of the public works of the city, and the contractor's year of guarantee shall begin.
- c. If the inspection reveals any defects, or if any defects show up within the year's guarantee, such defects shall be repaired and/or replaced as the owner may require. The cost of such repairs and replacements shall be borne by the contractor with no cost to the owner.

d. Prior to final acceptance of the improvements, as-built drawings, in both paper and electronic copy that is compatible with City computer software must be provided to the City.

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