

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
DECEMBER 15, 2014
6:30 P.M.

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

2. **CONSENT AGENDA.**

A. Minutes of the regular meeting of November 17, 2014.

Action: Consider approving the minutes of the November 17, 2014 meeting

3. **PUBLIC HEARING ITEMS.**

A. None

Action: None

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

A. Final Plat of Clubhouse Gardens II

Action: Consider a recommendation to the City Commission on the final plat of Clubhouse Gardens II Addition (reconsider the plat after changes were made)

B. Set a Public Hearing for Rezoning of Lots 7-20 in the proposed Z M M Development Addition from "R-1" Single-Family Dwelling District to "R-3" Two Family Dwelling District:

Action: Set the Public Hearing for rezoning of Lots 7-20 in the proposed Z M M Development Addition from "R-1" Single Family Dwelling District to "R-3" Two Family Dwelling District.

C. Update on the Zoning & Subdivision Regulations Rewrite

Action: None

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

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

B. Introduction to the concept of *STRONG TOWNS* – Assistant City Manager will give a brief presentation

C. Other

6. **ADJOURNMENT**

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
NOVEMBER 17, 2014
MINUTES
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met at their regularly scheduled meeting on Monday, November 17, 2014 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 Pam Rein Justin McClung
Travis Rickford Matthew Wheeler Kris Munsch

Absent: Paul Phillips Jake Glover

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

2. CONSENT AGENDA:

A. Minutes: Travis Rickford moved, Kris Munsch seconded the motion to approve the minutes from the October 20, 2014 meeting. There were no corrections or additions to those minutes.

Vote: AYES	Lou Caplan	Tom Denning	Pam Rein	Justin McClung
	Travis Rickford	Matthew Wheeler	Kris Munsch	

3. PUBLIC HEARING ITEMS:

A. None.

4. NON-PUBLIC HEARING ITEMS:

A. Urban Boundaries and functional Classification of Roadways: John Braun, Assistant Director of Public Works, presented a power point presentation to explain the federal requirements for non-state system roads on the National Highway System. The Kansas Department of Transportation recommended updating Federal Highway Administration Urban Area Boundaries and functional classification of roadways within the Federal-Aid highway system to functionally classify roads for federal funding based on the recent census in 2010.

The Hays Regional Airport area has been included within the preliminary boundaries.

One of the main reasons KDOT recommended that Hays change the functional classification is the Element Level Bridge Inspection that would be required on Principal Arterials; 8th, 13th, and 27th.

With the proposed changes, the only principle arterials would be Vine Street and US-183 Bypass.

The following proposed changes would be: (There was a list and visuals of these proposed changes).

- ❖ 8th, 13th, Hall and Canterbury St would be reduced from Principle Arterials to Minor Arterials
- ❖ Several Minor Arterials would be reduced to Major Collectors
- ❖ A few Major Collectors would be reduced to Minor Collectors
- ❖ The airport would be added to the Urban Area Boundary adjusted to match the 2010 census tracts for urban cluster

The trickle down of the hierarchical classification changes would keep the proper ratio of street types as per KDOT.

Many cities in the state are in the process of making these types of changes also.

Staff recommends that the Planning Commission support KDOT's proposed revisions to the Urban Boundary and Functional Classification map (known as map 21). He plans to take this before City Commission work session November 20, 2014, to the County Commission meeting in December and to the City Commission for final consideration on December 11, 2014.

He read a list of Pros and Cons for the updates requested by Travis Rickford at the October Planning Commission meeting as listed below:

The Pros:

- City can continue with the reconstruction without delays of 13th Street from Main to Milner without Federal Highway Administration oversight
- City will not be burdened with the Additional cost of Element Level bridge inspection on 8th , 13th, and 27th Street
- City will not have to use resources on reporting Highway Performance Monitoring which is not applicable to urban streets
- City is still eligible for the same level of State and Federal Transportation Program and grant funding when available.

The Cons:

- None

He addressed Tom Denning’s question from the last meeting why the classification for the roadway of 230th Avenue where it ties to Golf Course Road has not been upgraded since it is a paved roadway. KDOT said it does not have the traffic volume to warrant it to be classified on the functional classification map.

Lou Caplan entertained a motion.

Matthew Wheeler moved, Travis Rickford seconded the motion for the Planning Commission’s support of KDOT’s proposed revisions as presented to the Urban Boundary and Functional Classification map (known as map 21) and to add the Hays Regional Airport to the preliminary boundaries.

Vote: AYES	Lou Caplan	Tom Denning	Pam Rein	Justin McClung
	Travis Rickford	Matthew Wheeler	Kris Munsch	

Travis Rickford thanked John Braun for presenting the list of pros and cons he had requested at the last meeting.

B. Preliminary Plat and Final Plat of Z M M Development Addition (Replat of Block 4, Seven Hills Addition): Jesse Rohr presented a power point presentation for the preliminary and final plat of Z M M Development Addition.

He explained that the preliminary and final plat is coming before the commission at the same time. The preliminary plat has only to be approved by the Planning Commission. The final plat and acceptance of the right-of-way go before the Planning Commission for a recommendation to the City Commission.

The undeveloped property was formerly owned by USD 489. The preliminary plat reflects the city’s utilities and where it would be tied to the main line.

It is platted with a 20 foot alley and a standard 60 foot street right of way with one new street being an extension of 34th Street for a proposed 26 lots with rear alleys.

The area is identified as low to medium density. It is zoned “R-1” Single Family Dwelling District. The intent is for the construction of single family homes.

Pam Rein stated that she thought the city did not want alleys. Jesse Rohr answered that alleys are still allowed per the development policy. It is primarily the developer’s choice. In this case, the developer has a demand for lots with rear alleys. In addition to that, this is an infill of a block with a continuation of a street with existing water & sewer lines. They would have to tear up 35th Street if they changed the utilities from the alley to the street.

The developer would like to move forward with the engineering to start the infrastructure and hope to start the utility work in the winter and paving in the spring.

Travis Rickford asked if the costs to change the location of the water and sewer would be less over time than having to maintain an alley. Jesse Rohr answered that the cost would probably come out about the same. Lots with a rear alley are the driving force on this development.

Kris Munsch moved, Pam Rein seconded the motion to approve preliminary plat of Z M M Development Addition (Replat of Block 4, Seven Hills Addition).

Vote: AYES	Lou Caplan	Tom Denning	Pam Rein	Justin McClung
	Travis Rickford	Matthew Wheeler	Kris Munsch	

C. Final Plat of Z M M Development Addition (Replat of Block 4 Seven Hills Addition): Jesse Rohr presented a power point presentation for the preliminary and final plat of Z M M Development Addition. See previous agenda item tied to this agenda item.

Lou Caplan asked if there was any further discussion. He asked if there were any questions from the audience. There were none.

Lou Caplan entertained a motion.

Kris Munsch moved, Travis Rickford seconded the motion to approve the final plat of Z M M Development Addition (Replat of Block 4, Seven Hills Addition).

Vote: AYES	Lou Caplan	Tom Denning	Pam Rein	Justin McClung
	Travis Rickford	Matthew Wheeler	Kris Munsch	

D. Final Plat of Clubhouse Gardens II:

Jesse Rohr presented a power point presentation for the final plat of Clubhouse Gardens II.

This is a second phase to a continuation of a final plat. The preliminary and the first phase of the final plat were approved in 2009 and nearly built out. The development will continue in a similar layout.

This property is located west of Hall Street, north of what would be 33rd Street and south of Clubhouse Drive (private access easement that goes to Country Club).

The private street, Clubhouse Drive, is part of this development. It is platted and recorded as a 60 foot wide utility and access easement that is recorded that guarantees the Country Club and homeowners' access. There cannot be a public street access from a private street; thus the reason the plat contains private streets that will be dedicated and not maintained by the City. The private streets are

identified as Pine Valley Drive and Forest Dunes Drive. The private streets within the first phase of the final plat are Torrey Pines Drive and Turnberry Lane. The lots are platted to the center of the road. There is a Homeowners Association associated with this development.

There will be a 20 foot wide alley on the south half of the development.

Pam Rein asked about the maintenance and snow removal for the private roads. Jesse Rohr answered that this type of work would be part of the Homeowners Association.

Kris Munsch asked if the house would come down that is on the property. Jesse Rohr answered that the rental house would come down as construction becomes closer to that area.

Tom Denning asked if there are public utilities under the private road. He was concerned of expense to the city if they needed access to the utilities. John Braun answered that the utilities are on either side of the private road. The easement extended beyond the paved area.

Lou Caplan asked if they could ever come to the city to fix the roads. I.D Creech, Public Works Director, answered that per State Statute they could petition the city for the roads to be given to the city to have them improved.

Justin McClung asked if there had been any issues with other private roads. John Braun answered that this would be similar to Cottonwood Lane and Country Lane. Jesse Rohr added that it would be similar to the recent development between Harvest Road and Anthony Drive. There is a private road (Judith Drive) constructed with concrete.

Lou Caplan asked if the private roads would have to be built to city standards. Jesse Rohr answered that they are not always built to city standards. They need to be a minimum width and carry a certain load. The private roads do not have curb and gutter.

John Braun pointed out that the plat does not reflect access control along Hall Street. This would need to be contingent on approval of the plat.

Pam Rein asked if they think the city would do away with the option of having a "Private Road". Jesse Rohr answered that things may be done differently with the rewrite of the zoning regulations.

Lou Caplan asked if there was any further discussion.

He asked if there were any questions from the audience. Laura Sadeghi stated that she thought the contingency to the plat should be stated to "Exclude Access"

to Hall Street. Jesse Rohr explained that per the Kansas Department of Transportation language, that access control means restriction of access.

Lou Caplan entertained a motion.

Matthew Wheeler moved, Kris Munsch seconded the motion to approve the final plat of Clubhouse Gardens II contingent that the final plat is amended to include access control to Hall Street.

Vote: AYES	Lou Caplan	Tom Denning	Pam Rein	Justin McClung
	Travis Rickford	Matthew Wheeler	Kris Munsch	

E. Update on the Zoning & Subdivision Regulations Rewrite:

Jesse Rohr gave an update on the status of the Zoning and Subdivision Regulations Rewrite. The consultant has submitted module II, the heart of the regulations.

It will be reviewed by City Staff and then sent to the Planning Commission and posted on the city web site.

The consultant will provide an open door session and have a presentation of Module II at the Planning Commission on December 15, 2014.

The City Attorney has advised against the Planning Commission posting comments online regarding the rewrite because it could be a violation of the Open Meetings Act. He recommended that comments by the Planning Commission be submitted to City Staff or the consultant.

Pam Rein and Lou Caplan asked if the focus groups, real estate agents and builders would receive notification of the open door session and presentation. Lou Caplan wanted to be sure they were notified so the commission would not be told they did not let them know. Jesse Rohr answered that notification would be given to the focus groups, and all that have included their names on the list.

5. OFF AGENDA ITEMS/COMMUNICATIONS:

A. City Commission Action and Planning and Development updates on Planning Commission issues. Jesse Rohr presented the above updates:

The City Commission approved the Community Improvement District (CID) of 1% to be used to make improvements to the Hays Mall LLC.

B. Other – Press Briefing: A member of the audience, Laura Sadeghi, asked about the schedule and items to be discussed at the press briefings.

Jesse Rohr explained there were different topics of interest from the city commission agenda held on the first and third Tuesday of each month at 10:00 a.m. in Commission Chambers at City Hall.

C. Other – Doonan Truck and Sales Service. Pam Rein asked if there had been any further information about the proposed motel in the vicinity near Doonan Truck and Sales Service. Jesse Rohr answered that there has not been anything come forward.

6. ADJOURNMENT: Lou Caplan adjourned the meeting at 7:15 p.m.

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

DRAFT

Planning Commission Action Report

AGENDA ITEM: Final Plat of Clubhouse Gardens II Addition
OWNER: Paul & Wertenberger Investments
TYPE OF REVIEW: Final Plat – Clubhouse Gardens II Addition
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
DATE PREPARED: December 10, 2014
AGENDA DATE: December 15, 2014

SUMMARY AND RECOMMENDED ACTION:

The subject property, known as the proposed Clubhouse Gardens II Addition, is under consideration for the platting of the property. The property will be subdivided into 16 lots. This is a continuation of a plat first started in 2009. **Staff recommends approval of the final plat and a favorable recommendation to the City Commission.**

BACKGROUND:

- The plat of Clubhouse Gardens I was approved in 2009 and is nearly built out at this time
- This development contains private streets that will not be dedicated and will not be maintained by the City

POINTS TO CONSIDER:

- Staff feels the proposed layout and use of this property is the highest and best use for this property. The surrounding property primarily consists of single-family homes and a the Country Club golf course.
- The plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.
- The adopted comprehensive plan future land use map indicates this area to be low-density residential.
- Staff from the Public Works and Utilities Department has been apprised of this proposed development and agrees with the proposal. This plat was also taken before the Utility Advisory Committee with no issues noted. All

easements as required are in place for future placement of any required utilities.

- This is a continuation of an existing development and will complete the developable area for this property.
- As was done with the development of Clubhouse Gardens I Addition, sewer and water utilities will be constructed to City standards and will be accepted by the City who will then assume ownership and all future maintenance of those utilities.

RECOMMENDATION:

The continued in-fill of this property, as well as other properties similar to this one, should be encouraged. It allows for additional housing growth without expanding the boundaries of the City and annexing additional territory therefore reducing unwanted sprawl. Other than a few short extensions, City utilities are in place to serve the development. **Staff recommends approval of this plat for the continued development of this property.**

ATTACHMENTS:

- Final Plat Map
- Area Maps
- Plat Checklist
- Plat Application

Approved/Denied by Planning Commission _____
Approved/Denied by City/County Commission _____

Case No. 14-05 F
Date Filed 11-12-2014

APPLICATION FOR FINAL PLAT APPROVAL

Name of Subdivision Clubhouse Gardens II

General Location 33rd & Hall

Name of Applicant Paul & Wertenberger Investments

Address 1102 E. 8th Phone 625-8220

Name of Agent _____

Address _____ Phone _____

Name of Surveyor or Engineer Ruder Engineering & Surveying, LLC

Address 1376 Butterfield Trail Rd. Phone 785-259-1382
Hays, KS

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat: 4.331 Acres

2. Number of Lots:

a. Residential 16

b. Commercial _____

c. Industrial _____

d. Other _____

Total Number of Lots 16

3. Minimum Lot Frontage: 70 feet

4. Minimum Lot Area: 9984 feet

5. Existing Zoning AL

FINAL PLAT CHECK-LIST

NAME OF SUBDIVISION: **CLUBHOUSE GARDENS II** DATE: **11-12-2014**

NAME OF OWNER: **PAUL & WERTENBERGER INVESTMENTS, A PARTNERSHIP**

NAME OF SUBDIVIDER: **OWNER**

NAME OF PERSON WHO PREPARED THE PLAT: **RUDER ENGINEERING & SURVEYING, LLC**

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

Instructions:

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

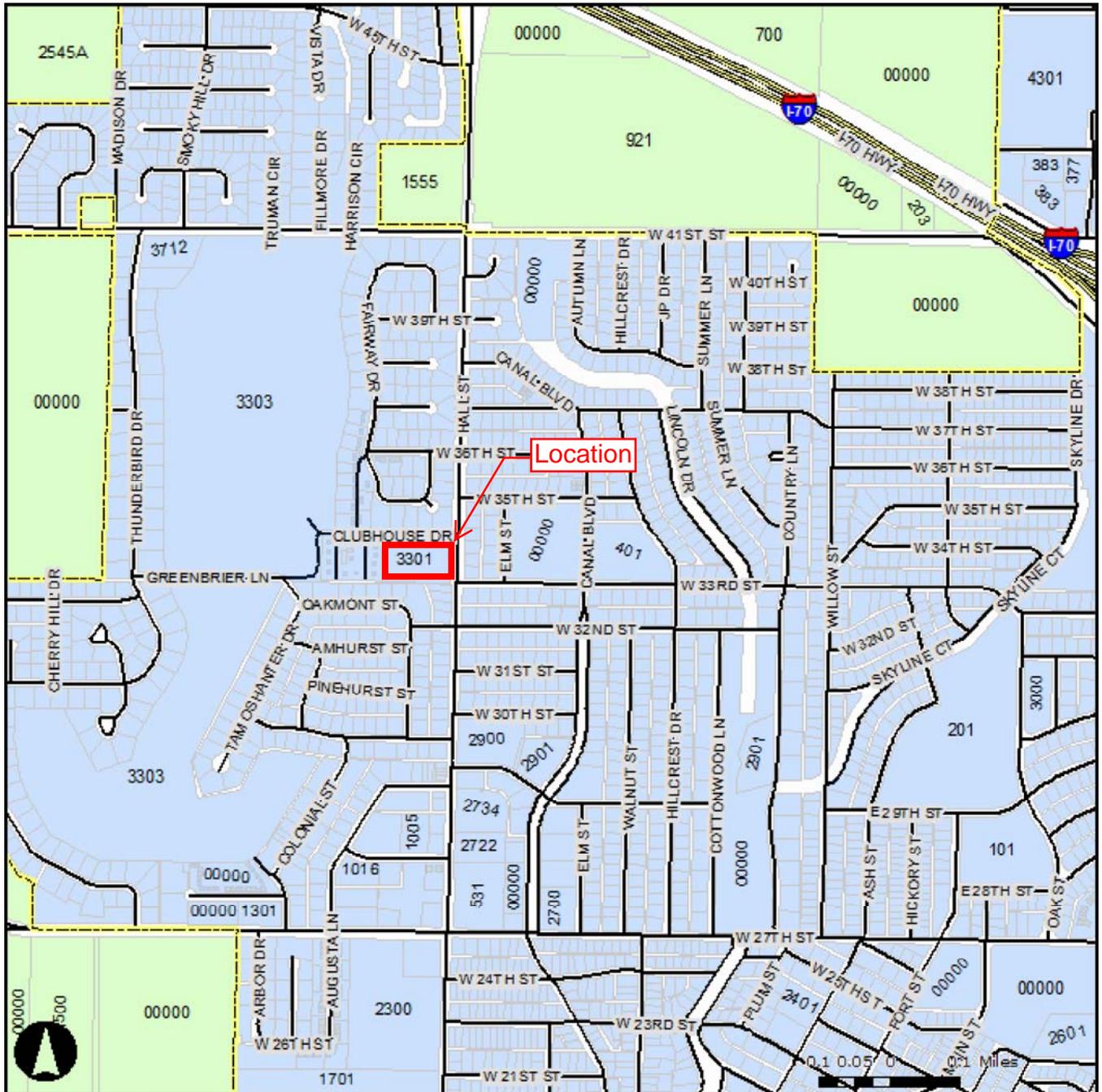
A. Does the Final Plat show the following information?

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

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

Comments:

Clubhouse Gardens II



Clubhouse Gardens II



Memo

DATE: 12-15-14
TO: Planning Commission
FROM: Jesse Rohr
RE: Rezoning Request - Lots 7 through 20, Z M M Addition – Background Summary

An application has been submitted to request a change of zoning from R-1 to R-3 for lots 7 through 20, Z M M Addition (See attached visuals).

Staff is requesting that the Planning Commission set a public hearing for the January 19, 2015 Planning Commission meeting to consider the rezoning request.

In addition to the rezoning request, this property is in the process of being platted. The plat was approved by the Planning Commission on November 17. If the rezoning is recommended, both the plat and the rezoning request will go before the Planning Commission at a later date.

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

- This is infill development and is encouraged by staff
- The property abuts existing multi-family zoning (R-4)
- Although the Comprehensive Plan identifies this immediate area as “Public” (was owned by the School District), the surrounding areas are denoted as “Low Density” and “Medium Density” residential, therefore this is a fitting request.

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

Approved/Denied by Planning Commission _____
Approved/Denied by City/County Commission _____

Case No. 14-04Z
Date Filed 12-8-2014

APPLICATION FOR CHANGE OF ZONING CLASSIFICATION

This is an application for change of zoning classification. The form must be completed and filed at the Planning, Inspection, Enforcement Division, in accordance with directions on the accompanying instruction sheet.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants (owner(s) and/or their agent or agents). All owners of all property requested to be rezoned must be listed in this form.

- A. Applicant/Owner ZMM LLC
Address 3102 ELDERADO LN Phone 785-650-7595
Agent JOHN CZECHER
Address 3102 ELDERADO LN. HAYS KS Phone 785-650-7595
- B. Applicant/Owner _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

(Use separate sheet if necessary for names of additional owners/ applicants.)

II. The applicant hereby requests a change of zoning from R-1 zoning district to R-3 zoning district for property legally described as Lot(s) 7 THRU 20 Block(s) N/A of the ZMM DEVELOPMENT Addition.

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

III. This property is located at (address) BLOCK 4 SEVEN HILLS.
The general location is (use appropriate section): ADDITION

A. At the N/W (NW, NE, SW or SE) corner of 33RD
(Street) and CANAL BLVD (Street) or,

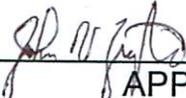
B. On the W (N, S, E, or W) side of CANAL BLVD (Ave. or Street) between 35th & 33RD (Ave. or Street).

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

*Do not include reference to proposed uses.

SINGLE FAMILY TO Two-Family Dwelling 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.



APPLICANT
John Ziegler

AUTHORIZED AGENT (IF ANY)

APPLICANT

AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, ENFORCEMENT DIVISION,
12-5, 2014, TOGETHER WITH THE APPROPRIATE FEE OF
\$ 140.00.

Sinda Bigemman, Administrative Assistant
NAME AND TITLE

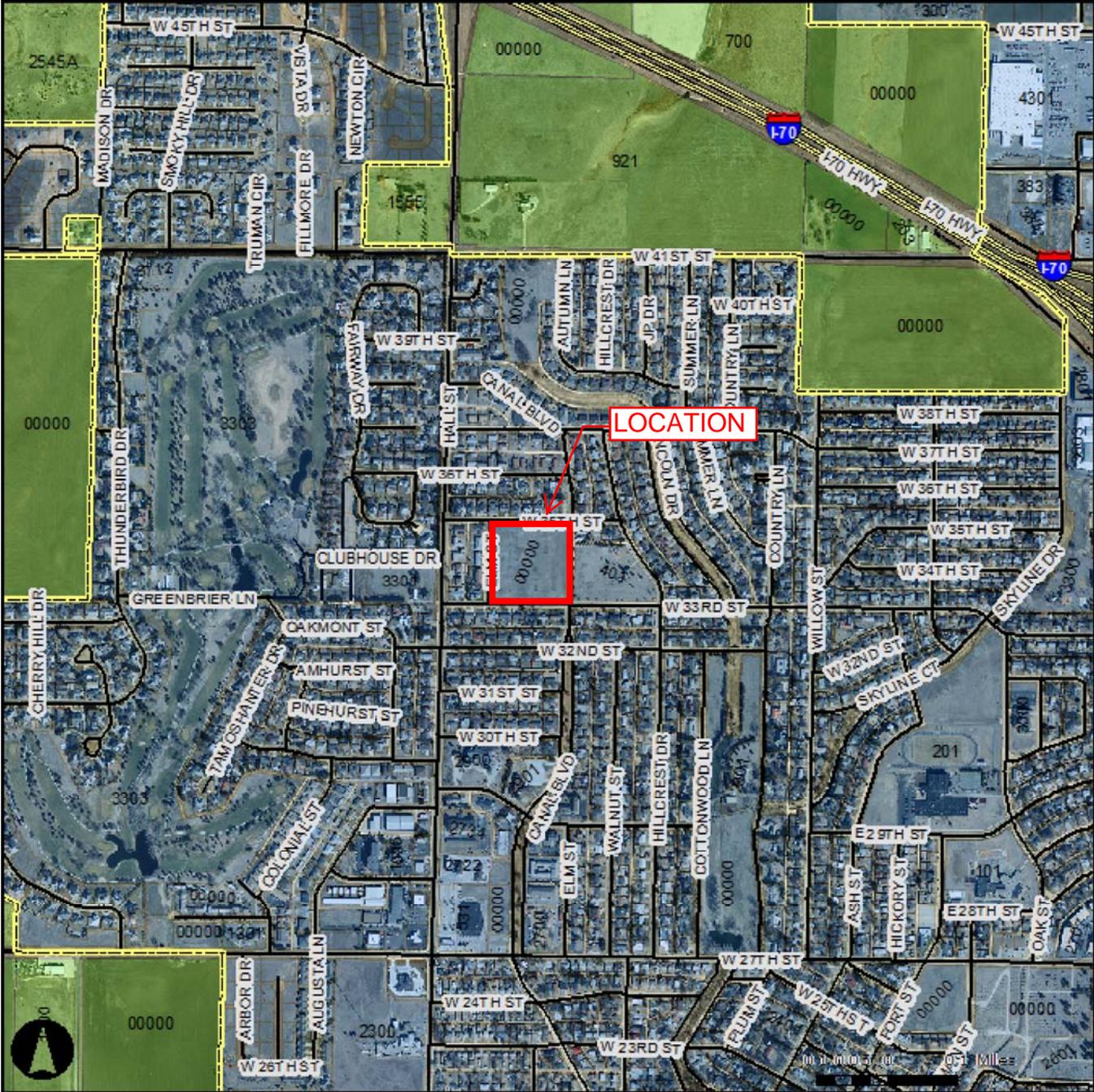
ZMM LLC DEVELOPMENT.

JOHN V. ZIEGHER
P.O. BOX 476
HAYS, KS
67601

VAUGHN A. McMURTRIE
3701 SUMMER LANE
HAYS, KS
67601

ALAN J. MOORE
3003 TAM O SHAFTER DR.
HAYS, KS
67601

ZMM Development

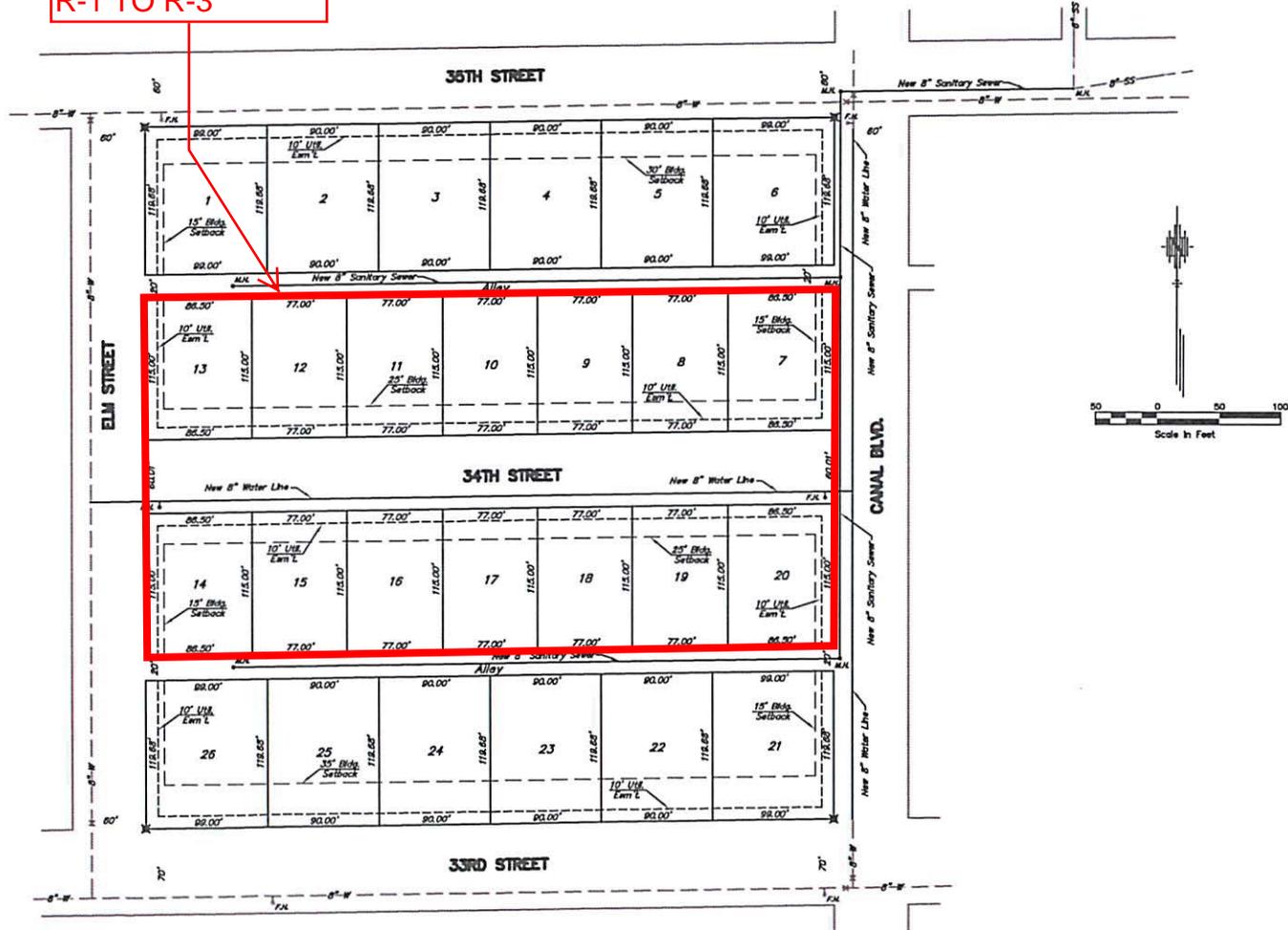


ZMM Development



PRELIMINARY PLAT OF
Z M M DEVELOPMENT ADDITION
 A REPLAT OF BLOCK 4 SEVEN HILLS ADDITION
 HAYS, KANSAS

AREA OF
 REZONING FROM
 R-1 TO R-3



DESCRIPTION

Block 4, of the Seven Hills Addition to the City of Hays, Ellis County, Kansas.

OWNER and SUBDIVIDER:

Z M M, LLC

APPROVALS:

This plat has been submitted to and approved by the Hays Area Planning Commission this _____ day of _____, 2014.

 CHAIRMAN

 SECRETARY

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
 1378 Butterfield Trail Rd
 Hays, Kansas 67601
 785-259-1302