

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

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

**2. CONSENT AGENDA.**

A. Minutes of the meeting of November 16, 2015

*Action: Consider approving the minutes of the November 16, 2015 meeting*

**3. PUBLIC HEARING ITEMS-NONE**

**NON-PUBLIC HEARING ITEMS.**

A. Reconsider 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: Reconsider a rezoning request sent back to the Planning Commission from the City Commission for 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.*

B. Update and Discussion of Zoning Regulations

*Action: None*

**4. OFF AGENDA ITEMS/COMMUNICATIONS.**

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

B. Upcoming training opportunities

**5. 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  
NOVEMBER 16, 2015  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met at the regularly scheduled meeting on Monday, November 16, 2015 at 6:25 p.m. in Commission Chambers at City Hall. Chairman Paul Phillips declared that a quorum was present and called the meeting to order.

**Roll Call:**

**Present** Paul Phillips  
Lou Caplan  
Tom Denning  
Justin McClung  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch

**Absent** Robert Readle

No Changes to the Agenda

City Staff in attendance: Gary Brown, Fire Chief, Ryan Hagans, Deputy Fire Chief, Greg Sund, Director of Public Works, John Braun, Assistant Director of Public Works, Jesse Rohr, Superintendent and Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

**2. CONSENT AGENDA:**

**A. Minutes:** Darrell Hamlin moved, Matthew Wheeler seconded the motion to approve the minutes from the October 19, 2015. There were no additions or corrections to those minutes.

**AYES:** Paul Phillips  
Lou Caplan  
Tom Denning  
Justin McClung  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch

**3. PRESENTATION BY FIRE CHIEF GARY BROWN:** Fire Chief Gary Brown introduced himself and Deputy Fire Chief Ryan Hagans and thanked the Commission for letting him come to speak to them. Gary Brown presented a power point presentation to point out the concerns of the impact that narrow streets (28' wide or less) and cul-de-sacs and on street parking on narrow streets have on the response time for fire rescue and medical emergencies. He explained that the presentation was not in opposition of narrow streets, but his goal is to make the Commission aware of the impact of narrow streets on fire department operations and ask them to consider incorporating some features into the narrow street design within the new zoning and subdivision regulations to facilitate the truck response.

He recommended no parking within 20 feet of the intersections and that the area be protected with some type of natural barrier such as an extended raised bulb-out constructed to a design so the fire truck can ride over the curb to make the turn on the narrow streets. They need a 28 foot turn radius. Excessive street parking can hinder the space needed to spread the 20 foot drop jacks to put the fire truck in service.

Street width, circulation and on street parking affects the ability of fire trucks to quickly reach a fire or medical emergency.

Residents have the expectation that the neighborhood streets provide adequate access for emergency vehicles and equipment, and the fire department wants to be sure they meet that expectation.

He explained that narrow streets have always been a reality of an issue for them to deal with. The modern construction and building contents cause fires that burn hotter and faster and collapse faster and increase the risk that the fire can spread easily to other structures. These fires require large amounts of water supplied by two or more fire hydrants.

He explained that it works best to have circulating streets because you can get access to more water. With subdivisions full of cul-de-sacs it basically cuts their effectiveness in half. They would rather see well connected street networks.

For cost effectiveness, the fire department combines multiple functions into fire trucks; rescue pumpers and pumper-ladders that require a larger truck. A fire truck is 10 foot wide and 30 to 40 feet long.

The level of staffing and equipment is adequate for more than 90% of the emergencies but provide no margin for error. There is a limit to what they can do.

Their recommendation is for the following:

1. Extended and protected 20 foot "No Parking Zones" at the intersections on narrow streets with a raised bulb out and have them constructed to a design standard that fire trucks can roll over
2. Circulating streets and circulating water mains as opposed to dead end streets and dead end water mains
3. If dead end streets with cul-de-sacs are permitted then no more than 150 feet in length or require 34 feet wide streets so two fire trucks can go down the street at the same time

He asked for any questions.

Paul Phillips asked for clarification about making the streets wider in cul-de-sacs. Gary Brown answered that would assume 7 foot on-street parking on both sides and 20 foot down the center of the street for fire or medical operations.

Matthew Wheeler stated that this was very informative.

#### **4. PUBLIC HEARING ITEMS – NONE**

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

##### **A. Update and Discussion of the rewrite of the Zoning and Subdivision**

**Regulations:** Jesse Rohr presented the update of the above. The plan is the revised red-lined draft will be coming to the commission in January, 2016. It will include a list of the comments and response from the consultant.

Matthew Wheeler asked if city staff will be taking into consideration the recommendations from the Fire Chief's presentation about the concern of narrow streets for their operations. Jesse Rohr and John Braun answered that they will be analyzing this information. The fire chief is involved with this as well.

##### **Cul-de-sacs**

Jesse Rohr presented pictures of a development with cul-de-sacs from Parker, Colorado to show an example of the design and pedestrian sidewalk connections that are at the rear of each cul-de-sac that links them together. The sidewalk connectivity within the cul-de-sac is accessed through a lot within the cul-de-sac. The green space area is a pedestrian area or park area. He is working out getting a section of their regulations for how they are maintained, who built them and ownership.

Paul Phillips asked if the cul-de-sacs were more than 150 feet long and if the streets were 34 feet wide. Jesse Rohr stated that he will check into it.

**B. Planning Commission On-Line Training – Congress for New Urbanism on Streets & Street Designs:** Jesse Rohr started the on-line training film (50 minutes) of the above.

Paul Phillips pointed out that with narrow streets it may be that having a smaller size of fire trucks would accomplish what they want to accomplish.

He noted the analogy used that there are a lot of different silos associated with new urbanism.

Tom Denning pointed out that part of planning is traffic flow.

There were other comments associated to the film. Realtor Laura Sadeghi from the audience stated that it was an interesting commentary; although she did not believe the narrow street design in the film applied to the proposed new zoning regulations and didn't feel the film was relevant.

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

**A. City Commission Action and Planning and Development updates on Planning Commission Related issues:** Jesse Rohr informed the commission of the following:

### 2016 Conferences

He informed the commission of the Congressional New Urbanism Conference in Detroit in June for anyone that would be interested in attending.

He informed the commission of the American Planning Association Conference in Phoenix in April for anyone that may be interested in attending.

## **7. OTHER:**

**A. Hays Board of Realtors addressed Commission on the proposed new zoning and subdivision regulations:** Doug Williams, representing the Hays Board of Realtors, stated that the Hays Board of Realtors wanted to go on record to the Planning Commission stating their concerns on the proposed new zoning and subdivision regulations. They believe it will result in the significant loss of property rights and increases in the cost of housing because of the type of potential regulations involved as well as an increase in cost of city government. They are too large and too complicated; it is like a fish swallowing a whale.

They are going to start a campaign to try to educate the public of the potential new zoning regulations because they think that most people would not understand them because they are complicated and hard to understand but they are going to try to make sure everyone understands them or at least have a good airing of the facts prior to somebody making a decision on it.

He pointed out that this does not mean that they do not think that city staff was not doing a good job; they do. They think that they maybe bit off more than they can chew this time around.

He pointed out that they had published a letter to the editor in the Hays Daily News a month or two ago to express their concerns. They do not believe any of those concerns are arguable. It is going to be that way, and as such they ask that the City step back and not implement these, and take a longer look at what other options might exist; keep what they have or modify what they have. They feel that Hays has not done a bad job over the years and is a good community. The current zoning and subdivision regulations have served the community well over the years. He pointed out they used the expression in the editorial "they do not see a need to throw the baby out with the bathwater".

He explained they would ask this Commission to review these things and think about these things they feel will happen as a result. He stated that we are constantly hearing that Hays housing is too expensive and yet we are constantly doing things to increase the cost of housing.

The implications to commercial construction are extremely significant. He would estimate that 80% to 90% of the commercial buildings in Hays would be non-compliant if they were put to the test of the potential new regulations as they exist. He pointed out he did not see how that was good public policy to make that radical of change of requirements to these types of structures.

Chairman Paul Phillips asked if the Hays Board of Realtors has been working together with City Staff dealing with this and addressing the concerns and having regular meetings before taking it before the public. Doug Williams answered that they did and at the end of the day they just felt that the proposed regulations were almost too overwhelming to grasp everything associated with it. He understands there are many changes that will be made; although the Board of Realtors finally took the stand that their advice is to "back off" and try to take a longer view of this rather than try to put this in place when it is too much to implement.

Paul Phillips emphasized that it seems to him that diplomacy might be the best way of working this out without getting the public up in arms. Working and going back to the table with city staff and point out that the board has issues they are still working on. Why not go back to City Staff before you take the next step? He realizes it is a big task but a better project if worked with them regularly. Doug Williams answered "Perhaps".

Lou Caplan asked why diplomacy would not be a better way and to work with staff along the way? Doug Williams answered that they do not see any middle ground on some of it.

Darrell Hamlin asked if their position is that it is so important that they refuse to work with city staff on this. Doug Williams answered not at all. He explained that their position is "Stop it now". Paul Phillips recommended to them to work with city staff to make the potential new regulations better.

Matthew Wheeler explained that this is the process right now to have public input on each section. He asked for something specific that needs to be addressed. He pointed out that for them to say that they do not want to move forward that they want to keep the 50 year old regulations that are poorly written and do not necessarily fit modern times is not helpful, they need something more specific of what do you not like about the regulations.

Doug Williams asked what specific the city does not like about the current regulations that have been serving the city well.

Matthew Wheeler pointed out an example to that with the new regulations all structures are to be built face forward to the street. Within the current regulations there have been some duplexes that were built setting sideways on some lots that are unattractive to the street and community and it lowers the surrounding property values. It is a cost to the neighborhood.

Doug Williams explained that he disagreed with that statement. He had talked to the builders of the duplexes who feel that they are filling a definite niche for the community of affordable housing. The duplexes were built on a 50 foot wide lot on 6<sup>th</sup> Street that provided an improvement to the neighborhood and increased the property values versus the junk house that was there before.

Laura Sadeghi, real estate agent, came before the commission to explain that they did have meetings with the city and also hired a company through the National Association of Realtors to look at the proposed new regulations and inform them because they are not all trained in this area. "They prepared a proposal and took it to the city. The City did respond to their concerns. They did go to the first meeting and it was so overwhelming because there are too many things to debate back and forth. They have to go to the builders and than the realtors. When Doug is talking about taking it to the public, it does not mean a fight to the public. They would be educating the public. That is part of diplomacy is it not?"

Chris Crawford asked them to determine the most important problem that their consultant saw and move forward from there. Laura Sadeghi answered that the biggest problem is that there are too many changes and it is overwhelming and too restrictive. It would raise the cost of building.

Paul Phillips stated that the Commission hears them and their consensus is that the Hays Board of Realtors reopen discussion with City Staff before taking it to the public. The city is saying that they are open to negotiation. Doug Williams answered "that is fair enough".

Doug Williams explained that he does not want to come across as confrontational; they want to express a different side of the equation, it is a difference of opinion.

They see something that they are afraid is going to add to the cost of building and it is a concern.

Paul Phillips used the analogy of many silos and that one of the silos is the cost of housing. He recommended communication to look at the total picture.

Matthew Wheeler explained that through their education on the Commission and the presentation provided by the City Manager on "Strong Towns", some interesting facts were presented over the course of the last several decades that highlighted where the size of the city has grown - 50% in square footage of land although the population has only grown by 18%. The growth has not been sustained in a way that is economically feasible. This is about the whole picture for codes that are appropriate to minimize the costs to the city and taxpayer and future generation that has to pay for it.

**8. ADJOURNMENT:**

Chairman Paul Phillips adjourned the meeting at 8:12 p.m.

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

## 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: December 14, 2015

AGENDA DATE: December 21, 2015

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

Back in September, a request was filed by Mary Alice Unrein for a change of zoning from A-L (Agricultural District) to R-S (Residential Suburban District) within the proposed Blue Sky Acres Addition. This item was discussed during a public hearing on October 19, 2015. The Planning Commission recommended denial. The City Commission took up the issue on November 24, 2015 and rather than ruling on it, agreed to send it back to the Planning Commission for further review. As was the case the first time this item came before the Planning Commission, staff still does not recommend this zoning request go forward with a favorable decision to the City Commission and requests that the original recommendation stay the same.

### **BACKGROUND:**

- The Planning Commission held a public hearing on this item on October 19, 2015.
- The City Commission considered the item at the November 24, 2015 meeting.

### **DISCUSSION:**

During the public hearing at the October 19, 2015 meeting, the Planning Commission heard statements from the applicant, Mary Alice Unrein and several other individuals, most of whom are near-by property owners. With the exception of Ms. Unrein, all those who spoke did so in opposition to the request for various reasons including water, sewer, and access. The Planning Commission voted 6-1 to deny the rezoning for many reasons; the main reason being the request is not conducive with the Comprehensive Plan.

On November 24, 2015, the City Commission took up the Planning Commission's recommendation (see attached minutes from the November 24 City Commission

meeting). After a lengthy presentation by Ms. Unrein and discussion amongst the four City Commissioners present, a motion was made to deny the zoning request that resulted in a tie vote of 2-2.

More discussion ensued and a new motion was made to send the request back to the Planning Commission for further review. This motion passed by a vote of 3-1, therefore the item is now back to the Planning Commission for further review and another recommendation. One comment made by the City Commission was to identify more than one reason to deny the request if that is still the recommendation. It would be prudent for the Planning Commission to revisit their original findings of fact on this matter as part of their review of the request and include the findings in that document in their motion of recommendation.

The Planning Commission may submit its original recommendation (which was to deny the request) with the reason(s) for doing so, or the Planning Commissioners may make a new and amended recommendation if one is so warranted. The recommendation that is made, whatever that may be, will then go back to the City Commission for final consideration.

It is important to note that this process is described in detail in State Statute (K.S.A. 12-757). According to State law, if the Planning Commission fails to make a recommendation, this course of inaction by the Planning Commission shall be considered a resubmission of the original recommendation and the City Commission shall proceed accordingly.

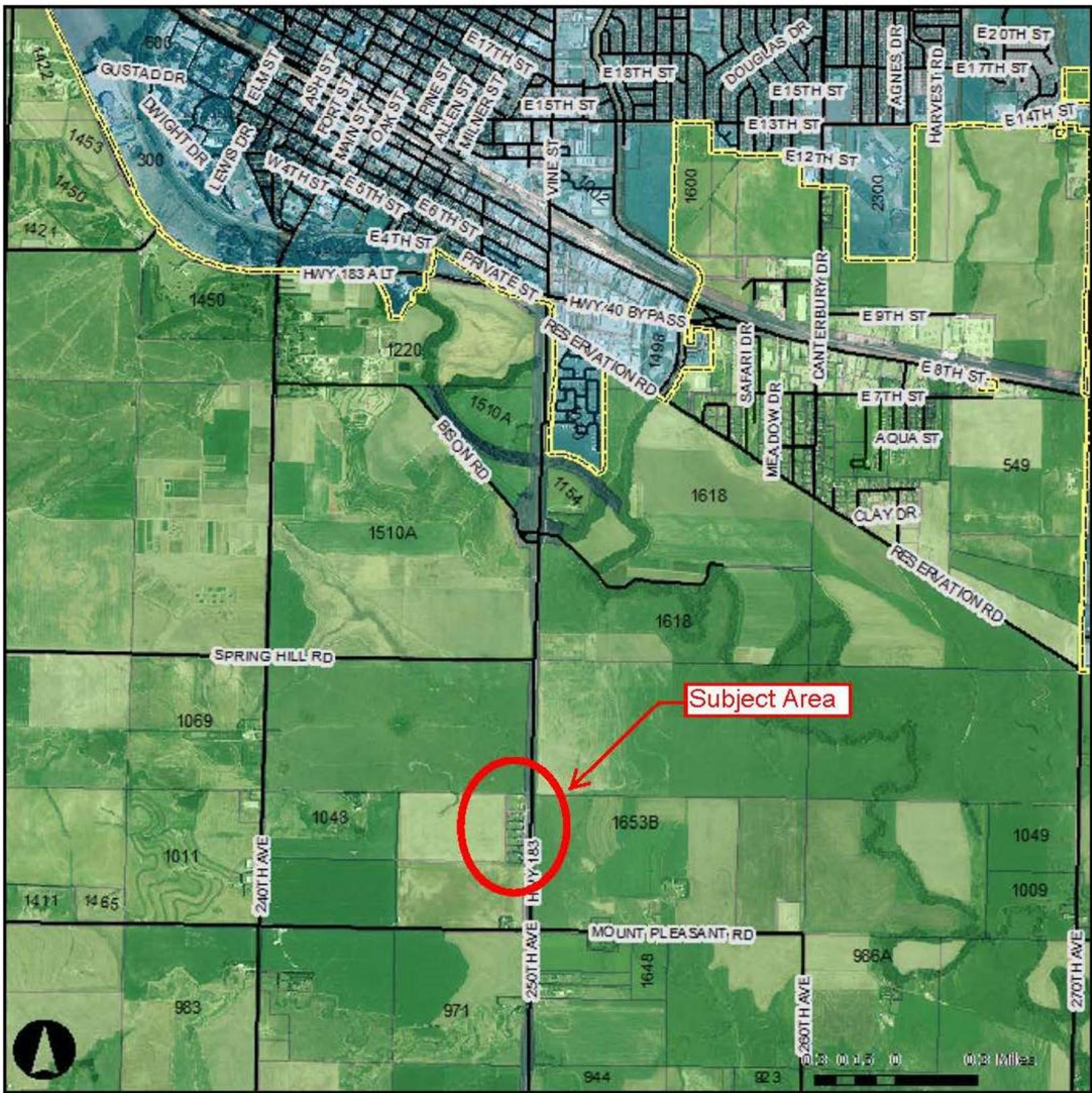
Because the Planning Commission held a public hearing on this matter on October 19, 2015, revisiting of the application shall not be considered a public hearing. That said, the Planning Commission may entertain discussion from others not on the Commission as they wish and may be presented with new information, if they wish. This is a decision of the Chairman.

**OPTIONS:**

- Recommend to the City Commission denial of the rezoning request as submitted (including basis for the decision)
  
- Recommend approval of the rezoning request (including basis for the decision)
  
- Do nothing

**RECOMMENDATION:**

Since a favorable recommendation to approve the zoning as requested would be contrary to the Comprehensive Plan and could be grounds for legal challenge, **staff recommends denial of this rezoning application.**



# **EXCERPT**

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON NOVEMBER 24, 2015

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Tuesday, November 24, 2015 at 6:30 p.m.

Roll Call: Present: Eber Phelps

Shaun Musil

James Meier

Lance Jones

Absent: Henry Schwaller IV

Chairperson Phelps declared that a quorum was present and called the meeting to order.

## **NEW BUSINESS**

**6. REZONING OF PROPOSED BLUE SKY ACRES ADDITION FROM AGRICULTURAL (A-L) TO RESIDENTIAL SUBURBAN DISTRICT (R-S):** The owner of the proposed Blue Sky Acres, a proposed subdivision of six large residential lots, has submitted a request to rezone the property from A-L (Agricultural District) to R-S (Residential Suburban District). Many concerns have been raised about this possible development. A public hearing was conducted on October 19, 2015 at the regular meeting of the Planning Commission. Several adjacent property owners spoke in opposition to this rezoning request and mostly had concerns of water, stormwater drainage, and road/access issues. After much discussion and debate, the rezoning request was denied by a vote of 6-1 and a recommendation was made by the Planning Commission to the City Commission to deny the rezoning, primarily due to the request not being in line with the Comprehensive Plan.

Jesse Rohr, Planning Inspection Enforcement Superintendent, discussed with the Commissioners the concerns that were presented at the Public Hearing during the Planning Commission meeting. Some of those concerns include; no public water available at this time, ongoing maintenance of additional county roads, and adequate structure fire protection is not available. In accordance with the Comprehensive Plan and sound planning practices, hamlet/ranchette developments of this style are to be avoided. In addition to the previously mentioned reasons, the City of Hays should not allow its limits to be surrounded with these types of developments as it is very difficult and expensive to incorporate them into the City in the future.

Mr. Rohr explained the City Commission has the following options; to deny the rezoning request from A-L to R-S as recommended by the Planning Commission and City staff, to send the request back to the Planning Commission for further consideration with specific basis for further review, or to approve the rezoning request from A-L to R-S which would require a 2/3 majority vote to overturn the Planning Commission's recommendation.

Mary Alice Unrein, the owner of the proposed development, spoke to the Commissioners and presented them with a packet of information she had gathered from research she has done regarding the land she wants to develop. She presented solutions to some of the problems stating the residents can drill water wells and the roads will be maintained by the Homeowners Association according to the County specifications. She also stated this is not a new development it is an addition. She asked that the Commissioners postpone the vote to allow them time to review the information she presented.

Chairperson Phelps stated the City has a Comprehensive Land Use Plan in place and this proposal does not fit that plan. He was also concerned with the precedence this may set because several other property owners have been denied access to our water and sewer system that are adjacent to Hays.

Commissioner Musil stated Mr. Rohr is following the policy we have set in the Comprehensive Plan.

City Manager Toby Dougherty stated the Commissioners have a duty to make land use decisions that are going to have 60, 70, 80, 90 year ramifications. The reason the state statutes give the cities the ability to enact zoning and subdivision decisions outside the city limits is they know cities are going to grow and they want to make sure the cities have the ability to manage the growth in that area. The comprehensive plan states growth should be contiguous to the City so utilities can be easily extended and it can grow in a manner that fits the rest of the City.

Commissioner Jones stated he does not see this as a new development, but as an extension to a development that is already there. It appears the City is growing north not south and right now we have a land owner that wants to put in private roads maintained by the home owners, use private wells or rural water, and use a septic system not the city sewer system. He is in favor of the proposed area.

Commissioner Meier stated he does not feel it is his place to approve or deny this proposal given the distance the area is from the city limits. He understands the concerns the other homeowners may have with additional wells being drilled in that area.

Shaun Musil moved, Eber Phelps seconded, to deny the request for rezoning of the proposed Blue Sky Acres from A-L to R-S.

Commissioner Jones commented he supports the Strong Towns philosophy and agrees that we should keep smaller lots in the city limits, but if you want to live on a larger lot you should do so around an existing development like this. He feels the homeowners should have the right to do this.

Commissioner Meier asked if the developer had discussed with the property owner on the north lot the location of the entry way if he would be concerned about adding traffic to that private drive.

Mrs. Unrein stated there is a 60 foot public road coming all the way in off of the highway. She said some people drive anywhere they want to, but when she maintains that road it will have ditches like the county roads and will make sure it is a public road crossing no ones property.

Brian Church, the property owner of the north most lot of the existing development, is concerned that the drive appears to cross his property line. With the current traffic load it is not a problem with everyone going south, but with the proposed additional homes to the west he is concerned that the way the road is located someone may drive into his house.

Vote: Ayes: Eber Phelps

Shaun Musil

No: James Meier

Lance Jones

City Attorney, John Bird, stated it requires three votes to pass. The options are to pass it, send it back to the Planning Commission, or override the Planning Commission's recommendation by a vote of two-thirds of the Commission, but with the missing Commissioner, it would take a unanimous vote to approve it. To override the planning commission it takes a 3-1 vote to approve what the planning commission is recommending. He suggested to either table the vote until Commissioner Schwaller is present or consider amending the motion and send it back to the Planning Commission with reasons to reconsider it.

The next meeting of the Planning Commission is December 21, 2015.

Lance Jones moved, James Meier seconded, to send this request back to the Planning Commission for review of the information presented.

Vote: Ayes: Eber Phelps

James Meier

Lance Jones

No: Shaun Musil

PLANNING COMMISSION 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.

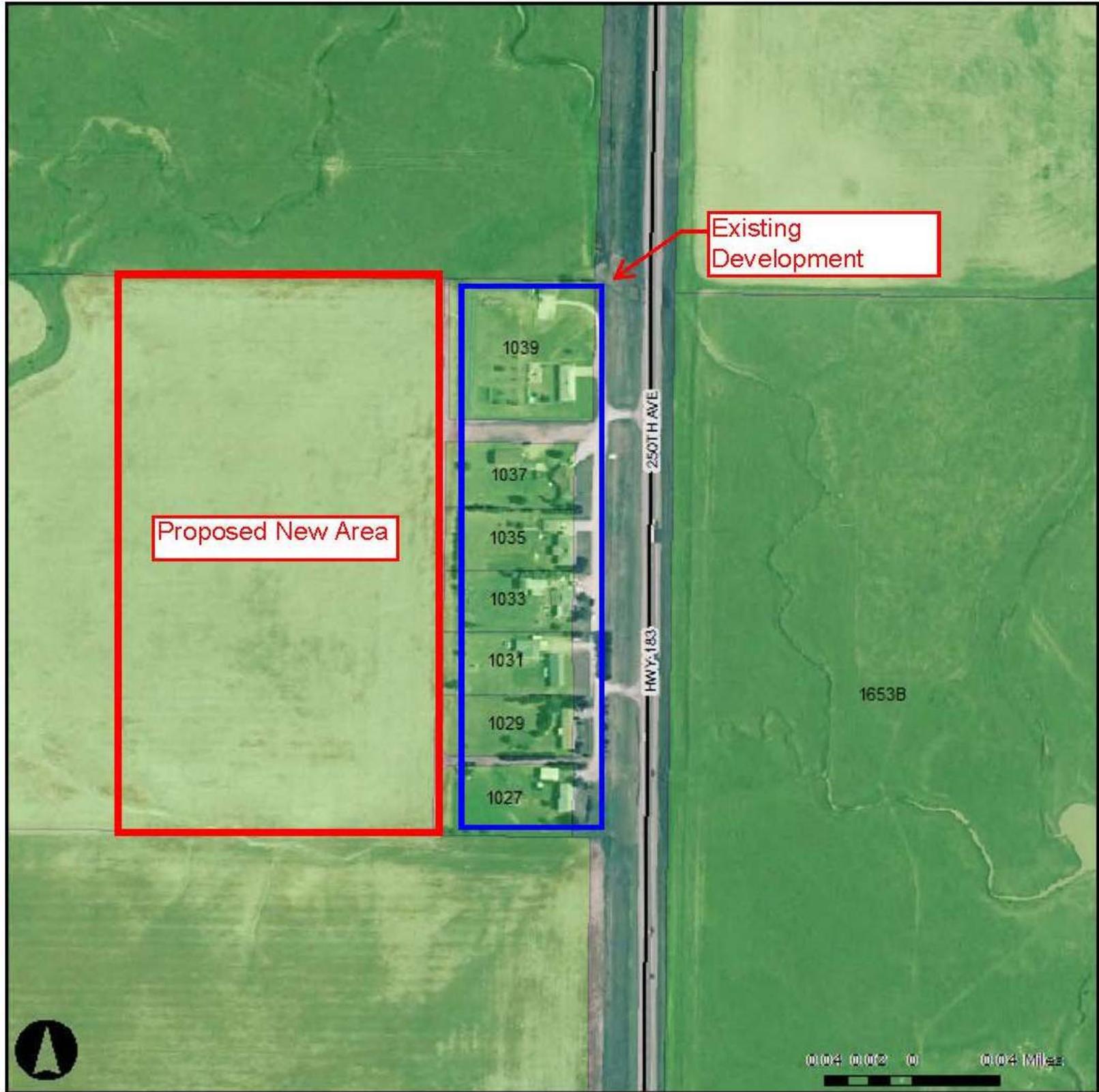
8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The subject property is surrounded by agriculture uses except to the east is the “R-S” Residential Suburban Zoning District. The Comprehensive Plan designates this area as agriculture.**

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, the Planning Commission does not recommend the change of zoning from “A-L” Agriculture to “R-S” Residential Suburban Zoning Classification.**

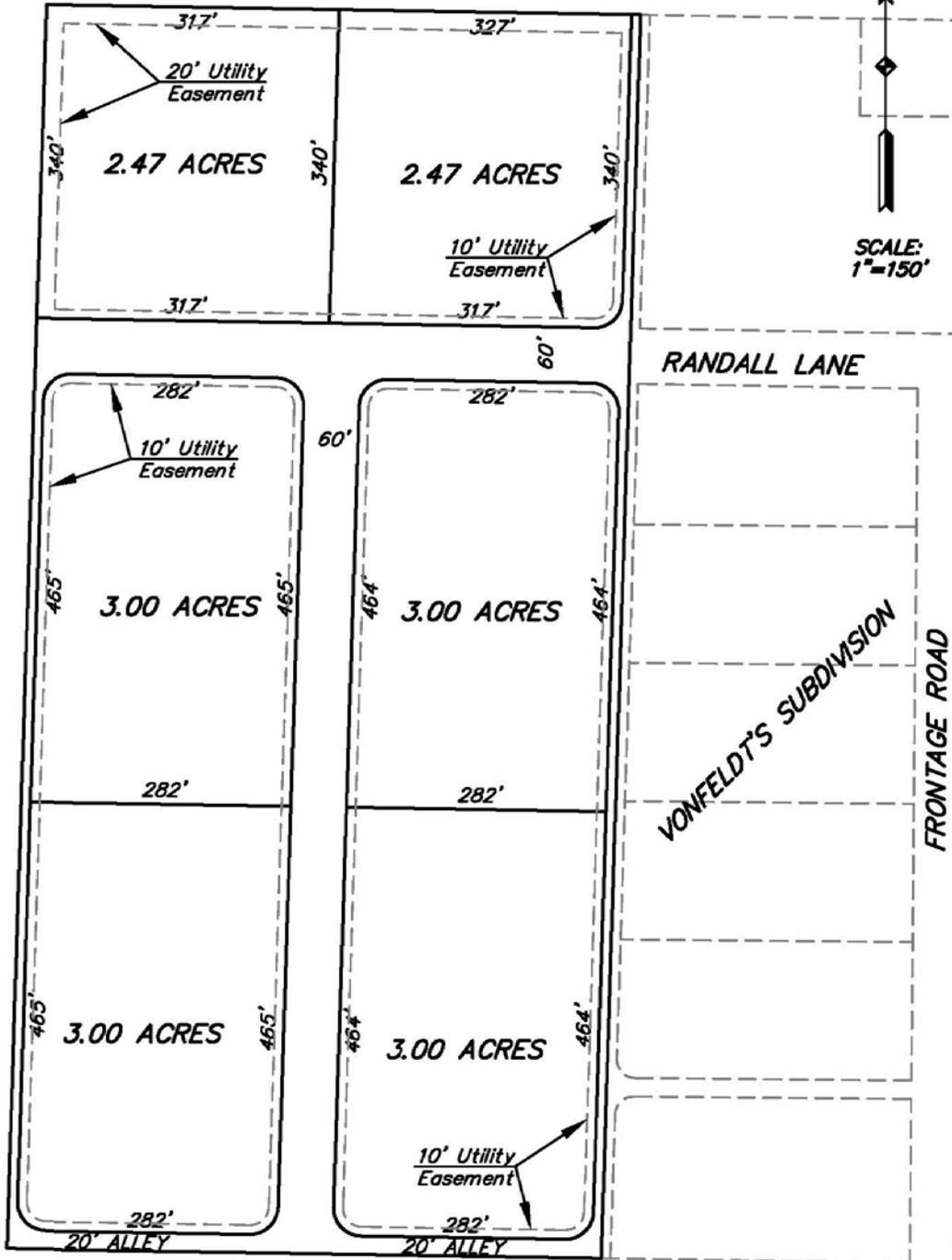


# PROPOSED UNREIN PLAT

N



SCALE:  
1"=150'



**RUDER ENGINEERING  
& SURVEYING, LLC**

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

DECEMBER 9, 2015

**Ms. Martha McClelland**

Chair, Ellis County Commission  
718 Main Street  
Hays, KS 67601

Dear Ms. McClelland,

As you are aware, the city of Hays recently received an application from Mary Alice Unrein asking the city of Hays to consider approving rezoning a parcel of property about two miles south of Hays just west of US-183 also known as Blue Sky Acres.

The Hays Planning Commission recommended denial of the rezoning request to the City Commission. The Hays City Commission took up the recommendation during their meeting on November 24, 2015. Rather than deciding the matter, the Hays City Commission agreed to return the issue to the Hays Planning Commission for further consideration. The Hays Planning Commission will be taking up this issue during their regular meeting at 6:30pm on December 21, 2015. While the Hays Planning Commission will not be holding another public hearing that evening, Paul Phillips, Chair of the Hays Planning Commission has expressed interest in hearing any new information about the proposed rezoning. Because the city of Hays realizes that if approved, it could eventually lead to Ellis County being responsible for providing a range of County services to the development and the Ellis County Commission has not officially offered its opinion of the rezoning application, I am writing to ensure you are aware of the additional opportunity for input.

You or another representative of the Ellis County Commission are encouraged to attend the Hays Planning Commission meeting on December 21 to offer input in person on this application. If, for some reason, a personal appearance is not possible, we encourage you to submit input in writing, addressed to Zoning Administrator, Jesse Rohr at the above address, received no later than Friday, December 18, 2015.

Thank you for your consideration of this matter.

Warm regards,

**Greg Sund**

DIRECTOR OF PUBLIC WORKS