

HAYS AREA BOARD OF ZONING APPEALS MEETING AGENDA
CITY COMMISSION CHAMBERS 1507 MAIN, HAYS, KS
NOVEMBER 12, 2014 - 8:15 A.M.

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the regular meeting of September 10, 2014

Action: Consider approving the minutes of the September 10, 2014 meeting.

3. NON-PUBLIC HEARING ITEMS.

A. Consider setting a public hearing to consider a request from F & F Iron & Metal Co for a special use permit for the installation of a full service recycling facility allowed per Section 71-642(1) within the "I-2" Heavy Industrial Zoning District with the issuance of a special use permit for the property located at 1201 General Custer Rd. on a tract of land situated on a portion of the NW/4 of Section 3-T14S-R18W, Ellis County, Kansas.(Case # 11-14)

Action: Set the public hearing to consider a special use permit for the property described above.

B. Consider setting a public hearing to consider a request from V-J Rentals LLC (Vaughn McMurtrie and John Ziegler) for a special use permit to construct multi-family housing allowed per Section 71-504 (18) within the "C-2" General Commercial and Service District with the issuance of a special use permit for the property located at 2704 Augusta Ln ((north half of Lots 7 and 8, Country Club Estates 1st Addition 2nd Replat of PRTN or PLND BD) (parcel 026-139-29-0-40-13-001.06-0)) (Case #15-14)

Action: Set the public hearing to consider a special use permit for the property described above.

C. Consider setting a public hearing to consider a request from Lanny Jones and Brian Deibert for a special use permit to construct a multi-family dwelling allowed per Section 71-532(1) within the "C-3" Central Business District with the issuance of a special use permit for the property located at 212 W. 11th Street, Lots 22, 24, 26 of the Hays Original Addition. (Case # 16-14)

Action: Set the public hearing to consider a special use permit for the property described above.

4. PUBLIC HEARING ITEMS.

A. None

Action: None

5. OFF AGENDA ITEMS/COMMUNICATIONS.

A. Citizen Comments

B. Other

6. ADJOURNMENT.

If you will be unable to attend please contact the Planning, Inspection and Enforcement office at 785- 628-7310. Thank you. 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.

DRAFT
HAYS AREA BOARD OF ZONING APPEALS
COMMISSION CHAMBERS IN CITY HALL
MINUTES
September 10, 2014
8:15 A.M.

1. CALL TO ORDER: The Hays Area Board of Zoning Appeals met on Wednesday, September 10, 2014 at 8:15 a.m. in Commission Chambers at City Hall.

Roll Call:

Present: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

Chairman Lou Caplan declared a quorum was present and called the meeting to order.

City Staff Present: Toby Dougherty, City Manager, I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

2. CONSENT AGENDA:

A. MINUTES: Jerry Sonntag moved, Gerald Befort seconded the motion to approve the minutes from the August 13, 2014 meeting. There were no corrections or additions to those minutes.

Vote: Ayes: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

3. PUBLIC HEARING ITEMS:

A. CASE # 12-14 – REQUEST FROM DAVID RANDA OF RELIABLE HEATING VENTILATION AND AIR CONDITIONING FOR A SPECIAL USE PERMIT FOR CONSTRUCTION OF A HEATING, VENTILATION AND AIR CONDITIONING BUSINESS PER SECTION 71-504 (13) WITHIN THE “C-2” GENERAL COMMERCIAL & SERVICE DISTRICT WITH THE ISSUANCE OF A SPECIAL USE PERMIT LOCATED AT 1106 E 22ND STREET (LOT 4, RAG ADDITION): Jesse Rohr presented the property on the overhead visual.

David Randa, of Reliable Heating, Ventilation and Air Conditioning, presented his request for a special use permit for construction of a building for a Heating, Ventilation and Air Conditioning business at 1106 E 22nd Street. Because there are different facets of his

business at different locations, he would like them all at one location to meet the demands of their clients.

Lou Caplan asked if there was enough room to meet the parking requirements. David Randa answered that there was enough room.

On reviewing the plot plan that appeared to be next to 22nd Street, Tom Lippert asked for the location of the site. David Randa pointed out the location of the property.

Jerry Sonntag pointed out that there were storage buildings south of the business. He asked if traffic would be using the same access road. Jesse Rohr explained that the road is a public access easement privately maintained by the owners. The traffic to the storage buildings would use this same road.

Jesse Rohr explained that this is an infill development. The developer extended the sanitary sewer. There is water service and an easement for the utilities.

Lou Caplan asked if there were any comments from the audience. There were none.

Lou Caplan entertained a motion.

Jerry Sonntag moved, Gerald Befort seconded the motion to grant the special use permit to David Randa for the property at 1106 E 22nd Street for construction of a building for a Heating, Ventilation and Air Conditioning business allowed per Section 71-504 (13) within the "C-2" General Commercial & Service District with a special use permit. This approval was based on the considerations that have been met to issue a special use permit. (Case # 12-14)

Vote: Ayes: Lou Caplan
Gerald Befort
Jerry Sonntag
Thomas Lippert
Shane Pruitt

B. CASE # 13-14 – REQUEST FROM RODNEY RIPPE AND DUSTIN STANLEY OF RRDS INVESTMENTS LLC FOR A SPECIAL USE PERMIT FOR CONSTRUCTION OF A CONTRACTOR SHOWROOM AND CABINET SHOP PER SECTION 71-504 (10) WITHIN THE "C-2" GENERAL COMMERCIAL & SERVICE DISTRICT WITH THE ISSURANCE OF A SPECIAL USE PERMIT AT 1102 E 22ND ST (LOT 3 RAG ADDITION): Jesse Rohr presented the property on the overhead visual.

Rodney Rippe and Dustin Stanley of RRDS Investments presented their request for a special use permit for the construction of a building for a contractor cabinet showroom and cabinet shop.

Lou Caplan asked if they plan to store the wood materials in the building. Rodney Rippe answered that they do plan to store the wood materials in the building.

Tom Lippert asked if there were any provisions to ensure orderly direction to prevent a nuisance of having outside storage that may occur with additional inventory. Jesse Rohr explained that there are no requirements per the "C-2" General Commercial and Service Zoning District; although it would be addressed through the general nuisances. The board could place a condition with the special use permit that the building materials are stored in an enclosed building and no outside storage unless screened from view.

Tom Lippert asked if they had identified any handicapped parking.

Jesse Rohr explained that they would need to provide a full site plan by an engineer that would need to meet the required parking, handicapped parking, landscaping, and stormwater management etc required beyond what this board approves.

Shane Pruitt asked if semi-trucks can get in and out. Rodney Rippe answered that there is plenty of room for them to turn around at the end of the street.

Gerald Befort asked if they require stormwater retention on these lots. Jesse Rohr answered that they do require stormwater retention on these lots. It is being looked at by an engineer on behalf of the owners if the retention will be done as one for the four undeveloped lots or if each lot will provide their own stormwater retention.

Jerry Sonntag followed with more questions regarding the stormwater management. He asked about the setbacks. Jesse Rohr explained that the developer used the minimum standard setbacks defined in the "C-2" zoning district.

I.D. Creech explained that the mandate by the state and federal for stormwater management are part of the city ordinances. The owners would have to develop a stormwater plan that would have to be approved by the City.

Jesse Rohr explained that with more rules from the state and federal government for stormwater management, the city has a stormwater specialist that has a function to help with water quality and quantity.

Lou Caplan asked if there were any comments from the audience. There were none.

Lou Caplan entertained a motion.

Gerald Befort moved, Thomas Lippert seconded the motion to grant a special use permit to Rodney Rippe and Dustin Stanley of RRDS Investments LLC for construction of a contractor showroom and cabinet shop per Section 71-504 (10) within the "C-2" General Commercial and Service District at 1102 E 22nd Street (Lot 3, RAG Addition) on the condition they meet the city requirements and store the building materials in an enclosed building or be screened from view. This approval was based on the considerations that have been met to issue a special use permit. Case #13-14

Vote: Ayes: Lou Caplan
Gerald Befort

Jerry Sonntag
Thomas Lippert
Shane Pruitt

4. NON-PUBLIC HEARING ITEMS: None.

5. OFF-AGENDA ITEMS/COMMUNICATIONS:

A. Zoning Regulation Rewrite – Brief Discussion Jerry Sonntag expressed the importance of being consistent and uniform on the zoning regulation rewrite. He used the topic being discussed about building materials being stored in an enclosed building or screened from view that it be a consistent within the zoning classifications.

B. Procedure process for the applications submitted to the board. Jesse Rohr explained the new procedural process of the timeline of when applications are to be submitted before taking them before the Board of Zoning. They would have to be submitted an additional 30 days ahead of when they are submitted now to allow the time for staff and the board to review and set the public hearing at the previous meeting before the public hearing.

C. Citizen Comments: None.

6. ADJOURNMENT: Lou Caplan adjourned the meeting at 9:26 a.m.

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

Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #11-14
ADDRESS: 1201 General Custer Rd.
OWNER: F & F Iron and Metal Co.
(Von and Kristine Fahrenbruch)
TYPE OF REVIEW: Exception – Special Use
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
AGENDA DATE: November 12, 2014

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a special use permit to allow construction of a full service metal recycling facility on the property located at 1201 General Custer Rd. After taking into consideration all known factors, submittals, and adopted ordinances, staff has determined that the applicant appears to have met all of the conditions required of ordinance at this time and setting of a public hearing for consideration of this case by the BZA is recommended.

BACKGROUND:

- The applicant is requesting a special use permit as allowed in Section 71-642(1) of the Zoning Regulations to allow construction of a recycling and scrap processing facility on the property located at 1102 E 22nd.
- The property is zoned I-2, Heavy Industrial District. The property has been vacant for several years.
- Although a recycling facility is allowed in the I-2 zoning district with no special use permit, the addition of a scrap processing yard requires a special use permit from the BZA.

STANDARDS OF EVALUATION:

Per State Statute 12-759 (e) and City Ordinance Sec. 71-1250 (3)

In taking into consideration applications for a special use permit, the BZA shall give consideration to the comprehensive zoning plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community, including, but not limited to, the following factors (in this case, particularly the **bolded** factors):

- The stability and integrity of the various zoning districts
- **Conservation of property values**
- Protection against fire and casualties
- Observation of general police regulations
- **Prevention of traffic congestion**
- Promotion of traffic safety and the orderly parking of motor vehicles
- Promotion of the safety of individuals and property
- Provision for adequate light and air
- Prevention of overcrowding and excessive intensity of land uses
- Provision for public utilities
- **Invasion by inappropriate uses**
- **Value, type and character of existing or authorized improvements and land use**
- Encouragement of improvements and land uses in keeping with overall planning
- **Provision for orderly and proper urban renewal, development and growth**

By ordinance, the BZA does have the authority to impose certain restrictions, conditions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

STAFF ANALYSIS:

Staff, along with the owners of this proposed facility has spent months on this case making certain that all conditions of the adopted zoning regulations are met. Knowing this will be an intensive use as compared to many others, making sure the development is done correctly is at the forefront of this case.

The first consideration was the conditions set forth within the adopted zoning regulations to determine if they are being met. These are as follows (Sec. 71-642):

a. They shall be located on a tract of land at least 300 feet from a residential district zone.

b. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood.

c. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall or within the public right-of-way.

d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the fire department. Such burning, when permitted, shall be done only during daylight hours.

e. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.

f. The use shall not be located on or visible from an arterial or major street or highway.

It appears from the submittals and the conversations with the applicant that all conditions set forth above have been met or will be met upon the start of operations of the facility. However, it is within the scope of the BZA to set additional considerations if warranted.

Staff strongly considered location and screening of this facility as a priority. Considerations of surrounding uses were considered as well. Within the area of this proposed facility is the UPS delivery warehouse, City of Hays Public Works facility, compost site, mini-storage units, and a part/tool retail store (Fastenal). Visibility from 13th St. is a key factor. While this type of facility in general can appear to be “junky”, screening from 13th St. was discussed in length. The applicant has proposed using the proposed building for screening as well as a 20’ tall screen and landscaping (see architectural rendering) in order to screen the use from 13th St. The remainder of the facility will be screened with fencing of an appropriate height to adequately screen the use from the “normal” view of the public.

All access for this facility would be off of General Custer Rd. Staff considered the traffic for this facility, particularly truck traffic, and has determined that traffic impact in this regard would be minimal and possibly even less of an impact than existing uses (UPS and Public Works).

After considering all factors and evaluating the surrounding properties, staff feels that the request is reasonable, meets the conditions of the adopted zoning regulations, and will not have a detrimental effect on the surrounding property. This is a good example of infill development and utilization of existing infrastructure, land, and utilities. The property has remained vacant for many years with no development. While the BZA can consider additional conditions after review and public comment, staff stresses that the outcome of the request, whether approval or denial, must be based on accurate, factual, and defensible information.

The applicant will be required to meet all building codes as well as stormwater management, parking requirements, landscaping requirements, etc. which will be reviewed at the time of plan submittal, assuming the special use permit is approved.

Staff, including the PIE Superintendent and the Solid Waste Superintendent, did visit the Garden City facility owned and operated by the applicant. A complete tour was taken, including the interior “non-ferrous” operation as well as the exterior operation. Staff felt that as far as scrap processing facilities go, the operation was very well organized, clean, and very secure. However, it is still a scrap yard, no matter how you dress it up. Staff witnessed regular customer traffic, lots of employees on site, and an overall operation that flowed very well. Along with any negative that may come with this type of facility, there are also positives for this type of use.

The owner has stated that any BZA member or additional staff member who would like to visit the operation in Garden City is welcome to do so for a tour of the facility, especially before making a determination in this case, if necessary.

RECOMMENDED ACTION:

After taking into consideration all known factors, submittals, and adopted ordinances, staff has determined that the applicant appears to have met all of the conditions required of ordinance at this time and setting of a public hearing for consideration of this case by the BZA is recommended.

ATTACHMENTS:

- Exception application
- Statement of justification from owner
- Maps of area

RECEIVED
JUL 23 2014
COH. PUBL. WORKS

APPLICATION FOR EXCEPTION

I. Name of Applicant F&F Iron + Metal Co. Phone 785-877-3830
 Mailing Address PO Box 53, Norton, KS 67654
 Name of Owner (if different from applicant) Von + Kris Fahrenbruch Phone 785-877-3830
 Mailing Address PO Box 53 Norton, KS 67654
 Name of Authorized Agent Kiel Fahrenbruch Phone 785-877-3830
 Mailing Address PO Box 53 Norton, KS 67654
 Relationship of applicant to property is that of Owner
 (Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-642 (1) of the Zoning Regulations to permit the installation or construction of Full service recycling facility on property zoned I-2, located at SW corner + General Custer (E 13th) and legally described as: Lot(s) See Legal, Block(s) See Legal of the Legal Description Attached Addition to Ellis County.
 Give metes and bounds description below or on attached sheet: (Required only if property is not part of a legally recorded plat)

- III. The applicant and owner herein, or authorized agent and owner:
- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this exception request.
 - B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
 - C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
 - D. Acknowledges right to appeal the decision of the board to the District Court.

[Signature]
 APPLICANT
[Signature]
 OWNER

[Signature]
 AUTHORIZED AGENT (IF ANY)

parcel ID# 026-182-03-0-20-02-001.00-0

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON July 24, 2014, TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 610624

Sinda Bjerrman, Administrative Secretary
 NAME AND TITLE

Revised Submission 10-13-14

LegalExhibit A

A tract of land situated on a portion of the Northwest Quarter (NW 4) of Section Three (3), Township Fourteen (14) South, Range Eighteen (18) West of the 6th P.M., City of Hays, Ellis County, Kansas, more particularly described as follows, to-wit:

Beginning at a point on the North line of said Northwest Quarter of Section 3, a distance of 1010.00 feet East of the Northwest Corner of said Northwest Quarter of Section 3; Thence South on a bearing of South 01 degrees 19 minutes 12 seconds West, parallel with the West line of said Northwest Quarter of Section 3, a distance of 368.00 feet; Thence West on a bearing of North 89 degrees 11 minutes 15 seconds West, parallel with the North line of said Northwest Quarter of Section 3, a distance of 210.00 feet; Thence South on a bearing of South 01 degrees 19 minutes 12 seconds West, parallel with the West line of said Northwest Quarter of Section 3, a distance of 318.00 feet; Thence East on a bearing of South 89 degrees 11 minutes 15 seconds East, parallel with the North line of said Northwest Quarter of Section 3, a distance of 420.00 feet to a point on the West Right of Way line of General Custer Road; Thence North along the West Right of Way line of General Custer Road on a bearing of North 01 degrees 19 minutes 12 seconds East, a distance of 686.00 feet to a point on the North line of said Northwest Quarter of Section 3; Thence West along the North line of said Northwest Quarter on a bearing of North 89 degrees 11 minutes 15 seconds West, a distance of 210.00 feet to the point of beginning.

F & F Iron & Metal Co.

514 W. Washington P.O. Box 53 Norton, KS 67654
Phone: 785-877-3830 Fax: 785-877-2489

October 27, 2014

Jesse Rohr, CPM
Superintendent
City of Hays
Planning, Inspection, Enforcement Division
1002 Vine St., Hays KS, 67601

Dear Mr. Rohr,

Below are our answers for the questions that arose at your staff meeting on October 14th. We examined our present operation statistics to afford us the most realistic estimates we can provide.

1. Number and timing of outbound trucks?

We expect 5 out bound semi loads per week. There is really no rhyme or reason for any particular day of the week, we handle mostly single trucks, occasionally 2 trucks that may be traveling together. All loading and shipping is performed during normal daylight operating hours.

2. Elevation screening drawings.

We are working with Wertenberger Construction as to the height and construction materials that will be visually complimentary, have adequate wind load, and be economically feasible. We certainly are open to landscaping to help breakup the view, and have attached a visual rendering of our vision.

3. Water / sewer demands.

We anticipate 2 bathrooms and incidental outside water use. Our Norton operation has the same number of bathrooms and uses, using city metered water we have been billed for 3000 gallon per month, which I believe is the minimum. Garden City is on our private well so no information is available from there. Our operations use minimal amounts of water and sewer demands.

4. The maximum height of equipment.

Our material handler has a boom height of 20 feet, with a normal operating height of the boom and stick from 8' to 20' in the air. Our wheel loader is a 3 yard machine that has a cab height of 12'6", and maximum fork height of 12'7". Our metal baler crane has a boom height of approximately 18'.

Please contact us if you need any further information. We welcome any interested parties that would like to visit our operations to better understand what we do and how we conduct business.

Regards,

Kiel Fahrenbruch, General Manager, F&F Iron & Metal Co.

F & F Iron & Metal Co.

514 W. Washington P.O. Box 53 Norton, KS 67654
Phone: 785-877-3830 Fax: 785-877-2489

October 13, 2014

Jesse Rohr, CPM
Superintendent
City of Hays
Planning, Inspection, Enforcement Division
1002 Vine St., Hays KS, 67601

Dear Mr. Rohr,

F&F Iron & Metal Co. desires to establish a full service recycling business within the city limits of Hays Kansas. The location will be on a vacant lot situated east of General Custer Road. The full legal description and survey map is attached. The property is zoned I-2 and is owned by Von and Kristine Fahrenbruch.

Our intent is to construct a 150' x 100' building with a 20' sidewall with the north end approximately 165' south of the 75' Front Yard Line south of 13th Street. The east building side is approximately 90' east of the 25' Front Yard Line from General Custer Road. Our traffic entrance will be coming off General Custer Road utilizing an existing entrance cut approximately 200' south of 13th Street. (2) Overhead doors will be located on the east side of the building and (2) overhead doors located on the south side of the building to receive and ship recycled materials. Floor scales are located inside these doors to weigh incoming recyclables and prepare invoices for payments. Recyclables that will be handled in this building include, but are not limited to, non-ferrous scrap such as aluminum cans, sheet and cast aluminum, copper and insulated copper wire, aluminum and copper aluminum radiators, brass, stainless steel, corrugated cardboard, mixed paper, lead acid batteries, whole electric motors and starters, and electronic scrap. After purchasing has been completed, the recyclables are then baled, palletized, or otherwise prepared to allow shipping to our other plants for final processing and shipping. This plant would be a buying / shipping feeder operation to complement our other operations that have more sophisticated processing equipment. Equipment used at Hays would include forklifts, balers, aluminum can densifiers, dump hoppers, storage boxes and hydraulic alligator shears. No burning, melting, battery breaking, smelting, or shredding activity will be performed at this operation.

Larger ferrous recyclables would be weighed on a truck scale and handled outdoors south of the building and non-ferrous receiving areas. This activity would utilize a hydraulic baler capable of compressing appliances and other sheet metal into bales to allow transport on flatbed trucks to end markets. Other equipment used would include a small wheel loader and a hydraulic material handler with a grapple. We only operate a recycling operation; we do not resell any items for reuse. This allows us to keep the material constantly being shipped and keep needed inventory space at a minimum.

Screening the operation from public view along 13th street would be accomplished by extending a 20' sheet metal fence along the north side in conjunction with the warehouse 20' sidewall with the same color for attractiveness. Other screening fence on the property lines will be of adequate height and construction to adhere to local ordinance requirements and keep our property secure.

We have over 30 years' experience in the recycling business. Our current operation includes F&F Iron & Metal Co. located in Norton KS, F&F Recycling of Garden City located in Garden City KS, and Roger's Disposal Service in Norton. We are members of the Institute of Recycling Industries (www.isri.org). This trade organization membership has afforded us the ability to stay informed and current with environmental laws and best operating practices, safety training and protection for our employees and general public, and state laws regarding metal purchasing. We utilize the latest technology to aggressively combat metals theft with all transactions electronically recorded from beginning to end with scanned customer information, jpegs of every scale weight with time and date, and secure ATM cash or business check payments supported with customer jpegs.

Thank you for considering our proposal. We look forward to becoming a responsible and valued business partner with the Hays Kansas community as F&F Recycling of Hays.

Von Fahrenbruch, President



Kiel Fahrenbruch, General Manager



Overhead Image

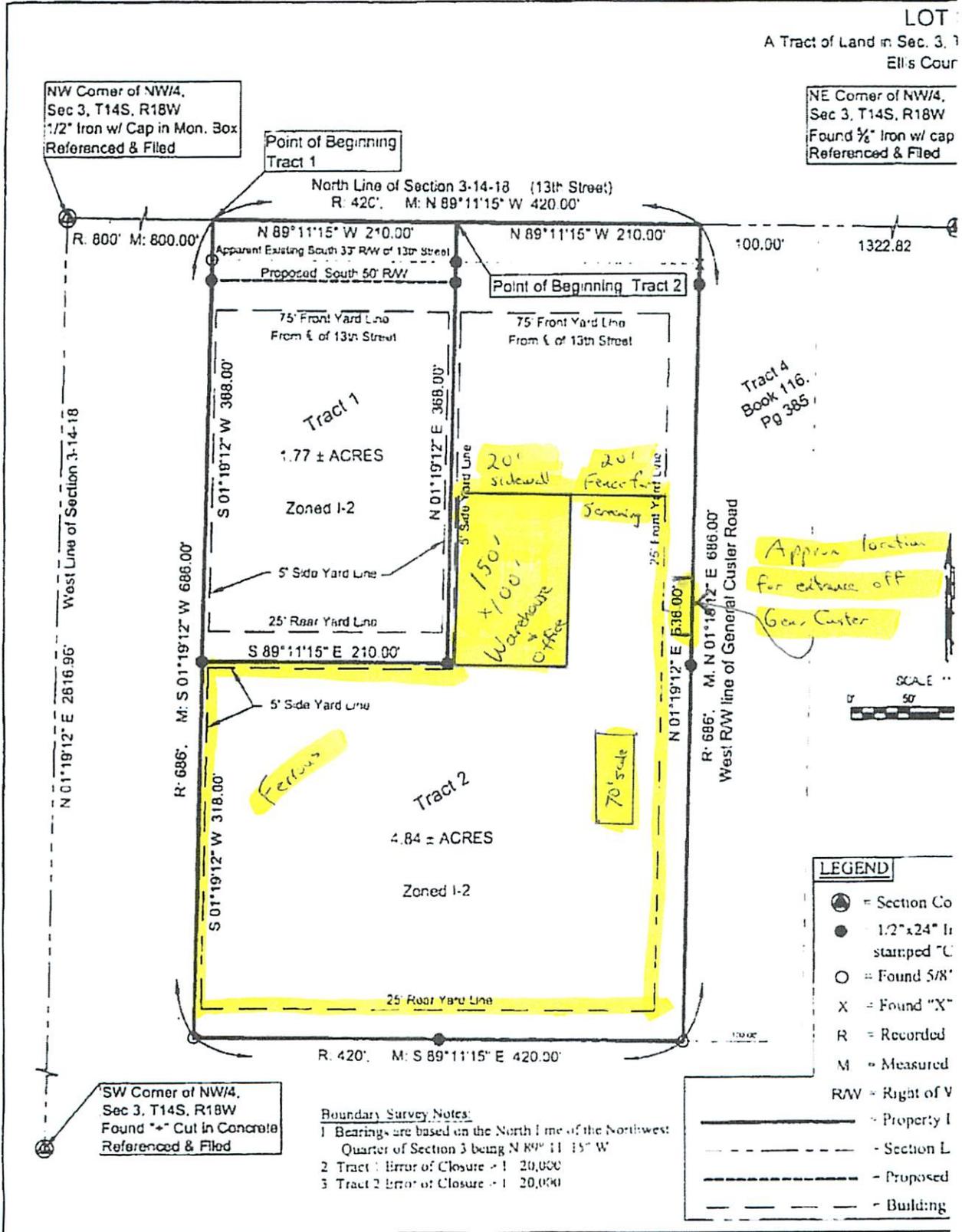


Survey

LOT:
A Tract of Land in Sec. 3, T
Ell's Cour

NW Corner of NW/4,
Sec 3, T14S, R18W
1/2" Iron w/ Cap in Mon. Box
Referenced & Filed

NE Corner of NW/4,
Sec 3, T14S, R18W
Found 3/8" Iron w/ cap
Referenced & Filed

















Unloading customer at Garden City. Building is 100' wide, 20' sidewall



West Bid., Inc. 07/14

Weighing on small platform scale. Garden City



Platform scale + computer kiosk Garden City



Rotator boxes holding different grades of metal



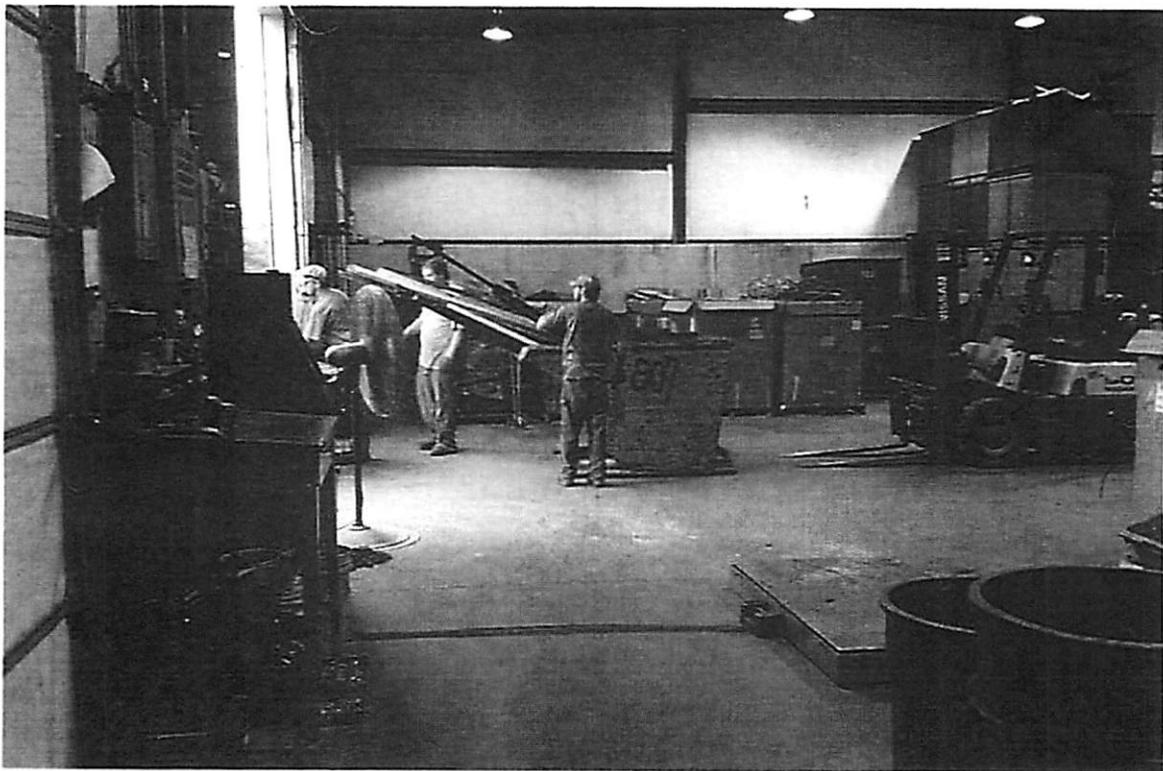
Metal recyclables awaiting shipment



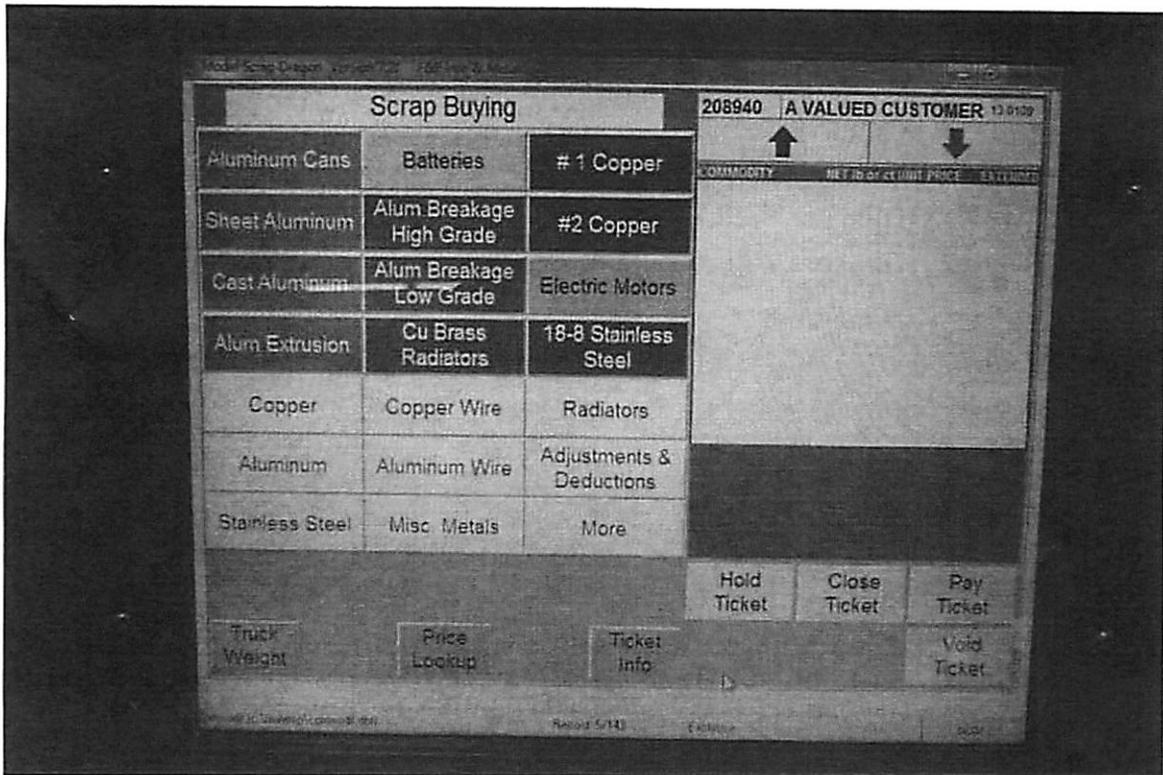
Buying kiosk home page view



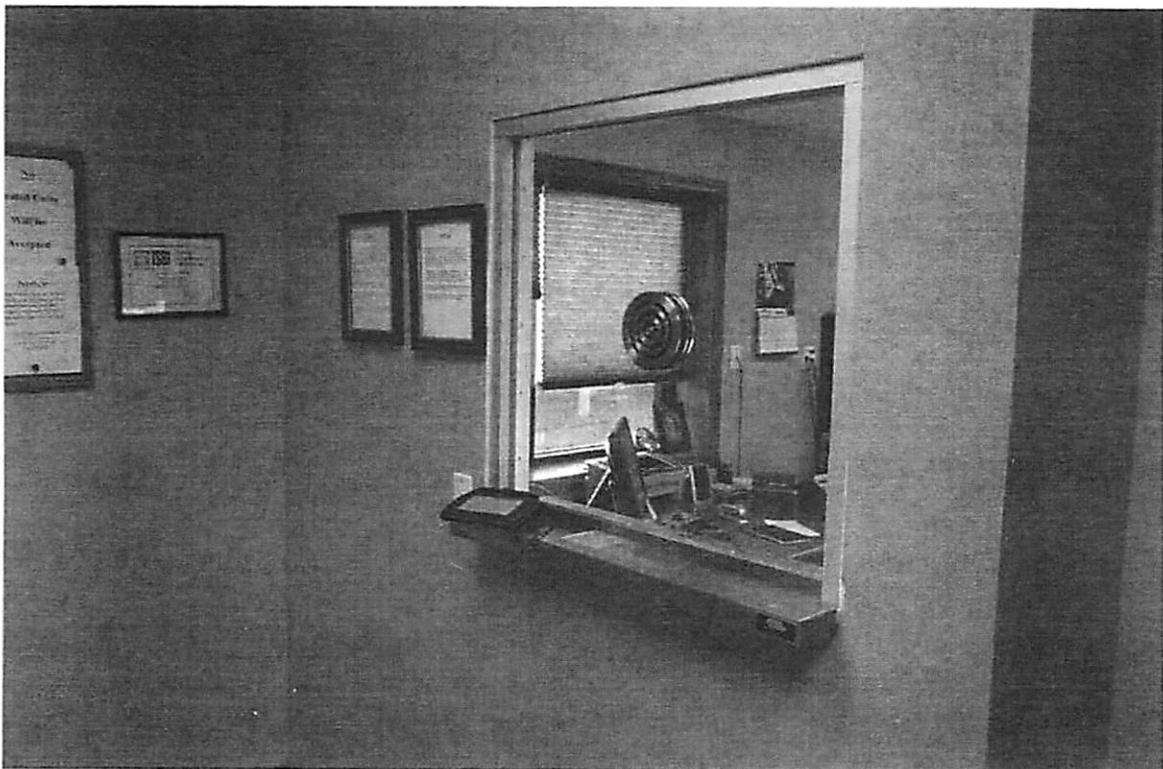
Unloading customer at Norton



Inside view at Norton



Buying kiosk touch screen menu



Customer pay window Notice signature pad



Thru the wall ATM



Customer window w ATM to right



live + recording camera views - Gardai City

Parcel Details for 026-182-03-0-20-02-001.00-0
Quick Reference #: R11754

| Owner Information | | Property Address | |
|-------------------------|------------------------------------|------------------|----------------|
| Owner's Name (Primary): | FAHRENBRUCH, VON & KRISTINE | Address: | Hays, KS 67601 |
| Mailing Address: | 402 N First St Norton, KS 67654 | | |

| General Property Information | | Deed Information | |
|------------------------------|-----------------|------------------|---------------------------------------|
| Property Class: | Vacant Lots - V | Document # | Document Link |
| Living Units: | | 823-539 | View Deed Information |
| Zoning: | | | |
| Neighborhood: | 513 - Hays | | |
| Taxing Unit: | 010-HAYS CITY | | |

| Neighborhood / Tract Information | |
|----------------------------------|--|
| Neighborhood: | 513 - Hays |
| Tract: | Section: 03 Township: 14 Range: 18 |
| Legal Description: | ANNEXED TERRITORY EAST END , ACRES 4.7 , BEG 1010 E & 33 S NW COR NW4 TH E 210 TH S 653 TH W 420 TH N 318 TH E 210 TH N 335 TO POB SECTION 03 TOWNSHIP 14 RANGE 18 |
| Acres: | 4.7 |

Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #15-14
ADDRESS: 2704 Augusta Ln.
OWNER: V-J Rentals LLC
TYPE OF REVIEW: Exception – Special Use
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
AGENDA DATE: November 12, 2014

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a special use permit to allow an existing commercially zoned property to be utilized for multi-family dwelling units. After taking into consideration all known factors, staff recommends moving this request forward for a public hearing with a recommendation to **approve** the special use permit, as long as all applicable conditions are met (as further detailed below).

BACKGROUND:

- The applicant is requesting a special use permit as allowed in Section 71-504(18) of the Zoning Regulations to allow for a commercially zoned property to be utilized for multi-family dwelling units.
- The property is zoned C-2, General Commercial and Service District
- All multi-family dwellings located within a C-2 zoning district require a special use permit from the BZA
- This particular property has been known to be vacant since the inception of zoning regulations in the City of Hays

STANDARDS OF EVALUATION:

Per State Statute 12-759 (e) and City Ordinance Sec. 71-1250 (3)

In taking into consideration applications for a special use permit, the BZA shall give consideration to the comprehensive zoning plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community, including, but not limited to, the following factors (particularly the bolded factors):

- **The stability and integrity of the various zoning districts**
- **Conservation of property values**
- Protection against fire and casualties
- Observation of general police regulations
- **Prevention of traffic congestion**
- **Promotion of traffic safety and the orderly parking of motor vehicles**
- Promotion of the safety of individuals and property
- Provision for adequate light and air
- Prevention of overcrowding and excessive intensity of land uses
- Provision for public utilities
- **Invasion by inappropriate uses**
- **Value, type and character of existing or authorized improvements and land use**
- **Encouragement of improvements and land uses in keeping with overall planning**
- **Provision for orderly and proper urban renewal, development and growth**

By ordinance, the BZA does have the authority to impose certain restrictions, conditions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

STAFF ANALYSIS:

In evaluating this request, staff considered not only the existing neighborhood, but also the comprehensive plan, the considerations of the new zoning regulations currently being drafted, and the highest and best uses for the property.

The Comprehensive plan considers this area as “Mixed Use” which is to be a mix of commercial uses as well as residential uses. This particular area contains a mix of residential (west side of Augusta Ln.) office space (east of subject property), and storage units on the property to the north. The residential area to the west consists of various types of multi-family units from duplexes to much denser units (8 to 10-plexes).

This request is yet another good use of **infill** development – utilizing an existing lot and existing infrastructure to provide, in this case, a housing need for the community. Staff feels that the request is reasonable and will not have a detrimental effect on the neighborhood or surrounding uses. The area is not well laid out for commercial development since there is no frontage on a major commercial street such as 27th St.

The applicant desires to construct these units in phases, starting on the west side and progressing east. Parking will be provided per regulation as needed during each

phase. All City utilities are already in place to serve this particular project. All other regulations, such as landscaping, stormwater management, building and fire code, etc. will need to be met prior to the applicant getting a building permit for this project.

This project should compliment the area well, fitting in with both the existing residential uses as well as the existing commercial uses that are nearby.

RECOMMENDED ACTION:

Motion to move this request forward for a public hearing with a recommendation to **approve** the application for a special use permit due to several factors including conservation of adjacent property values, no known invasion of inappropriate uses, and encouragement of uses of existing facilities.

ATTACHMENTS:

- Exception application
- Pictures and site maps
- Statement of justification and site drawings from owner

APPLICATION FOR EXCEPTION

I. Name of Applicant V-J Rentals, LLC Phone 785-625-97
 Mailing Address P.O. Box 476 Hays, KS 67601
 Name of Owner (if different from applicant) John Ziegler Phone 785-650-7595
Vaughn McMurtrie
 Mailing Address P.O. Box 476 Hays, KS 67601
 Name of Authorized Agent _____ Phone _____
 Mailing Address _____
 Relationship of applicant to property is that of Owner
 (Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-504(18) of the Zoning Regulations to permit the installation or construction of Multi-family Housing on property zoned C2, located at Please see attached and legally described as: Lot(s) see attached, Block(s) see attached of the see attached Addition to Ellis County.

Give metes and bounds description below or on attached sheet: (Required only if property is not part of a legally recorded plat)

- II. The applicant and owner herein, or authorized agent and owner:
- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this exception request.
 - B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
 - C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
 - D. Acknowledges right to appeal the decision of the board to the District Court.

V-J RENTALS
 APPLICANT
Vaughn McMurtrie
 OWNER

 AUTHORIZED AGENT (IF ANY)

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON October 6, 2014, TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 610639
Sunda Burdickman, Administrative Assistant
 NAME AND TITLE

October 10, 2014

Planning, Inspection and Enforcement Division
1002 Vine St.
Hays, KS 67601

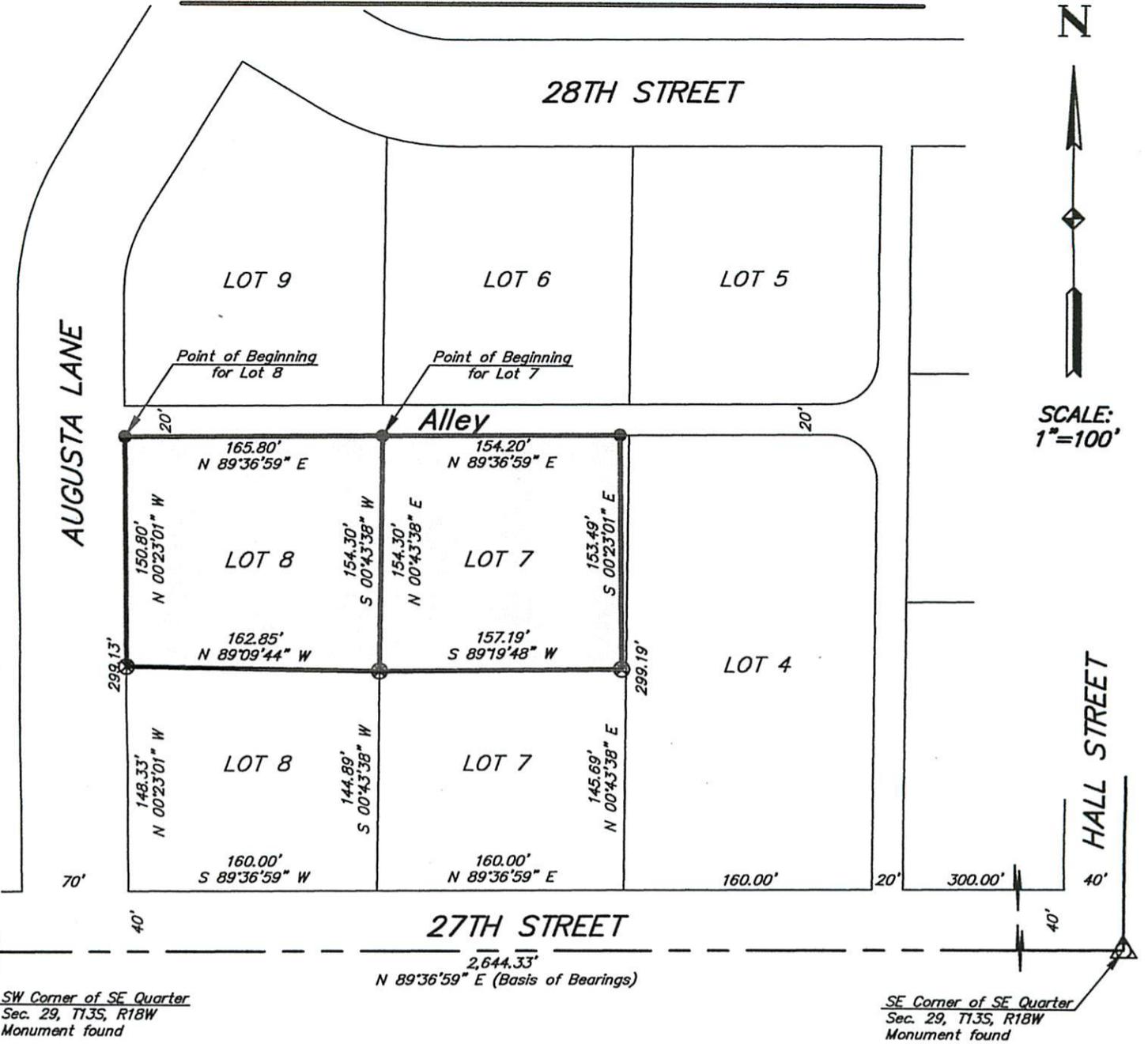
This property is currently zoned for Commercial Use. We are applying for a Special Use Permit to allow Multi-Family Housing at the attached location. We feel this could be beneficial to the Hays area.

CERTIFICATE OF SURVEY

N



SCALE:
1"=100'



DESCRIPTION

That part of Lot 7 in the Second Replat of a Portion of Planned Business District, Country Club Estates First Addition to the City of Hays, Kansas, described as follows:

Beginning at the northwest corner of said Lot 7; thence on an assumed bearing of North 89 degrees 36 minutes 59 Seconds East, along the north line of said Lot 7, a distance of 154.20 feet; thence South 00 degrees 23 minutes 01 seconds East a distance of 153.49 feet; thence South 89 degrees 19 minutes 48 seconds West a distance of 157.19 feet to a point on the west line of said Lot 7; thence North 00 degrees 43 minutes 38 seconds East, along the west line of said Lot 7, a distance of 154.30 feet to the point of beginning.

and,

That part of Lot 8 in the Second Replat of a Portion of Planned Business District, Country Club Estates First Addition to the City of Hays, Kansas, described as follows:

Beginning at the northwest corner of said Lot 8; thence on an assumed bearing of North 89 degrees 36 minutes 59 Seconds East, along the north line of said Lot 8, a distance of 165.80 feet to the northeast corner of said Lot 8; thence South 00 degrees 43 minutes 38 seconds West, along the east line of said Lot 8, a distance of 154.30 feet; thence North 89 degrees 09 minutes 44 seconds West a distance of 162.85 feet to a point on the west line of said Lot 8; thence North 00 degrees 23 minutes 01 seconds West, along the west line of said Lot 8, a distance of 150.80 feet to the point of beginning.

LEGEND

- Section Corner
- Set 1/2" bar and cap stamped "RUDER RLS-918"
- Set PK Nail in Asphalt Pavement

CERTIFICATION:

I, Harvey Ruder, do hereby certify that I am a Registered Land Surveyor, that the property described hereon was surveyed by me, and that all of the monuments, as shown, actually exist, and their positions are correct to the best of my knowledge and belief.

Harvey Ruder
July 31, 2013

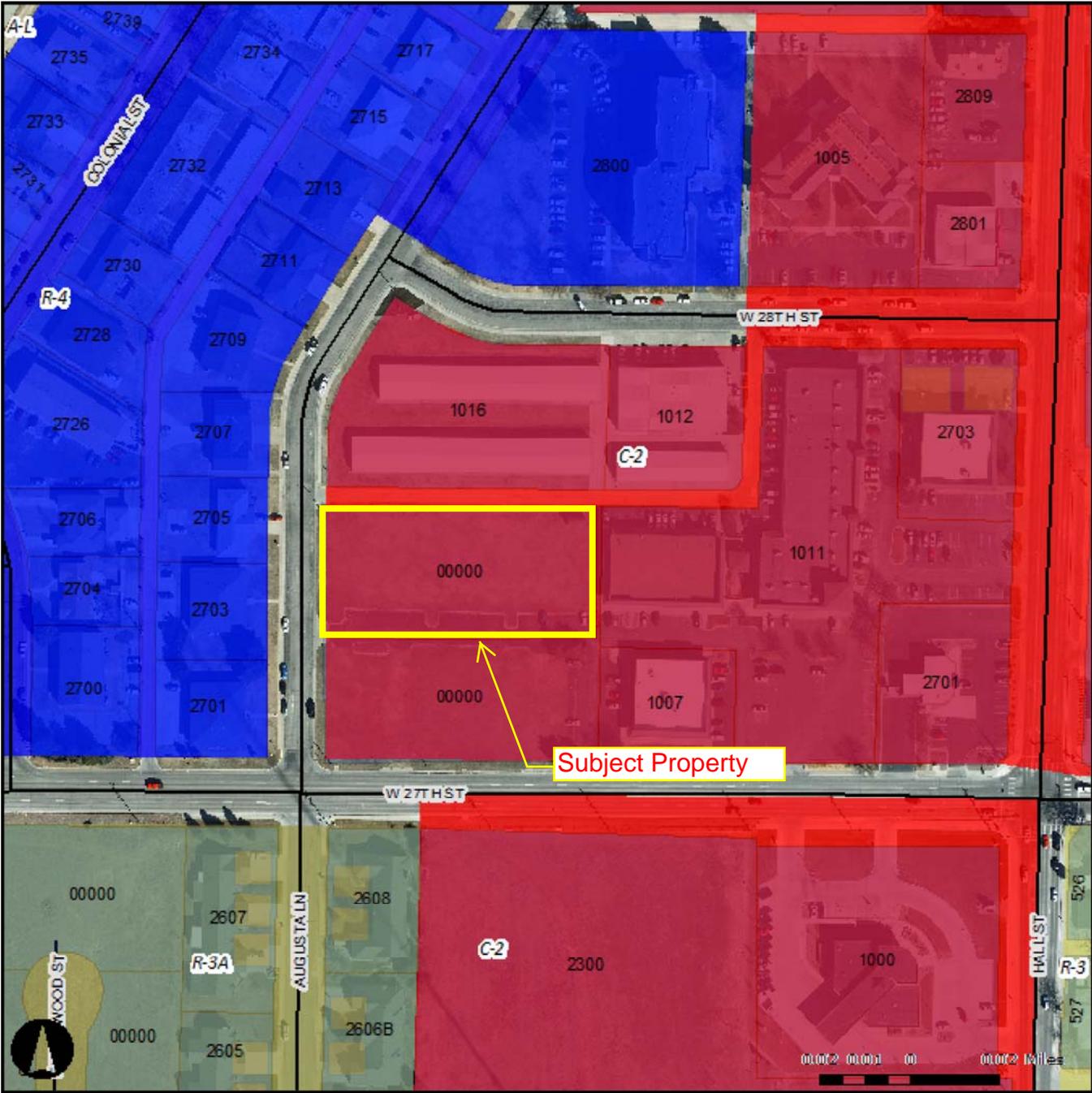


**RUDER ENGINEERING
& SURVEYING, LLC**
1376 Butterfield Trail Rd.
Hays, Kansas 67601
785-259-1382

Overhead Image

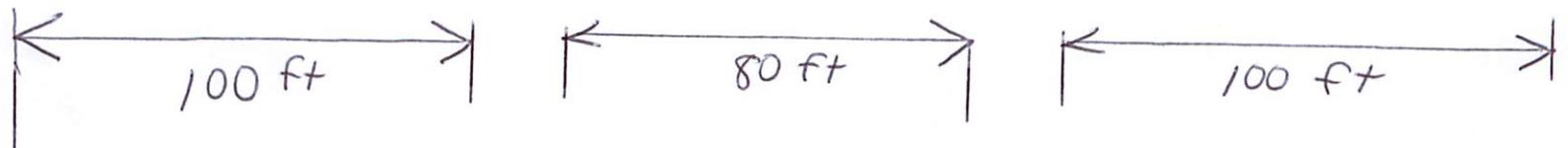


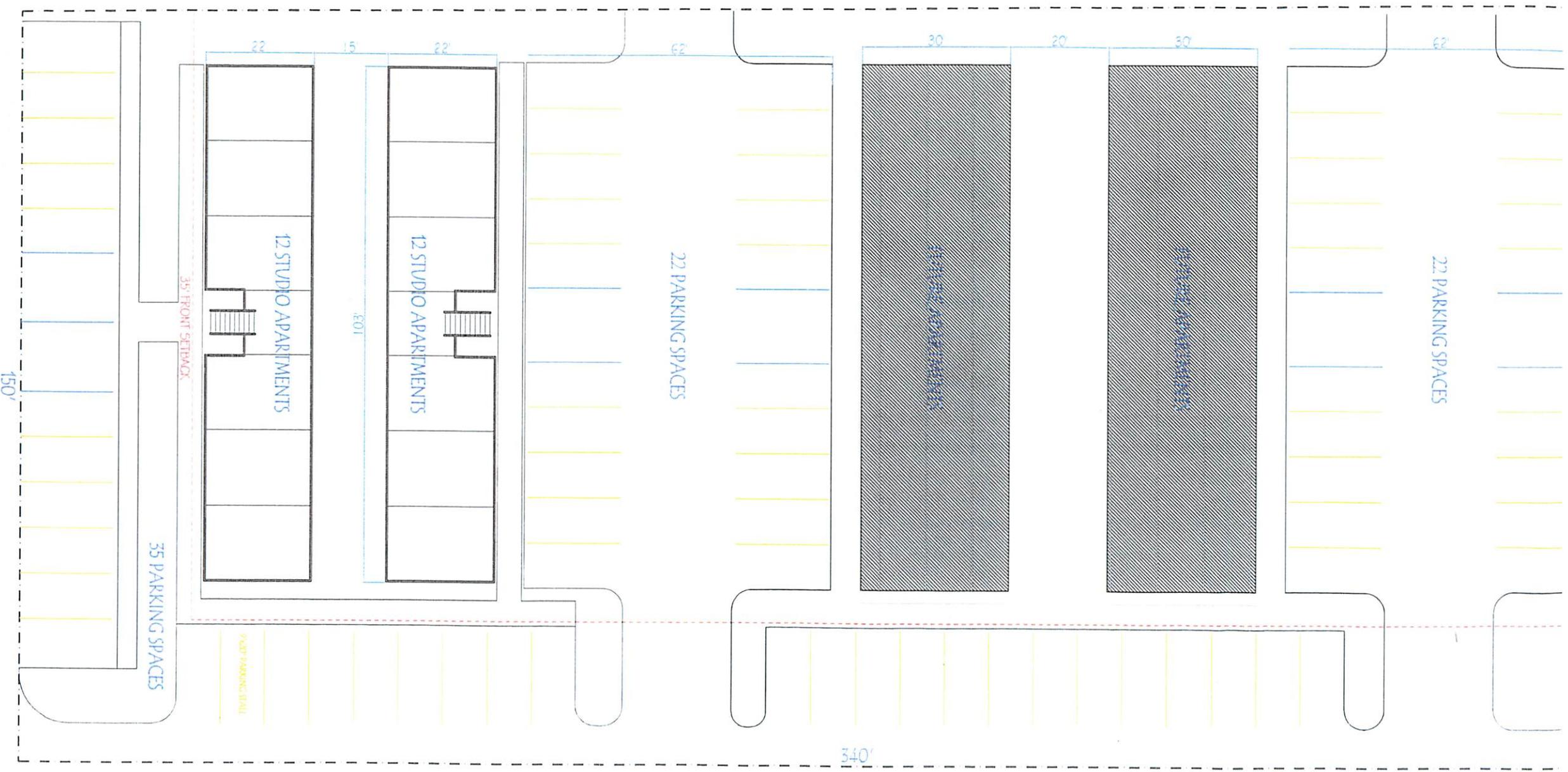
Overhead Image of Zoning





Google earth





150'

340'

35 PARKING SPACES

12 STUDIO APARTMENTS

12 STUDIO APARTMENTS

22 PARKING SPACES

12 UNIT APARTMENTS

12 UNIT APARTMENTS

22 PARKING SPACES

CAR PARKING TAIL

35' FRONT SETBACK

E01

22

15

22

35

30

20

30

35









Real Estate Information



This database was last updated on 10/6/2014 at 4:07 AM

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Parcel Details for 026-139-29-0-40-13-001.06-0

[View GIS Map](#) | [View Tax Detail](#)

Page 1 of 1



| Owner Information | Property Address |
|--|--------------------------------|
| Owner's Name (Primary): V-J Rentals LLC | Address: Hays, KS 67601 |

| General Property Information | Deed Information |
|---|------------------------|
| Property Class: Commercial & Industrial - C Living Units: Zoning: Neighborhood: 504 - Hays | Document Link # |

| Neighborhood / Tract Information | |
|----------------------------------|---|
| Neighborhood: | 504 - Hays Block: 01 |
| Tract: | Section: 29 Township: 13 Range: 18 |
| Legal Description: | COUNTRY CLUB ESTATES 1ST ADDN 2ND REPLAT OF PRTN OF PLND BD, S29, T13, R18, BLOCK 01, ACRES 1.1, PT OF LOTS 7 & 8 BEG AT NW COR OF LOT 8 TH E 320 TH S 153.49 TH W 320.04 TH N 150.8 TO POB |

| Land Based Classification System | |
|----------------------------------|---|
| Function: | Parking Lot (uncovered) |
| Activity: | Vehicular parking, storage, etc. |
| Ownership: | Private-fee simple |
| Site: | Developed site - nonbuilding structures |

| Property Factors | | | |
|--------------------|----------------------|---------------------------|----------------|
| Topography: | Level - 1 | Parking Type: | Off Street - 1 |
| Utilities: | All Public - 1 | Parking Quantity: | Adequate - 2 |
| Access: | Paved Road - 1 | Parking Proximity: | On Site - 3 |
| Fronting: | Secondary Artery - 2 | Parking Covered: | |
| Location: | Secondary Strip - 5 | Parking Uncovered: | |

| Appraised Values | | | | |
|------------------|----------------|----------|----------|----------|
| Tax Year | Property Class | Land | Building | Total |
| 2014 | | \$69,330 | \$11,390 | \$80,720 |

Board of Zoning Appeals Action Report

AGENDA ITEM: Exception Application #16-14
ADDRESS: 212 W 11th
OWNER: Western Investments Inc.
TYPE OF REVIEW: Exception – Special Use
PRESENTED BY: Jesse Rohr, P.I.E. Superintendent
AGENDA DATE: November 12, 2014

SUMMARY AND RECOMMENDED ACTION:

The applicant is requesting a special use permit to allow an existing commercially zoned property to be utilized for a multi-family dwelling. After taking into consideration all known factors, staff recommends moving this request forward for a public hearing with a recommendation to **approve** the special use permit, but only under certain conditions (as further detailed below).

BACKGROUND:

- The applicant is requesting a special use permit as allowed in Section 71-532(1) of the Zoning Regulations to allow for an existing commercially zoned space to be utilized for a multi-family dwelling unit.
- The property is zoned C-3, Central Business District
- All multi-family dwellings located within a C-3 zoning district require a special use permit from the BZA

STANDARDS OF EVALUATION:

Per State Statute 12-759 (e) and City Ordinance Sec. 71-1250 (3)

In taking into consideration applications for a special use permit, the BZA shall give consideration to the comprehensive zoning plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community, including, but not limited to, the following factors (particularly the bolded factors):

- **The stability and integrity of the various zoning districts**
- **Conservation of property values**

- Protection against fire and casualties
- Observation of general police regulations
- Prevention of traffic congestion
- Promotion of traffic safety and the orderly parking of motor vehicles
- Promotion of the safety of individuals and property
- Provision for adequate light and air
- Prevention of overcrowding and excessive intensity of land uses
- Provision for public utilities
- **Invasion by inappropriate uses**
- **Value, type and character of existing or authorized improvements and land use**
- **Encouragement of improvements and land uses in keeping with overall planning**
- **Provision for orderly and proper urban renewal, development and growth**

By ordinance, the BZA does have the authority to impose certain restrictions, conditions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

STAFF ANALYSIS:

In evaluating this request, staff considered not only the existing neighborhood, but also the comprehensive plan, the considerations of the new zoning regulations currently being drafted, and the highest and best uses for the property.

The Comprehensive plan considers this area as “Downtown Mixed Use” which is a mix of neighborhood shopping areas, neighborhood service businesses, and dwellings. This unique area contains a mix of residential (entire north side of 11th St) office space (south side of 11th), and certain services occupancies.

This request is a good use of **infill** development. Staff feels that the request is reasonable and will not have a detrimental effect on the neighborhood or surrounding uses. However, in taking into account the aesthetics of the proposed structure, staff feels that, per recommendations of our zoning consultant (Kendig Keast Collaborative), certain design elements should be implemented in order for the structure to blend into the existing neighborhood. A more “commercial” look and feel to the structure should be implemented, particularly on the street side of the structure. This may be as simple as using a brick façade similar to near-by buildings. The owner should present something that would meet this condition.

The applicant has provided for off-street parking, which is technically not required in the C-3 Zoning District. However, staff suggested to the owner that approval of any residential unit was much more inclined to be approved if off-street parking would be

provided. It is also more considerate to the existing neighborhood if off-street parking is provided.

RECOMMENDED ACTION:

Motion to move this request forward for a public hearing with a recommendation to **approve** the application for a special use permit due to many factors including conservation of adjacent property values, no known invasion of inappropriate uses, and encouragement of uses of existing facilities, **as long as** all conditions can be met.

ATTACHMENTS:

- Exception application
- Pictures
- Statement of justification and site drawings from owner

APPLICATION FOR EXCEPTION

I. Name of Applicant LANNY JONES , BRIAN DEIBERT Phone (785) 259 2052
 Mailing Address 2015 METRO LN. HAYS, KS 67601
 Name of Owner (if different from applicant) WESTERN INVESTMENTS Phone (785) 625 3446

 Mailing Address 1100 E 13TH ST HAYS KS 67601
 Name of Authorized Agent WESTERN INVESTMENTS INC Phone _____
 Mailing Address _____
 Relationship of applicant to property is that of BUYER
 (Owner, tenant, lessee, other)

II. Application is made for an exception as provided in Section 71-532(1) of the Zoning Regulations to permit the installation or construction of DUPLEX APARTMENT BUILDINGS on property zoned C-3, located at 11TH ST. 212 W 11TH and legally described as: Lot(s) 72, 74, 26, Block(s) 7 of the HAYS ORIGINAL Addition to Ellis County.

Give metes and bounds description below or on attached sheet: (Required only if property is not part of a legally recorded plat)

- III. The applicant and owner herein, or authorized agent and owner:
- A. Acknowledges receipt of an instruction sheet concerning the filing and hearing of this exception request.
 - B. Acknowledges the fee requirements established; and that the appropriate fee is herewith tendered.
 - C. Agrees to conform to all requirements of the appropriate section of the Zoning Regulations if this application is approved.
 - D. Acknowledges right to appeal the decision of the board to the District Court.

[Signature]
 APPLICANT
[Signature]
 OWNER APPLICANT

[Signature]
 AUTHORIZED AGENT (IF ANY) and Owner
Western Investments Inc.

OFFICE USE ONLY:

RECEIVED IN THE PLANNING, INSPECTION, AND ENFORCEMENT DIVISION, ON October 27, 2014.

TOGETHER WITH THE APPROPRIATE FEE OF \$ 50.00 Receipt # 610642

Sinda Bixenman, Administrative Secretary

NAME AND TITLE

Date: 10/22/2014

Hays Area Board of Zoning Appeals
Planning, Inspection & Enforcement
1002 Vine St.
Hays, Ks 67601

From: Lanny Jones

I am writing to request a special use permit to allow the construction of two duplex apartments on 11th St., Block 7., Lots 22, 24, 26. Of the Hays original addition to Ellis County. The property is currently zoned C3. This special use permit would allow the *residential* construction of a 4-plex apartment building in the downtown area to promote fill in. This particular property as set vacant for many years and I believe the construction of apartments would be valuable to the city. This new 4-plex will offer affordable living for residents and tax dollars for the city of Hays

I plan on installing a cedar fence along the backside of the lot to separate the buildings from traffic through the alley. The plan is to pour a 60' x 20' concrete driveway along the front of the building off of 11th St. to allow for tenant parking. This would alleviate any parking issues along the street. The apartments will be energy efficient from the windows, furnaces, insulation, and fixtures. I realize there will be concerns with noise due to the Sip & Spin bar across the alley. All tenant contracts will inform of the possible noise from the bar and a waiver will be signed with each lease. To help with any unwanted noise, all walls of the building will be constructed with 2"x6" studs to allow for R-19 insulation, thus keeping the noise to a minimum and increase the efficiency of the structure. The structure will be built on stem walls with 18" crawl space. A 2 hr. fire rated wall will separate the apartments in the middle.

As of now the vacant lot is full of weeds and collects trash blown in from its surroundings. With the approval to build residential apartments with a fence along the back, a downtown eye sore will be turned into an improvement for our community.

Thank You,

Lanny Jones (Applicant)


APPLICANT SIGNATURE

LOT SIZE 75' x 75'

LANNY JONES
(785)-259-2052

75'

FENCE



5'

5'



39'

10'

7'6"

7'6"

75'

PARKING

20'

60'

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Apartment plan J0124-13-4

2-Bedroom 4-plex



Front view

Scroll down for floor plan and enlarged front view.

2 bedrooms / 1

bath

Living area = 3700 sq. ft.
Porch = 360 sq. ft.
Total footage = 4060 sq. ft.

Each unit living area = 925 sq. ft.

Width: 60'-0"

Depth: 39'-0"

(not including stairs)

Order this plan

- Plan:** 5 Sets - \$650.00
option 5 Sets with material list - \$725.00
 PDF file - \$750.00
 [Study set](#) - \$150.00

[Add To Cart](#)

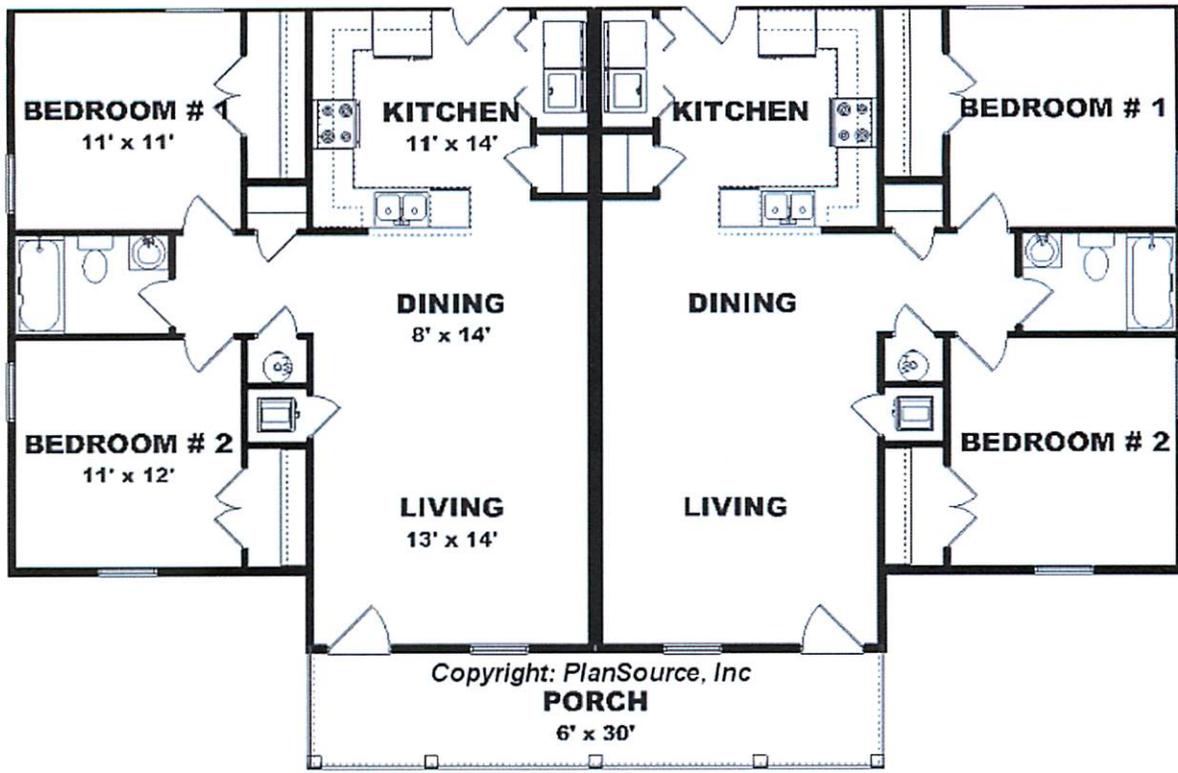
Cost-to-build

State:

Estimated cost: \$ 0

[Click here](#) for more information.

Floor plan (Both floors)



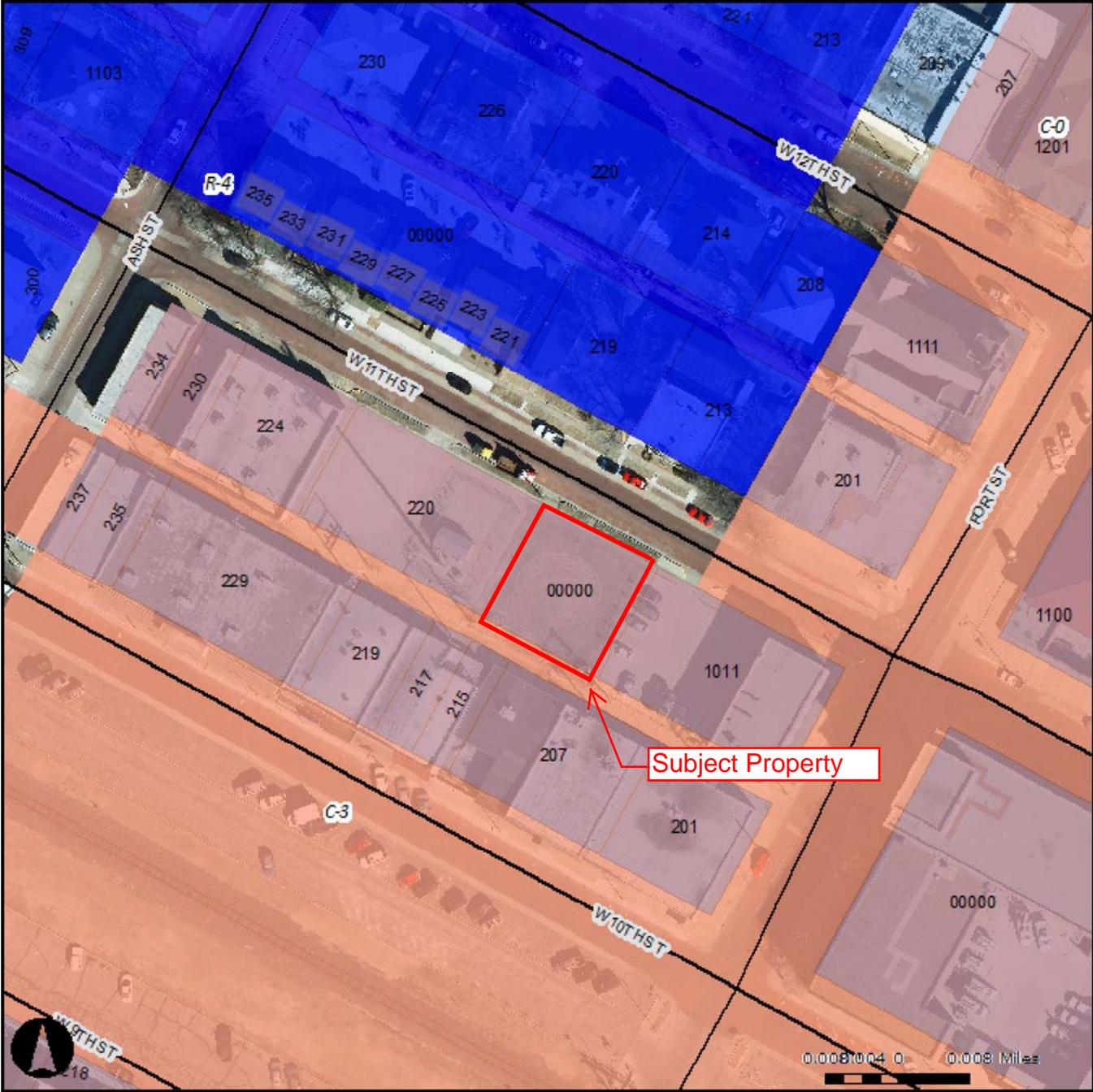
Front view



Overhead Image



Overhead Image of Zoning







Parcel Details for 026-138-33-0-30-37-002.00-0

Owner Information

 Owner's Name (Primary): WESTERN INVESTMENTS INC
Mailing Address: PO Box 370
Hays, KS 67601-0370

Property Address

 Address: 0 W 11th St
Hays, KS 67601