

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN, HAYS, KS
JANUARY 16, 2017
6:30 PM

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

2. **CONSENT AGENDA.**

A. Minutes of the meeting of December 19, 2016

Action: Consider approving the minutes of the December 19, 2016 meeting.

3. **PUBLIC HEARING ITEMS.** None

4. **NON-PUBLIC HEARING ITEMS**

A. Discussion of Unified Development Code – Commercial Building Setbacks

Action: Discuss possible recommended changes to the Unified Development Code in regard to commercial building setbacks.

B. Community Board Leadership Series – K-State Research and Extension Office

Action: None

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

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

6. **ADJOURNMENT.**

**DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
DECEMBER 19, 2016
6:30 P.M.**

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, November 19, 2016 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
Matthew Wheeler
Darrell Hamlin
Robert Readle
Larry Gould
Kevin Coomes

Absent
Paul Phillips
Kris Munsch

City staff in attendance: 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.

There were no changes to the agenda.

2. CONSENT AGENDA:

A. Minutes: Robert Readle moved, Matthew Wheeler seconded the motion to approve the minutes from the November 21, 2016. There were no additions or corrections to those minutes.

AYES:
Lou Caplan
Matthew Wheeler
Darrell Hamlin
Robert Readle
Larry Gould
Kevin Coomes

3. PUBLIC HEARING ITEMS: None.

4. NON-PUBLIC HEARING ITEMS:

A. Final Plat of Creekside Estates Addition: Jesse Rohr handed out the paper copy of the subject final plat that includes 12 lots. The preliminary plat had been approved at the November Planning Commission meeting and the final plat has come forward for consideration. This plat was originally part of the former Arbor Valley Estates Addition that was never developed; the east side was developed but the west side was not developed.

The property is located west of the intersection of 27th and Hall Street on the south side of 27th behind the Bank of Hays and Eagle Communications. The property is annexed into the city and zoned for residential development.

The streets of Augusta Lane and Englewood Street line up across 27th Street and are connected to 26th Street like a horseshoe pattern.

He pointed out the private landscape and open space reserve of approximately one acre stays with the land from the old plat and becomes part of the new plat within lot five and will be privately maintained. City practice is leaning more towards land reservation rather than dedication to eliminate small increments of city owned green spaces/open spaces/ mini-parks that would need to be maintained.

The other area that satisfied the green space requirement is a 37 ½ foot wide strip that runs the entire length from north to south along the west side of the property. It serves a dual purpose; there is a city sewer main and pedestrian access of a future walking trail site.

The reserved open space is part of lot five of block one that is in part within the 100 year flood plain. The lot has enough buildable area to go through FEMA for a letter of map amendment for a potential home to be removed out of the flood plain. Any development in the flood plain boundary will be dealt with on a lot by lot basis.

The building setbacks, the street width and utility easements meet the requirement of the Unified Development Code. It has been reviewed by the Utility Advisory Committee. City staff has gone through a half dozen renderings over a period of several months before coming before this Commission with this option.

Jesse Rohr explained the following options:

- Recommend to the City Commission to approve the final plat as submitted
- Request any needed changes to the plat
- Do not approve the plat

He explained that the recommendation, whatever it may be, would go before the City Commission.

City staff recommends approval of the final plat as submitted.

He entertained questions. The developer and representative of the engineering firm were also in attendance for questions.

Lou Caplan asked about the covenants. Jesse Rohr answered that the plat and dedication papers drafted by legal counsel were included in the packet. As with any development, covenants would not be enforced by the City.

Lou Caplan asked if there were any questions otherwise he would entertain a motion.

Robert Readle asked what determined the 37 ½ foot wide easement. Jesse Rohr explained that the footage for the easement was determined by the location of an existing 25 wide foot easement for the sewer line that pre-dated the original plat and is 12½ feet in from the edge of the property line; the remaining 12 ½ feet from the property edge to the existing easement gives a total easement of 37 ½ feet.

There was a motion by Matthew Wheeler with a second by Robert Readle for the recommendation to the City Commission for approval of the final plat as presented based on the consideration it is good use of the land and fits the neighborhood.

Lou Caplan
Matthew Wheeler
Darrell Hamlin
Robert Readle
Larry Gould
Kevin Coomes

B. Review of Street Classification System: Jesse Rohr explained that Commissioner Gould asked for an update on Functional Classification of roads within the city at the last meeting. It is good to revisit occasionally.

John Braun provided the presentation of the functional classification by which streets and highways are grouped into hierarchical classes according to the character of service they are designed to provide. As mobility increases, access decreases and vice-versa. He passed out a larger map of the Federal Highway Administration Functional road classifications for the city then what was in the agenda packet. He named the different road classifications.

The Federal Highway Administration Functional Classification map was updated in December, 2014. This is a map of the traffic count on each of the roads. The Federal Highway Administration establishes guidelines for percentages of roadway which may be classified into various categories. The functional classification of roads within the Federal-Aid highway system is the determining factor for eligibility to receive Federal Aid Funds. Federal Aid Funds typically include distribution of motor fuel tax revenue and federal aid for road improvements. In the case of the City, minor collectors and up are eligible for Federal Highway Funds.

Potential funding mechanisms for roads are as follows:

- Federal Emergency Management Association funding if declared an emergency
- Federal Highway Administrative funding for eligible classified roads
- Kansas Department of Transportation -- former process - federal dollars were sent to the state for allotted funds to qualified cities to fund eligible classified roads to be improved or built. This fund was used to rebuild Hall Street, 8th Street, build 22nd Street and most recently build 41st Street from Hall to the 183 Bypass. The city borrowed in advance 11 years against their allotment of future funds to build 41st Street.

Since then the state created a new program where there is the exchange of Federal dollars for state dollars so there is not as many hoops; although the State keeps 10% of the approved funds.

The 2012 Comprehensive Plan discussed functional classification of the roads in the city. The map mirrors that of the federal highway system.

The 2012 Comprehensive Plan identified the capacity and volume of the arterial and collector streets with the estimated level of service with "A" being the best and "F" the lowest of service. It was found that the level of service of the streets in the City of Hays was "A" being the best to very good category. The worst section of street was on 27th and Hall to 27th Street and Plum Street.

The industry standard for top service is based on access, zoning and environment.

He pointed out that 13th Street east of Vine Street to Canterbury and a portion of all sides of 27th Street and Hall were restriped from three lanes to two lanes.

Matthew Wheeler asked if it changed the classification of those streets that were changed from three lanes to two lanes and those streets where bike lanes were added. John Braun answered that it did not change the classification of the streets. He explained that two lanes provide more comfortable and safe driving since there is no speed differential.

Matthew Wheeler asked, that since the monies from KDOT were spent ahead to build 41st street, if it precludes the city from other opportunities. John Braun explained other funding mechanisms such as the KLINK grant, safety funding programs, geometric improvement type grants etc. Corridor management funds were used to build the reverse access road north of I-70 and extend General Hays Road between Cody and 22nd Street.

Larry Gould asked what time allotment was used when taking the traffic counts. He thought there would be a shift in numbers with adding a greater volume of traffic traveling from the northwest quadrant. It seemed different now. He noted a shift in heavy traffic going up and down Hall Street like never before and along 27th Street. There is more pressure on the arterial/collector streets with more traffic. Robert Readle noted that there is a lot more people moving into the northwest quadrant of town.

John Braun answered that he believed the traffic counts were based on a per/day basis. He brought up different years to compare the traffic counts and found they had not changed much to the most recent count in 2014. The Kansas Department of Transportation takes a traffic count every 3 years.

Kevin Coomes asked about the population status from ten years ago to current. John Braun answered that there has been little change in population. There is greater traffic volume at 43rd and Vine and other areas where there is new development.

Kevin Coomes asked if there had been any consideration to change the designation of any of the streets. John Braun answered that there has not been any trigger to change classification function of any of the streets.

Kevin Coomes asked for the link to the city traffic counts. John Braun answered that he would send the link to the Commission.

Matthew Wheeler pointed out about the educational module that was presented to the Commission several months ago that the population has not grown; although the land mass of the city has grown. The cost of maintaining the street and all utilities under the street is high per person.

Greg Sund explained that with more improved streets, it is more convenient to move out further and that creates bigger problems.

Larry Gould asked about the funding for 8th Street. John Braun answered that it is local funding. Jesse Rohr added that it was in the design phase.

Kevin Coomes asked what the limit is allowed to borrow ahead as example of the KDOT funds for 41st Street. John Braun answered that this was a unique situation

when there was a change in the program. It was a \$4,000,000 project funded now but ate up the allotment for some future years. Jesse Rohr added that knowing they could get the money now was looking forward because there is a chance the money would not be there in the future.

Greg Sund noted more and more roads are wanted but no one wants to increase the revenue.

Robert Readle pointed out to strike a balance on speed and appeal of certain streets that increase the palatability. He asked if there was a map that reflected the area where a greater amount of sales tax is generated that would give them direction where resources should be allocated. He noted that 8th Street is in need of improvement; it is rough and slow traveling. Jesse Rohr answered that the improvement of 8th Street from Milner to Vine is in process. It was selected partly because of the level of service.

Larry Gould pointed out the one way streets of Ash and Fort were collector streets although the travel is only one way. Jesse Rohr answered that they function as a whole without frequent stops.

Lou Caplan asked if this presentation was for informational purposes only. John Braun answered that there was no agenda here; this was to address information requested by the Planning Commission on what is the current functional classification of the streets and what does it mean. He stated that if additional information is needed to let him know.

Larry Gould stated that it is educational and impressionistic where we are going as a city in terms of mobility and the time it takes to get somewhere. The development of the northwest quadrant of the City made a difference with cars moving in different directions.

John Braun explained that the Unified Development Code encourages the flexibility of mixed uses with breaking down the walls between residential and commercial. Greg Sund stated that it demonstrates that residential nearby to commercial land uses is something the Planning Commission should look at.

Larry Gould thanked John Braun for the information.

5. OFF AGENDA ITEMS/COMMUNICATIONS:

A. Unified Development Code: Jesse Rohr asked the board for discussion for some changes to be considered to the Unified Development Code (UDC). Some revisions are more in the wording than the intent. It has been found that it is not beneficial for as great of building setbacks for commercial properties as are currently in place and has resulted in variance requests. At the request of

developers and city staff, they are asking to revisit the building setbacks for commercial properties requesting for a lesser setback. The prior setbacks commercial zoned property for the side and rear yard were 0 feet. With the new UDC per Table 3.1.300B, there is a required 25 foot rear setback and 15 foot interior side yard setback. They would like feedback from the Commission.

Any proposed changes would have to go before a public hearing. He would like to bring back a proposal after some research how the regulations got to the way they are and move forward to a public hearing and on to the City Commission for approval.

Larry Gould asked why it was changed with the new code. Jesse Rohr answered that the fire code was one of the decisive factors. He would research as to how it was arrived at for these setbacks and bring a recommendation for a happy medium setback that will work.

He asked that if the Commission is aware of any other changes that should be considered to let him know.

Robert Readle asked about the cases of the variance applications. Jesse Rohr pointed out an infill property on an irregular lot for a proposed commercial building at 6th and Riley. He explained that this area was formerly zoned light industrial and changed to commercial with the adoption of the new zoning map.

Matthew Wheeler stated that he was in favor to look at what would promote and encourage redevelopment and infill.

Larry Gould asked if they could provide information from the cases and examples to help provide direction of the outcome of the suggested changes in the variances for new commercial construction.

B. Update on the 3 mile extraterritorial: Jesse Rohr stated that the County Commission was having a meeting on the proposed boundaries for the 3 mile extraterritorial area. He would let the Commission know the findings as they become available.

Jesse Rohr and Lou Caplan wished all a Merry Christmas.

6. ADJOURNMENT:

Lou Caplan adjourned the meeting at 7:30 p.m.

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

Planning Commission Action Report

| | |
|-----------------|-----------------------------------|
| AGENDA ITEM: | Commercial Building Setbacks |
| OWNER: | N/A |
| TYPE OF REVIEW: | UDC Regulation Review |
| PRESENTED BY: | Jesse Rohr, P.I.E. Superintendent |
| DATE PREPARED: | January 10, 2017 |
| AGENDA DATE: | January 16, 2017 |

Summary

Staff would like to propose an amendment to the Unified Development Code (UDC) to change certain building setback requirements for commercial and industrial zoned properties. Changes were made to these regulations upon adoption of the UDC in 2016 which increased rear and side yard building setbacks in some cases. Based on the options presented, staff would recommend modifying the commercial and industrial setbacks as proposed.

Background

- UDC was adopted in its current form on August 31, 2016
- There was very little if any documented discussion about commercial or industrial setbacks during the review of the UDC.

Discussion

For the past 4 months, staff has had the luxury of working with the new Unified Development Code (UDC) which was made effective August 31, 2016. There are many new useful tools in the UDC that have worked to the advantage of developers, builders and others who have been able to incorporate some of the new regulations into their building projects.

However, one item that has come up for discussion several times pertains to building setbacks required for commercial or industrial zoned property. This is one area where changes were made that do not seem to benefit the developer in any way. In some cases, setbacks went from 0 feet to 25 feet on certain commercial property. Staff has researched this, looked back on the former regulations, and wishes to propose a change to the commercial setbacks required in the UDC.

The issue is not the front or street side setbacks, but rather the rear and “interior side yard” setbacks. (see attachment of UDC Table 3.1.301B for current regulations)
 Generally, setbacks have increased for commercial and industrial zoned property under the UDC. The rear setbacks seem excessive and don’t allow a developer to take advantage of space that could be otherwise utilized for building space. Most commercial developments don’t have the need for a rear yard/open space or rear landscaping. Parking is often in the front or the side and not in the rear.

Of course, variances through the Board of Zoning Appeals are sometimes an option for developers or builders wishing to apply for a reduced setback for a unique situation where there may be exceptional hardship. However, staff wishes to reduce the number of variances required in most situations. During the 40+ years the former regulations were in place, there are no known issues that can be recalled that became issues because of the required setbacks.

The adopted building code already has some “built-in” setback regulations for fire safety purposes. The closer a building get to a property line, the more likely it will be required to be built of certain fire-rated construction. This helps provide a builder with options if they wish to construct at or near a rear or side property line.

The previous, current, and proposed setback regulations are as follows:

(Former Regulations prior to August 31, 2016)

| District | Front | Side | Rear |
|----------|-------|------|------|
| C-1 | 25 | 5 | 25 |
| C-2 | 35 | 0 | 0 |
| C-3 | 0 | 0 | 0 |
| I-1 | 25 | 10 | 25 |
| I-2 | 25 | 5 | 25 |

(Current UDC Regulations)

| District | Front | Side (Street side) | Rear |
|----------|-------|--------------------|------|
| C-1 | 25 | 7 (15) | 20 |
| C-2 | 25 | 15 (25) | 25 |
| C-3 | 0 | 0 (0) | 0 |
| I-1 | 35 | 15 (25) | 35 |
| I-2 | 25 | 20 (25) | 40 |

(Proposed UDC Regulations)

| District | Front | Side (Street side) | Rear |
|----------|-------|--------------------|------|
| C-1 | 25 | 5 (15) | 0 |
| C-2 | 25 | 5 (25) | 0 |
| C-3 | 0 | 0 (0) | 0 |
| I-1 | 35 | 10 (25) | 25 |
| I-2 | 25 | 10 (25) | 25 |

Options

The Planning Commission has the following options:

- Recommend approval of the setbacks as proposed (public hearing required)
- Request other changes or considerations to the setback regulations (public hearing required)
- Propose no changes to the setbacks as currently required in the UDC

Recommendation

Staff recommends setting a public hearing to modify the commercial and industrial setbacks as proposed in this memo.

Action Requested

Motion to set a public hearing for the February 20 Planning Commission meeting to suggest proposed changes to the commercial and industrial building setbacks.

Supporting Documentation

UDC Table 3.1.301B

- a. The area of the principal parcel from which the lot is subdivided complies with the requirements of Table 3.1.301A, *Nonresidential and Mixed Use Development Standards*, before subdivision;
 - b. Appropriate easements are recorded to provide for:
 - i. Cross-access between the lots;
 - ii. Chapter 5, *Parking, Loading, Access, and Lighting*; and
 - iii. Appropriate covenants, conditions, or restrictions (CCRs) are recorded that provide for the required landscape surface ratio (LSR) to be maintained in proportion to the principal parcel area before the subdivision, designating the landscaped areas, and providing for their maintenance.
2. *Building Spacing*. For the purposes of the requirements of Table 3.1.301B, *Nonresidential and Mixed Use Setbacks*, lots created pursuant to this Section shall be considered part of the principal parcel. However, buildings shall be spaced at least 20 feet apart.
3. *Access*. Lots created pursuant to this Section are not entitled to individual access to abutting streets unless they meet the access management requirements set out in Article 5.3, *Access Management*.
4. *Required Buffer*. Lots created pursuant to this Section are not required to be buffered from the principal parcel from which they are subdivided unless they are in different zoning districts.

D. Nonresidential and Mixed Use Setbacks.

- 1. *Generally*. The standards of this Section apply to nonresidential and vertically mixed use buildings. If Division 4.1.400, *Bufferyards*, requires a bufferyard that is wider than the setback that is required by this Section, then the width of the setback shall be at least the width of the required bufferyard.
- 2. *Principal Buildings*.
 - a. The required setbacks for nonresidential and mixed use buildings are set out in Table 3.1.301B, *Nonresidential and Mixed Use Setbacks*.
 - b. Residential district boundary setbacks (set out in the last row of Table 3.1.301B, *Nonresidential and Mixed Use Setbacks*), apply to buildings or outdoor uses (except parking) on parcels that abut property that is located in the R-S, R-1, R-M, or NC districts. If the residential district boundary setback is indicated as "N/A," then there are no special setback requirements in relation to abutting residentially zoned property (e.g., the other columns of the table control).

| Table 3.1.301B Nonresidential and Mixed Use Setbacks | | | | | | | |
|---|-----------------|-----|------------------|-----|------|-----|-----|
| Standard | Zoning District | | | | | | |
| | C-1 | C-2 | C-3 ³ | I-1 | I-2 | M-U | P-I |
| Front | 25' | 25' | 0' | 35' | 25' | 40' | 50' |
| Interior Side | 7' | 15' | 0' | 15' | 20' | 25' | 50' |
| Street Side | 15' | 25' | 0' | 25' | 25' | 40' | 50' |
| Rear | 20' | 25' | 0' | 35' | 40' | 30' | 50' |
| Residential District Boundary ^{1,2} | 15' | 20' | N/A | 50' | 100' | 75' | 50' |

TABLE NOTES:

N/A - Not Applicable

- 1. Refer to Subsection D.2.c., *Setback Planes*, of this Section.
- 2. If a two-story structure is constructed on a lot or parcel that abuts or is contiguous to a residential zoning district or use, there shall be no windows, doors, or other openings constructed on that side of the second story facing the residential district or use.
- 3. Refer to Subsection E., *C-3 District Setbacks*, of this Section.

