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

2. **CONSENT AGENDA.**

   A. Minutes of the meeting of December 16, 2019

   *Action: Consider approval of the minutes of the December 16, 2019*

   B. Citizen Comments

   *Action: None.*

3. **PUBLIC HEARING ITEMS.**

   A. Conduct a Public Hearing to consider a rezoning from “A-L” Agriculture to “C-2” Commercial General of a tract that is a portion of 3301 US Hwy 183 Alt.

   *Action: Consider approval of rezoning the tract within 3301 US Hwy 183 Alt from “A-L” Agriculture to “C-2” Commercial General*

   B. Conduct a Public Hearing to consider a rezoning from “P-I” Public and Institutional District to “R-G” Residential General District for the property at 2909 Roosevelt St.

   *Action: Consider approval of rezoning 2909 Roosevelt St. from “P-I” Public Institutional District to “R-G” Residential General District*

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

   A. Preliminary and final plat of the proposed Hess First Addition located at 5809 230th Ave.

   *Action: Consider final plat of the proposed Hess First Addition for recommendation to the City Commission.*

5. **AGENDA ITEMS/COMMUNICATIONS.**

   A. Planning Commissioner Comments

   i. Opportunity for Planning Commissioners to ask questions of staff or initiate topics for discussion.

6. **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.
1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, December 16, 2019 at 6:30 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, Robert Readle, Mike Vitztum, Jim Schreiber and (by phone) Dustin Schlaefli

City staff in attendance: Jesse Rohr, Director of Public Works, Curtis Deines, Planning, Inspection and Enforcement Superintendent and Linda Bixenman, Administrative Assistant.

2. CONSENT AGENDA: Paul Phillips asked if there were any changes to the agenda. There were none.

A. Minutes: Mike Vitztum moved, Jim Schreiber seconded the motion to approve the minutes from the October 21, 2019 meeting. There were no corrections or additions to those minutes.

Vote: AYES Paul Phillips, Lou Caplan, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

B. Citizen Comments: None.

3. PUBLIC HEARING ITEMS:

A. CONDUCT A PUBLIC HEARING TO CONSIDER A REZONING FROM “C-2” COMMERCIAL GENERAL TO “A-L” AGRICULTURE OF A TRACT THAT IS A PORTION OF 700 W 48th STREET. Curtis Deines explained this is a public hearing for a zoning change request from “C-2” Commercial General to “A-L” Agriculture on a portion of the property at 700 W 48th Street. Since there was not a quorum for the public hearing set for November, the public hearing was moved to this month.

He provided a power point presentation with a map to show the overview location of the property. It is located north of I-70, West of Vine Street where part of the Mid-Kansas Auto Auction business was formerly located. The property was annexed in October, 2019.
He pointed to a map to show the outline of the property that will remain zoned commercial and the portion proposed to be rezoned to Agriculture. The areas surrounding the property are zoned agriculture except commercial (C-2) adjoining on the east side.

The area is identified as Urban Reserve/Agriculture in the current adopted comprehensive plan with the land use compatibility matrix table having a rating of 4 out of 5 between Urban Reserve/Agriculture and Commercial Zoning. This is a favorable compatibility as Urban Reserve is generally agriculture and open space uses where development will likely occur in the future. However, this case is unique because it is going back to agriculture.

He showed the allowed uses by right for the “A-L” zoning district. He emphasized not to rezone with one particular use in mind even if it is known what is planned since any of these uses are “fair game”. The property does have private water and septic; however sanitary sewer will be extended from the Ottley Addition from the east and water will be available to this property upon completion of a city waterline project in 2020.

Rezoning the portion of this property restricts and limits the uses compared to the current “C-2” zoning district. There are only a few allowed uses within the “A-L” district.

He showed the property with the current floodplain and the proposed new floodplain that is reflected to be less area. This will benefit the property and make it easier to develop for structures and infrastructure.

He explained the options to the commission. He presented the action requested. He noted that with the motion to justify with the approval criteria from the list of factors for a rezoning.

Mike Vitztum asked about the location of the utilities and the area that has been annexed. Curtis Deines explained there is a waterline project where water will be brought across Interstate 70 to 48th Street. The sewer will be available to the development.

Paul Phillips informed the audience that per The Kansas Open Meetings Act, the first part is a public hearing. After the public hearing, the meeting will be closed for the commission members to discuss the issues relative to the request. There will be two motions; a motion to approve/disapprove staff finding of fact and the second is a substantive motion to approve or disapprove the rezoning request with justification from the list of approval criteria.

Paul Phillips opened the public hearing. There were no comments from the audience.
He closed the public hearing for discussion among the members.

Robert Readle asked why they were backing up on the intensity use. The current “C-2” zoning uses would have been lower than that on the chart.

Curtis Deines explained that the owner has an outdoor use in mind. Robert Readle asked about those outdoor uses in the “C-2” zoning classification. Curtis Deines explained the difference between the “A-L” and “C-2” zoning districts.

Jesse Rohr explained the hierarchy intensive residential uses associated with those zoning districts.

Mike Vitztum asked if he plans to leave part of it zoned “C-2” and noted that the properties to the east of the portion proposed to be rezoned to agriculture were zoned “C-2”. Curtis Deines answered that part of the tract will remain zoned “C-2”. There is a natural draw barrier between the properties zoned “C-2” and the proposed property to be rezoned to agriculture. Nothing will abut the natural barrier with that use.

Paul Phillips asked if the taxation is established differently for agriculture and commercial properties since the property is within the city limits.

City Manager, Toby Dougherty, answered that it is taxed according to the improvements on the land.

Curtis Deines pointed out the change of use for auto auction parking to a better use would generate more funds.

Mike Vitztum asked if the developer could ask for city water for all those uses allowed within the Agriculture zoning district. Curtis Deines answered that they would have access to city water. If the developer has his own water well and septic system, he has a certain amount of time to hook up to the City utilities.

Jesse Rohr added being on city water they would be subject to any city water conservation requirements and regulations.

Paul Phillips asked if a feedlot can be put in as an agriculture use. Jesse Rohr answered that a feedlot would not be able to be put in because it would be a commercial use. State Statute protects agriculture uses and it is exempt from zoning regulations. Paul Phillips asked if a wheat field could be put in. He asked if a farm operation could be put in. Jesse Rohr answered that a wheat field could be grown in agriculture and the commercial zoning district. A farming operation could be put in.

Mike Vitztum asked if they could put in a nursery greenhouse and a pond or water feature in that change of zoning. Curtis Deines answered that if they meet
all the regulations and stormwater and water conservation requirements, it could be possible.

Paul Phillips entertained a motion for staff findings of fact.

Robert Readle moved, and Lou Caplan seconded the motion to approve staff findings of fact on the above case #19-02Z.

**Vote: AYES**  Paul Phillips, Lou Caplan, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

Paul Phillips entertained for the substantive motion for case #19-02Z.

Robert Readle moved, and Lou Caplan seconded the motion for approval of Case #19-02Z with the recommendation to the City Commission to approve the rezoning classification of the subject portion (legal per application) of 700 W 48th Street from “C-2” Commercial General to “A-L” Agriculture based on character of the neighborhood and zoning uses of the property nearby.

**Vote: AYES**  Paul Phillips, Lou Caplan, Robert Readle, Dustin Schlaefli, and Jim Schreiber

**Nay**  Mike Vitztum

**B. CONDUCT A PUBLIC HEARING TO CONSIDER A REZONING FROM “A-L” AGRICULTURE TO “C-2” COMMERCIAL GENERAL ON THE PROPERTY AT 5809 230TH AVENUE.**  Curtis Deines explained this is a public hearing for a zoning change request from “A-L” Agriculture to “C-2” Commercial General on two parcels of land; one tract owned by Hess Land LLC and a tract that was the former KDOT mixing strip, owned by the City of Hays. It is located on the northwest corner of Exit 157 from Interstate 70.

He provided a power point presentation with a map to show the overview location of the property. The properties have been annexed into the City limits.

The church is across the road to the East, zoned “P-I” Public Institutional. There is “C-2” zoning to the north and south.

The comprehensive plan identifies this area as “B-P” Business Park that includes a mix of commercial and light industrial uses. The property is currently used as pasture/grassland. The developer has started moving dirt in preparation of the development.

This property does not have utilities yet. The developer will also be making improvements to 280th and 55th St intersections as part of the project.
He presented the allowed uses by right for the “C-2” zoning district. He emphasized not to rezone with one particular use in mind even if it is known what is planned since any of these uses are “fair game”.

He explained the options to the commission. He presented the action requested. Staff recommends approval of the rezoning request.

Paul Phillips informed the audience that per The Kansas Open Meetings Act, the first part is a public hearing. After the public hearing, the meeting will be closed for the commission members to discuss the issues relative to the request. There will be two motions; a motion to approve/disapprove staff finding of fact and the second is a substantive motion to approve or disapprove the rezoning request with justification from the list of approval criteria.

He opened the public hearing. There were no comments.

He closed the public hearing for discussion among the commission.

With no comments, he entertained a motion for Staff Findings of Fact.

Robert Readle moved, and Mike Vitztum seconded the motion to approve staff findings of fact on the above case.

**Vote: AYES** Paul Phillips, Lou Caplan, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

He entertained a substantive motion for case #19-03Z

Robert Readle moved and Mike Vitztum seconded the motion for approval of Case # 19-03Z with the recommendation to the Hays City Commission to approve the rezoning classification from “A-L” Agriculture to “C-2” Commercial General for the tract of land owned by Hess Land LLC and a tract of land owned by the City of Hays located at 5809 230th Avenue based on the character of the neighborhood and zoning uses of the property nearby.

**Vote: AYES** Paul Phillips, Lou Caplan, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

4. NON-PUBLIC HEARING ITEMS:

A. REZONING REQUEST FOR A PORTION OF 3301 US HWY 183 ALT FROM “A-L” (AGRICULTURE DISTRICT) TO “C-2” (COMMERCIAL GENERAL DISTRICT): Curtis Deines explained the request to set a public hearing for a change of zoning request from “A-L” Agriculture to “C-2” Commercial General of a small tract of land identified for a particular use at 3301 US Hwy 183 Alt. It is located on the west side by 33rd and the bypass.
He provided a power point presentation with a map to show the overview location of the property.

The property owner recently annexed the property to the City of Hays. He developed the property and began operating Creek Side Resort RV Park in August 2019. There are 36 RV stalls with the office building to the north. He would like to rezone a small area to the north.

The properties to the north, south and west are zoned agriculture. There are three residences to the north and west and across the bypass is zoning of NC.1 (Residential).

The area is identified as Urban Reserve/Agriculture in the current adopted Comprehensive Plan. The land use Compatibility Matrix table has a rating of 4 between Urban Reserve/Agriculture and Commercial zoning.

He showed the floodplain from the current floodplain map and the new proposed floodplain that removes quite a bit of the property out of the floodplain; this will make this property easier to develop.

It appears this request may be considered spot zoning. According to actual court cases, he listed the three tests to determine the existence of spot zoning per the UDC using the three criteria.

In 2011 a rezoning request to “C-2” for the entire property was denied approval from the City Commission and Planning Commission due to this area not being identified for commercial in the Comprehensive Plan and the property being in the floodplain.

Any new use is subject to a review by KDOT to determine the impact of traffic entering and exiting the property since the property fronts a state highway (183).

As part of the consideration for approval, the Planning Commission should remember that in a hearing for a rezoning request, they are considering an amendment to the Comprehensive Plan. Only the change of classification and not the particular use should be considered.

He presented the “C-2” zoning uses by right.

Staff recommends setting a public hearing for January 20, 2020; although strong consideration should be given to the spot-zoning factors as listed in the UDC. The action recommended was to set a public hearing.

Paul Phillips asked for discussion.

Lou Caplan stated that he finds it hard not to consider this spot zoning. One of the Commissioners asked him for his reason. Lou Caplan stated that because of
the Comprehensive Plan and homes around it; that zoning does not fit in that small piece of property.

Paul Phillips asked if there was a reason given of not doing the entire property. He asked the size of the tract and if it was large enough to construct a building on it. Jesse Rohr answered that it was 200 foot by 75 foot. Curtis Deines answered that the owner wants to put more RV Parking spaces in the remaining property which is the reason he wants to keep it zoned agriculture.

Robert Readle asked if they could do a variance request rather than a rezoning. Curtis Deines answered that the rezoning request is the way to do it.

Mike Vitztum asked what KDOT said about it. Curtis Deines answered that it depends on what the use would be and the volume of traffic for that use.

Lou Caplan asked if they should get KDOT approval first. Jesse Rohr explained the traffic impact is based on the use, not the rezoning. On a previous proposed use, KDOT would have had to do a further study and they may have needed another turn lane. KDOT did not have any issues with the traffic associated with the RV park. It was low intensive use.

Mike Vitztum noted that since there has been a use turned down already by KDOT, this would be on their screen.

Paul Phillips asked a hypothetical question if a convenience store or a gas station could necessitate rezoning for that location. Curtis Deines answered that was correct.

Aaron Dreher, owner, came before the commission to explain that originally, he was planning to put in a drive-in theatre; but rebuilding the highway did not work. The reason for this rezoning is he wants to get a dealer’s license to sell RV’s. To get a license, he would need to sell them within a “C-2” zoning district. He wants to keep the remainder of the properties to agriculture to put in more RV spaces. He has sold out his spaces already.

Robert Readle asked again if there could be a variance for this type of request.

Mike Vitztum commended Aaron Dreher on the great job he has done with the RV park.

Jesse Rohr pointed out that the commission cannot consider that use in their decision. They must consider all uses.

Paul Phillips entertained a motion to set a public hearing.
Lou Caplan moved, and Mike Vitztum seconded the motion to set a public hearing for January 20, 2020 for the rezoning request for a portion of property for 3301 US Hwy 183 Alt from “A-L” Agriculture to “C-2” Commercial General.

**Vote: AYES** Paul Phillips, Lou Caplan, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

**B. REZONING REQUEST FOR 2909 ROOSEVELT AVE FROM P-I (PUBLIC AND INSTITUTIONAL DISTRICT) TO “R-G” (RESIDENTIAL GENERAL DISTRICT):** Curtis Deines explained the request to set a public hearing for a change of zoning request for 2909 Roosevelt from “P-I” (Public and Institutional District) to “R-G” (Residential General District).

He provided a power point presentation with a map to show the overview location of the property.

The property owner recently split the lot from the 1605 E 29th Street parcel. The adjacent neighborhood is zoned “NC.2” (Neighborhood Conservation) and the “P-I” Public and Institution zoning district does not allow residential uses; thus, the reason for the change of zoning request for that parcel.

The property is in the city limits and has city water available; although sewer will need to be extended by the developer from the development to the north.

The area is identified as Light Density Residential on the Comprehensive Plan and compatible with the area. Previous regulations allowed places of worship to be in residentially zoned districts as a use by right.

He presented the “R-G” zoning uses by right.

Staff recommends setting a public hearing for January 20, 2020 and listed the action requested.

Lou Caplan asked, out of curiosity, if there was a reason that triangular section was not in the original residential zoning. Curtis Deines answered that is what the developers and church had agreed on at that time. This is about a half an acre lot compared to the other lots in the area.

Lou Caplan moved, and Jim Schreiber seconded the motion to set a public hearing for January 20, 2020 for the rezoning request for 2909 Roosevelt Ave from “P-I” Public Institutional District to “R-G” Residential General District.

**Vote: AYES** Paul Phillips, Lou Caplan, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

**5. AGENDA ITEMS/COMMUNICATIONS:**
A. Planning Commission Comments:

I. Opportunity for Planning Commissioners to ask questions of staff or initiate topics for discussion. – None.

   a. Meeting Date: Mike Vitztum asked if the next meeting date could be on a different day of week; preferably Wednesday, since he would not be able to attend for the next couple of meetings. He was concerned there would not be a quorum.

   Jesse Rohr asked if there would be a quorum for the January 20, 2020 meeting. All plan to attend except Mike Vitztum.

City Manager Toby Dougherty acknowledged the shortage of three members needed from the 3-mile extraterritorial area. Matthew Wheeler is scheduled to be considered in January. He noted that Mayor Schwaller had reached out three times to the County for recommendations, although they had no one. He asked the Commission if they knew of anyone in the 3-mile area that would be interested to be on the Planning Commission to ask them to submit their application.

   b. Books: Curtis Deines stated he brought some books over from the City "library" of select topics related to planning for anyone to borrow if they wish.

   c. Spot Zoning: Robert Readle asked the City to consider a variance process for those that are painted in a corner for spot zoning. He said at times it just makes sense for what they want to do that is good for everyone involved. He understood that this spot zoning was under the State Statute. He asked if there is some public process this zoning change could be considered.

Jesse Rohr explained there is a process and they are listed as a special use; although his use request is not on the list. He explained the spot zoning court cases. There is no variance process for this. He noted that by approval of an ordinance they could add that to the list of specific uses in the agricultural district as a special use.

Mike Vitztum asked how the case at 700 W 48th case was different than the spot zoning case since a portion of the property was requested to be rezoned from “C-2” to “A-L”. It was explained of the difference.

6. ADJOURNMENT: Paul Phillips adjourned the meeting at 7:22 p.m.

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

AGENDA ITEM: Rezoning request from “C-2” General Commercial to “A-L” Agriculture

OWNER/APPLICANT: Aaron Dreher

TYPE OF REVIEW: Rezoning from “A-L” to “C-2”

PRESENTED BY: Curtis W. Deines, P.I.E. Superintendent

PREPARED DATE: January 9, 2020

AGENDA DATE: January 20, 2020

Summary
An application has been submitted to request a change in zoning for a portion of 3301 US Hwy 183 Alt from “A-L” Agriculture to “C-2” Commercial General District. The property was recently annexed into the city limits and has utilities available. It appears this request may be considered spot zoning per section 11.2.406 (E) of the UDC, which is a prohibited practice. Staff does not recommend approval of the rezoning request as submitted due to the request being considered spot zoning.

Discussion

An application has been submitted to request a change in zoning for a portion of 3301 US Hwy 183 Alt from “A-L” Agriculture to “C-2” Commercial General District. The property was recently annexed into the city limits and has city water and sewer utilities available. The area is identified as Urban Reserve/Agriculture in the current adopted Comprehensive Plan. The land use Compatibility Matrix table has a rating of 4 between Urban Reserve/Agriculture and Commercial zoning.

Currently the property is in the floodplain, however with the new proposed flood maps, the area being requested to be rezoned is proposed to be removed from the floodplain.
Any new use is subject to a review by KDOT to determine the impact of traffic entering and exiting this property since the property does front along a State highway.

As part of the consideration for approval, the Planning Commission and City Commission should remember that in a hearing for a request for rezoning, that they are actually considering an amendment to the Comprehensive Plan. As such, they should consider only the proposed change of classification and not the proposed particular use.

C-2 Zoning allows the following uses by right (UDC 2.2.204):

1. Alcoholic Beverage Sales
2. Animal Grooming Facilities
3. Drinking Establishment
4. Grocery Store
5. Heavy Retail
6. Hotel/Motel
7. Restaurant
8. Retail sales and service
9. Mixed Use
10. Pawn Shop
11. Personal Services
12. Retail Sales and Service
13. Showrooms
14. Vehicle Gas and Fueling station
15. Vehicle Sales, Rental, & Service
16. Vehicle Wash

“A-L” does have limited uses allowed within the district and he wishes to rezone a small portion to commercial use. The current adopted Comprehensive Plan identifies this area as Urban Reserve (UR). Currently there is no commercial zoning in this area and the character of the neighborhood is more residential and crop land.

It appears this request may be considered spot zoning per section 11.2.406 (E) of the UDC, which is a prohibited practice. The total area being rezoned is 15,000 sq. ft which is approximately 3% of the developable area of the property.

Strong consideration should be given to the points regarding spot zoning. According to actual court cases, there are generally three tests on the existence of spot zoning: (UDC Sec. 11.2.406 (E))

1. The use permitted under rezoning is very different from the prevailing use in the surrounding area, usually a business use (occasionally an industrial use) in a residential area.

2. The area involved is rather small, one lot, or a few.

3. The change to a less restrictive district was not for the benefit of the community as a whole, but merely in order to provide an advantage (in effect, a special privilege) for a specific developer, or, alternatively, to relieve a small tract or the restrictions applying generally in the whole area.
**Recommendation**

Staff does not recommend approval of the rezoning request as submitted due to the request being considered spot zoning.

**Options**

- Do not approve rezoning request as submitted.
- Approve rezoning request as submitted.

**Action Requested**

Motion to deny the change of zoning request from “A-L” Agriculture to “C-2” Commercial General for a portion of 3301 US Hwy 183 Alt. (State reasons)

**Supporting Documentation**

- Staff Findings of Fact
- Visuals
- Application
- Notice
STAFF FINDING OF FACT

1. **CASE NO:** 19-04Z  **FILING FEE PAID:** $140.00

2. **DATE FILED:** 11-26-2019

3. **DATE ADVERTISED FOR HEARING:** 12-22-2019

4. **PUBLIC HEARING DATE:** 1-20-2020

5. **APPLICANT’S NAME:** Aaron Dreher

6. **LOCATION OF PROPERTY:** 3301 US Hwy 183 Alt – West Hays

7. **DESCRIPTION OF PROPERTY:** 200 ft x 75 ft portion of the property – see attached description.

8. **PRESENT USE OF PROPERTY:** Agriculture – RV Park

9. **PRESENT ZONING:** “A-L” Agriculture Zoning  **REQUESTED ZONING:** “C-2” Commercial General

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1. **CHARACTER OF THE NEIGHBORHOOD:**
   **DIRECTION**
   
   **NORTH:** Residential and Agriculture
   
   **SOUTH:** RV Park and Agriculture
   
   **EAST:** Residential
   
   **WEST:** Agriculture

2. **THE ZONING OF SURROUNDING PROPERTY:**
   **DIRECTION**
   
   **NORTH:** “A-L” Agriculture
   
   **SOUTH:** “A-L” Agriculture
   
   **EAST:** “NC.1” Neighborhood Conservation District – Single Family
   
   **WEST:** “A-L” Agriculture
3. **CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:** The property is currently zoned “A-L” Agriculture. In 2019 the owner, Aaron Dreher, developed the south portion of the property to accommodate 36 Recreational Vehicle (RV) park spots with office. A-L does have limited uses allowed within the district and he wishes to rezone a small portion to commercial use. The current adopted Comprehensive Plan identifies this area as Urban Reserve (UR). Currently there is no commercial zoning in this area and the character of the neighborhood is more residential and crop land. It appears this request may be considered spot zoning per section 11.2.406 (E) of the UDC, which is a prohibited practice. The total area being rezoned is 15,000 sq. ft which is approximately 3% of the developable area of the property. Staff does not recommend approval as submitted.

A. **DEDICATION OR RESERVATION NEEDED FOR:**
   1. DRAINAGE: No
   2. STREETS: No
   3. UTILITY EASEMENTS:
      a. ELECTRICITY: Yes
      b. GAS: Yes
      c. SEWERS: Yes
      d. WATER: Yes

4. **SHOULD PLATTING BE REQUIRED:** No

B. **TRAFFIC CONDITIONS:**
   1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: Hwy 183 Bypass - Arterial
   2. RIGHT-OF-WAY WIDTH: 120’ ROW
   3. SIGHT DISTANCE: OK
   4. TURNING MOVEMENTS: OK
   5. COMMENTS ON TRAFFIC: Local/Civic/Heavy Industrial/pass-through traffic. KDOT shall review any increase in traffic flow.

4. **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** In this area of larger lot development and character of the neighborhood with residential nearby, it should be questioned if zoning a small portion of this property to commercial is suitable for the area. The size of lot will limit the type of commercial uses that would make sense in this location.

5. **THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** Changing the zoning classification from “A-L” Agriculture to “C-2” Commercial General District may affect nearby properties. With proper landscaping buffer zones, adjacent properties will have less impact for sight and sound of uses nearby.

6. **THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** The property had been used as a mobile home park previously and all homes were removed in the last 10 years. There was a previous request to change the zoning to C-2 in 2011 that failed. Since then the property was purchased in February of 2019 and an RV park was developed in most of the property to the south of this area.
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: By changing the zoning to commercial, it would be hard to show the gain to the neighborhood and with many uses allowed, there is a possibility of conflict that may be there for this specific area.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: The Future Land Use Map within the current adopted Comprehensive Plan identifies this property as an Urban Reserve (UR). This property was previously denied for a rezoning request for not identifying this area as commercial in the comprehensive plan.

Based on these considerations, Staff does not recommend the change of zoning from “A-L” Agriculture zoning classification to “C-2” Commercial General zoning classification.
West of Hays along 183 Bypass
Current Zoning of A-L
Comprehensive Plan – Urban Reserve

Current Floodplain with property in the 100 yr. zone
Proposed floodplain map changes

Green indicates coming out of the floodplain

Proposed Map showing this area being removed.
THE CITY OF
HAYS, KS

Applicant and Property Profile

This profile shall be provided as a cover sheet for all development permits or applications within the City limits and three-mile extraterritorial jurisdiction.

Application/Permit fees: The fees for all applications and permits may be found in Part 7, Fees, or at haysusa.com.

APPLICANT INFORMATION

First / Last Name

PO Box 1185

Street Address or PO Box

Hays, KS 67601

City, State, ZIP

275-259-5250

Work / Cell Phone

E-mail

aaron@diamondddservices.com

WEB ADDRESS (optional)

ARCHITECT (if different)

Name

Street Address

City, State, ZIP

Phone

E-mail

WEB ADDRESS (optional)

OWNER INFORMATION (if different)

First / Last Name

Street Address or PO Box

City, State, ZIP

Work / Cell Phone

E-mail

WEB ADDRESS (optional)

ENGINEER / SURVEYOR (if different)

Name

Street Address

City, State, ZIP

Phone

E-mail

WEB ADDRESS (optional)

OFFICE USE ONLY

Application Complete: ☒ Yes ☐ No

Project Name: Aaron Dreher

Case#: 19-04 Z

Reviewer(s):

Date Submitted: 11/26/2019

Meeting Date(s): 

□ BZA □ PC □ CC

Profile Form
The City of
HAYS, KS

Applicant and Property Profile

PROPERTY DESCRIPTION

Creekline Road Addn, S20, T13, R18, Block 2, Acres 19, Section 30. Township 13 Range 18 All of Lot 10 except the Subdivision (Phase), Block #, Lot # - attach metes-and-bounds description if not platted

General Location: N of office of Creek Side Golf

3301 US HWY 183 ALT

Street Address (as applicable)

3.4

Total Acreage of Application

AL

Current Zoning

Existing Zoning:

\[N \_ K \_ E \_ S \_ W \_ NW \_ SE \_]

Proposed Zoning (as applicable)

CL

Adjacency Zoning:

Property/Parcel ID Number(s) - attach additional sheets as needed

026-139-30-00-00-013.00-0

Current Use(s)

Commercial

Proposed Use(s)

Is any of the property in the floodplain or floodway?

Yes ☐ No ☐ Unknown ☐

If yes, attach copy of applicable firm panel.

Is the property under a special use permit?

Yes ☐ No ☐ Unknown ☐

Has the property ever received a variance?

Yes ☐ No ☐ Unknown ☐

If yes, please explain the type of variance and date it was granted:

SIGNATURES

I, Aaron Dreher, (print or type name), certify with my signature below that the information included in my submittal packet is complete, true, and correct, to the best of my knowledge.

Signature of Applicant

11/26/19

Date

Signature of Owner (if different from applicant)

Signature

Date

OFFICE USE ONLY

Application Complete: ☐ Yes ☐ No

Project Name: Aaron Dreher

Case#: 19-04Z

Reviewer(s):

Date Submitted: 11/26/2019

Meeting Date(s): ☐ BZA ☐ PC ☐ CC

Profile Form

Page 2 of 2
Rezoning Application Form

This form must be submitted with each application for a rezoning. See Section 11.2.407 Rezonings and 11.2.405-406 Planned Development and Preliminary and Final Plans for further information. Attach additional pages as necessary.

REQUIRED INFORMATION

Type of Rezoning Application: ☐ City ☑ City PD ☐ 3-mile planning area ☐ 3-mile planning area PD

Current Zoning: AL
Requested Zoning: CZ

Adjacent property zoning: NE 140 SE 140 SW 140 NW 140

The rezoning is being requested for the following reason(s): (Do not include reference to proposed uses)

TO USE LAND FOR COMMERCIAL USE, NO BUILDING TO BE CREATED.

REQUIRED FORMS FOR A COMPLETE APPLICATION

☐ Rezoning Application Form
☐ Applicant and Property Profiles
☐ Site Plan, Numerical Description, and Written Description (PDs only)
☐ Receipt showing fee(s) paid, as applicable
☐ Narrative explanation of a minor change to a planned development plat

SIGNATURES

I, __________________________ (print or type name), certify with my signature below that the information included in my submittal packet is complete, true, and correct, to the best of my knowledge.

______________________________
Signature of Applicant

11/26/19
Date

Signature of Owner (if different from applicant)

OFFICE USE ONLY

Date Received: 11-26-2019
Reviewer: 
Case Number: 19-04Z
Planning Commission Hearing Date: 
Recommendation: APPROVED DENIED
City Commission Hearing Date: 
Final Decision: APPROVED DENIED
Filing Date: 11/26/2019
Recording Information:
Reason(s) for approval/denial:
This is the list of property owners and their addresses within 200 feet of the subject property that were sent notification of the rezoning publication for the rezoning request.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Parcel Address</th>
<th>First Name</th>
<th>Last Name</th>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tbody>
<tr>
<td>026-139-29-0-20-01-006.00-0</td>
<td>3504 US Highway 183 Alt</td>
<td>T G T Enterprises LLC</td>
<td></td>
<td>P O Box 1613</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
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<tr>
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<td>3301 HWY 183 Alt</td>
<td>Creek Side Resort LLC</td>
<td>Attn Aaron Dreher</td>
<td>1853 Hickok Ave</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
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<td>67601</td>
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<td>Hays</td>
<td>KS</td>
<td>67601</td>
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<td>Elizabeth</td>
<td>Herman</td>
<td>1902B Locust Grove Rd</td>
<td>Hays</td>
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<td>Lewallen</td>
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<td>Speier</td>
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<td>Hays</td>
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<td>67601</td>
</tr>
</tbody>
</table>
AFFIDAVIT OF PUBLICATION
State of Kansas, Ellis County, ss:

Coleen Shields

being first duly sworn, deposes and says:

That he/she is in the Business Department of THE HAYS DAILY NEWS, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Ellis County, Kansas, with a general paid circulation on a yearly basis in Ellis County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published daily, except Monday and Saturday, is published at least weekly 50 times a year; has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Hays in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive week, the first publication thereof being made as aforesaid on the 22nd day of December, 2019, with subsequent publications being made on the following dates:

____, 20___ 20__
____, 20___ 20__
____, 20___ 20__

Subscribed and sworn to before me this 24th day of December, 2019.

Kim A. Campbell
Notary Public
My Appointment expires ____________
Printer's Fee........................................ $__________
Additional copies.......................... $__________
Total Fee........................................ $135.20
THIS PAGE INTENTIONALLY LEFT BLANK
Planning Commission Action Report

AGENDA ITEM: Rezoning request from “P-I” Public and Institutional District to “R-G” Residential General District at 2909 Roosevelt St.

OWNER/APPLICANT: Church First Southern Baptist

TYPE OF REVIEW: Rezoning from “P-I” to “R-G”

PRESENTED BY: Curtis W. Deines, P.I.E. Superintendent

PREPARED DATE: January 6, 2020

AGENDA DATE: January 20, 2020

Summary

An application has been submitted to request a change in zoning for 2909 Roosevelt St. from “P-I” Public and Institutional District to “R-G” Residential General District. The property owner recently split this lot from the 1605 E. 29th St. parcel. The adjacent neighborhood is zoned “NC.2” Single Family and it is logical for this area to continue residential uses. “P-I” zoning districts do not allow residential uses therefore the reason for the rezoning request. Staff recommends approving the rezoning request.

Background

The original plat is the Hays Plaza Seventh Addition which was approved in 1974. The church was built in 2001 and this area of the property has been undeveloped. The property owner recently split this lot, 2909 Roosevelt, from the 1605 E. 29th St. parcel. The adjacent neighborhood is zoned “NC.2” Single Family and it is logical for this area to continue residential development. The property is in the city limits and has utilities available although sewer will need to be extended by the developer.

Discussion

An application has been submitted to request a change in zoning for 2909 Roosevelt St. from “P-I” Public and Institutional District to “R-G” Residential General District.

The property has city water available. The property owner will have to extend the sewer main south to allow connection for the property and potential development further south.
The area is identified as Light Density Residential (LDR) on the comprehensive plan and is compatible with the area.

This rezoning request make sense with the character of the neighborhood of residential surrounding the property.

“R-G” Zoning allows the following uses by right (UDC 2.2.202A):

- Single Family Detached
- Schools, Private
- Schools, Public
- Transportation Stop
- Public Utilities

**Recommendation**

Staff recommends approving the rezoning request as submitted.

**Action Requested**

Motion to approve rezoning case 19-05 Z to change the zoning for 2909 Roosevelt St. from “P-I” Public and Institutional District to “R-G” Residential General District and recommend approval to the Hays City Commission.

**Supporting Documentation**

- Staff Findings of Fact
- visuals
- Application
- Notice
STAFF FINDING OF FACT

1. **CASE NO:** 19-05Z  
   **FILING FEE PAID:** $140.00

2. **DATE FILED:** 11-26-2019

3. **DATE ADVERTISED FOR HEARING:** 12-22-2019

4. **PUBLIC HEARING DATE:** 1-20-2020

5. **APPLICANT’S NAME:** Jason Murray – Church First Southern Baptist

6. **LOCATION OF PROPERTY:** 2909 Roosevelt - North Eastern Hays

7. **DESCRIPTION OF PROPERTY:** Undeveloped lot

8. **PRESENT USE OF PROPERTY:** Vacant lot recently split from parent tract owned by church

9. **PRESENT ZONING:** “P-I” Public Institutional  
   **REQUESTED ZONING:** “R-G” Residential General

---

1. **CHARACTER OF THE NEIGHBORHOOD:**

   **DIRECTION**

   **NORTH:** Single Family Residential

   **SOUTH:** “P-I” Public Institutional undeveloped

   **EAST:** Single Family Residential

   **WEST:** Single Family Residential

2. **THE ZONING OF SURROUNDING PROPERTY:**

   **DIRECTION**

   **NORTH:** “NC.2” Neighborhood Conservation – Single Family Residential

   **SOUTH:** “P-I” Public Institutional

   **EAST:** “NC.2” Neighborhood Conservation – Single Family Residential

   **WEST:** “NC.2” Neighborhood Conservation – Single Family Residential

3. **CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:** This property has been undeveloped since the original plat in 1974. This property is located adjacent to residentially zoned property. The character of
the neighborhood is residential, and it is logical for residential development to continue. Staff feels this is the best use of the property and supports the rezoning request.

A. **DEDICATION OR RESERVATION NEEDED FOR:**
   1. **DRAINAGE:** No
   2. **STREETS:** Yes
   3. **UTILITY EASEMENTS:**
      a. **ELECTRICITY:** Yes
      b. **GAS:** Yes
      c. **SEWERS:** Yes
      d. **WATER:** Yes
   4. **SHOULD PLATTING BE REQUIRED:** Not Required at this time.

B. **TRAFFIC CONDITIONS:**
   1. **CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS:** Minor Residential
   2. **RIGHT-OF-WAY WIDTH:** 60' ROW
   3. **SIGHT DISTANCE:** OK
   4. **TURNING MOVEMENTS:** OK
   5. **COMMENTS ON TRAFFIC:** Local residential traffic

4. **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** The proposed zoning would be suitable for the area as residential is the character of the neighborhood.

5. **THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** Changing the zoning classification from “P-I” to “R-G” will not detrimentally affect nearby property, only enhance it.

6. **THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** The original plat is the Hays Plaza Seventh Addition which was approved in 1974. The church was built in 2001 and this area of the property has been undeveloped.

7. **THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER:** The proposed rezoning will be beneficial to the neighborhood and community. Homes being built without having to build more infrastructure make it more affordable for citizens of Hays. The landowners will benefit by selling land that they have decided they do not need, and it will be put to the best use for the neighborhood.

8. **THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY:** This area of town has developed as residential and is part of the comprehensive plan to be a residential area. This request is in conformance with the comprehensive plan. Based on these considerations, Staff does recommend the change of zoning from “P-I” Public Institutional to “R-G” Residential General.
LOT SPLIT SURVEY
BEING A PORTION OF BLOCK SEVEN, HAYS PLAZA SEVENTH ADDITION
Hays, Kansas

LEGAL DESCRIPTION PARENT TRACT: Book 255 Page 129
Block Seven (7), HAYS PLAZA SEVENTH ADDITION to the City of Hays, Kansas
Except the following tract recorded in Book 611 Page 44
COVENANT PLACE being a replat of a portion of Block Seven (7) of
HAYS PLAZA SEVENTH ADDITION to the City of Hays, Kansas

LEGAL DESCRIPTION LOT SPLIT:
A tract of land in Block Seven (7), HAYS PLAZA SEVENTH ADDITION to the City of Hays, Kansas, said point is also the Southwest Corner to Covenant Place, to the City of Hays, Kansas. Thereon an assumed bearing of South 89 degrees 13 minutes 23 seconds East along the South line of Covenant Place, a distance of 447.8 feet (447.8 feet measured) to a Southeast corner to Lot 13, Covenant Place, also being the Point of Beginning. Thence North following the South line of Covenant Place on a bearing of North 89 degrees 33 minutes 35 seconds East a distance of 191.86 feet to the Northeast corner of Lot 22, Covenant Place. Thence South 47 degrees 28 minutes 52 seconds East along the East line of Block 7, Hays Plaza Seventh Addition a distance of 80.00 feet. Thence on an arc to the right, having a Chord bearing of South 31 degrees 23 minutes 48 seconds East a Chord distance of 206.06 feet, an Arc distance of 107.43 feet, and a radius of 193.58 feet. Thence North 89 degrees 13 minutes 23 seconds West along the extension of the South line of Covenant Place a distance of 249.98 feet to the Point of Beginning. Said tract contains 0.440 acres, more or less, and is subject to any easements or right-of-ways of record.

NOTE:
Field work completed on October 15th, 2019
No research for easements or right-of-ways was performed.
Basis of Bearings is the South line of Covenant Place being assumed to be South 89°13'23" East
At City of Hays' request, I added a 10' Utility Easement along the West side of Roosevelt Avenue, December 2, 2019

SURVEYOR'S CERTIFICATE:
Darrell E. Christen, Professional Surveyor #1367 in the State of Kansas, certify that the survey shown on this plat was made by me or under my direct supervision on December 2, 2019. This plat is true and correct to the best of my knowledge and belief.

Darrell E. Christen
Kansas Reg. No. 1367
# Applicant and Property Profile

This profile shall be provided as a cover sheet for all development permits or applications within the City limits and three-mile extraterritorial jurisdiction.

Application / Permit fees: The fees for all applications and permits may be found in Part 7, Fees, or at [haysusa.com](http://haysusa.com).

## APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>First / Last Name</th>
<th>Jason Murray</th>
</tr>
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<tbody>
<tr>
<td>Street Address or PO Box</td>
<td>1605 E 29th St</td>
</tr>
<tr>
<td>City, State, ZIP</td>
<td>Hays, KS 67601</td>
</tr>
<tr>
<td>Work / Cell Phone</td>
<td>336-978-8460</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:jpmurray3@gmail.com">jpmurray3@gmail.com</a></td>
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## OWNER INFORMATION (if different)

<table>
<thead>
<tr>
<th>First / Last Name</th>
<th>Church First Southern Baptist</th>
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</thead>
<tbody>
<tr>
<td>Street Address or PO Box</td>
<td>1605 E 29th St</td>
</tr>
<tr>
<td>City, State, ZIP</td>
<td>Hays, KS 67601</td>
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<tr>
<td>Work / Cell Phone</td>
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<td>E-mail</td>
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## ARCHITECT (if different)

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<tr>
<th>Name</th>
<th>Darrel E. Christen</th>
</tr>
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<tbody>
<tr>
<td>Street Address</td>
<td>P.O. Box 27</td>
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<tr>
<td>City, State, ZIP</td>
<td>Hays, KS 67601</td>
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<tr>
<td>Phone</td>
<td>785-660-0139</td>
</tr>
<tr>
<td>E-mail</td>
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</tbody>
</table>

## ENGINEER / SURVEYOR (if different)

| Name | |
|------| |
| Street Address | |
| City, State, ZIP | |
| Phone | |
| E-mail | |

**Web Address (optional)**

### OFFICE USE ONLY

Application Complete: □ Yes □ No

Project Name: ___________________________ Case#: ___________________________ Reviewer(s): ___________________________

Date Submitted: __________ Meeting Date(s): __________

□ BZA □ PC □ CC

Profile Form
Applicant and Property Profile

PROPERTY DESCRIPTION

Subdivision (Phase), Block #, Lot # - attach metes-and-bounds description if not platted

General Location

Street Address (as applicable)

0.440 Acres

Total Acreage of Application

Property/Parcel ID Number(s) - attach additional sheets as needed

Current Zoning

Adjacent Zoning:

Current Use(s)

Is any of the property in the floodplain or floodway? □ Yes □ No □ Unknown

If yes, attach copy of applicable firm panel.

Is the property under a special use permit? □ Yes □ No □ Unknown

Has the property ever received a variance? □ Yes □ No □ Unknown

If yes, please explain the type of variance and date it was granted:

SIGNATURES

I, ___________________________________________ (print or type name), certify with my signature below that the information included in my submittal packet is complete, true, and correct, to the best of my knowledge.

Signature of Applicant

11-25-2019

Date

Signature of Owner (if different from applicant)

Date

OFFICE USE ONLY

Application Complete: □ Yes □ No

Case#: ____________________________

Project Name: ____________________________

Reviewer(s): ____________________________

Date Submitted: ________________ Meeting Date(s): ________________

Profile Form
The City of
HAYS, KS

Rezoning Application Form

This form must be submitted with each application for a rezoning. See Section 11.2.407 Rezonings and 11.2.405-406 Planned Development and Preliminary and Final Plans for further information. Attach additional pages as necessary.

REQUIRED INFORMATION

Type of Rezoning Application: ☐ City ☐ 3-mile planning area
(checkbox one) ☐ City PD ☐ 3-mile planning area PD

Current Zoning: P-1

Requested Zoning: R - G

Adjacent property zoning: N, W, S, E

The rezoning is being requested for the following reason(s): (Do not include reference to proposed uses)

____________________________________
____________________________________
____________________________________
____________________________________
____________________________________

REQUIRED FORMS FOR A COMPLETE APPLICATION

☐ Rezoning Application Form
☐ Applicant and Property Profiles
☐ Site Plan, Numerical Description, and Written Description (PDs only)
☐ Receipt showing fee(s) paid, as applicable
☐ Narrative explanation of a minor change to a planned development plat

SIGNATURES

I, ________________ (print or type name), certify with my signature below that the information included in my submittal packet is complete, true, and correct, to the best of my knowledge.

Signature of Applicant: ____________________________ Date: ________________

Signature of Owner (if different from applicant):

Date: ________________

OFFICE USE ONLY

Date Received: 11/26/2019  Reviewer: ____________________________ Case Number: ____________________________
Planning Commission Hearing Date: ____________________________ Recommendation: APPROVED DENIED
City Commission Public Hearing Date: ____________________________ Final Decision: APPROVED DENIED
Filing Date: ____________________________ Recording Information:
Reason(s) for approval/denial:

11-26-2019 - Receipt of $140.00 Fee
Exhibit A

This is the list of property owners and their addresses within 200 feet of the subject property that were sent notification of the rezoning publication for the rezoning request.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Parcel Address</th>
<th>First Name</th>
<th>Last Name</th>
<th>Mailing Address</th>
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<td>026-138-27-0-40-05-007.00-0</td>
<td>2908 Roosevelt Ave</td>
<td>Janell</td>
<td>Shorman</td>
<td>2908 Roosevelt</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-06-001.11-0</td>
<td>2910 Trinity Dr</td>
<td>Eric A</td>
<td>Stephens</td>
<td>2910 Trinity Dr</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-06-001.10-0</td>
<td>2912 Trinity Dr</td>
<td>Blake John &amp; Theresa Ann</td>
<td>Urban</td>
<td>2912 Trinity</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-05-015.00-0</td>
<td>2907 Barclay Dr</td>
<td>Joseph M &amp; Kayla M</td>
<td>Urban</td>
<td>2907 Barclay Dr</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-05-003.00-0</td>
<td>2916 Roosevelt Ave</td>
<td>Kevin J &amp; Patty M</td>
<td>Werth</td>
<td>2916 Roosevelt Ave</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-05-004.00-0</td>
<td>2914 Roosevelt Ave</td>
<td>Loran A &amp; Kay A</td>
<td>Werth</td>
<td>2914 Roosevelt</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-06-001.02-0</td>
<td>2913 Roosevelt Ave</td>
<td>Joshua Michael &amp; Linlin</td>
<td>Wright</td>
<td>2913 Trinity Dr</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-06-001.02-0</td>
<td>2913 Roosevelt Ave</td>
<td>Michael J &amp; Janna P</td>
<td>Wright</td>
<td>2913 Roosevelt</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
<tr>
<td>026-138-27-0-40-05-008.00-0</td>
<td>2906 Roosevelt Ave</td>
<td>Nathan J and Jessa M</td>
<td>Zimmerman</td>
<td>2906 Roosevelt Ave</td>
<td>Hays</td>
<td>KS</td>
<td>67601</td>
</tr>
</tbody>
</table>
AFFIDAVIT OF PUBLICATION
State of Kansas, Ellis County, ss:
Coleen Shields
being first duly sworn, deposes and says:
That he/she is in the Business Department of THE HAYS DAILY NEWS, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Ellis County, Kansas, with a general paid circulation on a yearly basis in Ellis County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published daily, except Monday and Saturday, is published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Hays in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive week, the first publication thereof being made as aforesaid on the 22nd day of December, 2019, with subsequent publications being made on the following dates:

20  20
20  20
20  20

Coleen Shields

Subscribed and sworn to before me this 24th day of December, 2019.

Kim A. Campbell
Notary Public
My Appointment expires 8-29-22
Printer’s Fee............................................. $
Additional copies................................. $
Total Fee............................................. $176.80
Summary

The property, known as the proposed Hess First Addition, is under consideration for plat approval. This is for the property located North of I-70 and on the west side of 230th Ave. The preliminary plat includes 17 lots ranging in size from 1 to 10 acres. The final plat consists of 10 lots to be available for development. The plat is designed to allow for commercial uses such as restaurants, hotels, travel centers, and vehicle washes to accommodate the traveling public on I-70. Staff recommends approving the preliminary and final plat as submitted and recommends approval to the Hays City Commission.

Background

A preliminary plat was submitted in March of 2019 as this development started moving forward. The Utility Advisory Committee met on April 2, 2019 and requested minor changes to allow for a good utility plan for the development. All the changes requested from the Utility Advisory Committee and staff have been made. The closest utilities to serve this development are located at 41st and Hwy 183 bypass. Water and sanitary sewer line will be installed along the west side of the bypass and cross under the I-70 to serve the development. The developer is responsible for the extension of the utilities and a developer agreement will be made prior to any work beginning.

Along with the utilities, road improvements are a major part of the project that will affect Exit 157, 55th St and 230th Ave. KDOT awarded funding to Ellis County for the 55th & 230th Ave intersection and 230th Ave going north to be built to accommodate larger vehicle traffic. These funds will be transferred to the City of Hays and be part of the project as it develops.
The plat is designed to allow for commercial uses such as restaurants, hotels, travel centers, and vehicle washes to accommodate the traveling public on I-70.

**Discussion**

The area proposed for development has been annexed into the city limits of Hays.

Water and sewer are being extended by the developer and service for individual lots will be provided by the City of Hays once the property is developed. Rural Water has met and approved to allow the City of Hays to provide water service to this development.

The developer has stated that the interior streets would be constructed to City Standard. All easements are in place for future placement of any required utilities.

This plat also shows the area dedicated for permanent stormwater best management practices (BMP). By having a development stormwater BMP, this will allow each lot to have more buildable area instead of on-site stormwater requirements.

The plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.

**Options**

The following options are available for consideration:

- Approve the preliminary and final plat as submitted
- Request further changes or considerations to the plat
- Do not approve the plat

**Recommendation**

The preliminary and final plat appears to meet the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements. The property is in the process of being zoned for this type of development. **Staff recommends approving the preliminary and final plat as submitted.**

**Action Requested**

Motion to approve the preliminary and final plat of the Hess First Addition and recommend approval to the Hays City Commission.

**Supporting Documentation**

- Visual
- Preliminary Plat
- Preliminary Plat Checklist
- Final Plat
- Final Plat Checklist
NAME OF SUBDIVISION:  HESS FIRST ADDITION
NAME OF OWNER:  HESS LAND LLC.
NAME OF SUBDIVIDER:  DAN HESS
NAME OF PERSON WHO PREPARED THE PLAT:  DRIGGS DESIGN GROUP, PA
PERSON WHO COMPLETED THIS CHECKLIST:  CURTIS W. DEINES

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

Does the Preliminary Plat show the following information?

1. Name and Location:  

<table>
<thead>
<tr>
<th>The proposed name of the Subdivision (the name shall not duplicate or too closely resemble the name of any existing subdivision); and</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
</tr>
<tr>
<td>The location of the boundary lines of the subdivision reference to the section or quarter section lines.</td>
</tr>
<tr>
<td>X</td>
</tr>
</tbody>
</table>

2. Title Bar:  

<table>
<thead>
<tr>
<th>The name and addresses of the owner, developer, surveyor, landscape architect, architect or engineer who prepared the plat.</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
</tr>
<tr>
<td>The scale of the plat (one inch equals 100 feet or larger)</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>Date of Preparation and north point.</td>
</tr>
<tr>
<td>X</td>
</tr>
</tbody>
</table>
### 3. Existing Conditions

<table>
<thead>
<tr>
<th>Requirement</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location, width and name of platted streets or other public ways, railroads and utility rights-of-ways, parks and other public open spaces and permanent buildings within or abutting to the proposed subdivision shall be shown on the preliminary plat;</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or abutting to it, with pipe size and manholes, grades and location shall be shown;</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Names of abutting subdivisions, together with arrangement of streets and lots, and owners of abutting parcels of unsubdivided land, shall be shown; and</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Topography (unless specifically waived), with contour intervals of not more than two feet, referred to municipality or USGS datum shall be shown, except that where the ground is too flat for contours, spot elevations shall be provided. Also, location of watercourses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision, shall be shown.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

### 4. Preliminary Design

<table>
<thead>
<tr>
<th>Requirement</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>The general arrangements of lots and their approximate size;</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Location and width of proposed streets, alleys, pedestrian ways and easements;</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The general plan of wastewater disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed; and</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation for public use, which are to be dedicated or reserved for public use.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

### 5. Supplemental Information

<table>
<thead>
<tr>
<th>Requirement</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemental information as needed by Zoning Administrator and/or Planning Commission to review and decide approval or disapproval of the application.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
# FINAL PLAT CHECK-LIST

DATE: 1-8-2020

NAME OF SUBDIVISION: **HESS FIRST ADDITION**

NAME OF OWNER: **HESS LAND LLC.**

NAME OF SUBDIVIDER: **DAN HESS**

NAME OF PERSON WHO PREPARED THE PLAT: **DRIGGS DESIGN GROUP, PA**

PERSON WHO COMPLETED THIS CHECKLIST: **CURTIS W. DEINES**

**Instructions:**

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

Does the Final Plat show the following information?

<table>
<thead>
<tr>
<th>1. Name and Location:</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Subdivision</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Location of section, township, range, county and state including the descriptive boundaries of the sub-division based on an accurate traverse, giving angular and linear dimensions, which must be mathematically correct. The allowable error of closing on any portion of the plat shall be 1 foot in 5,000.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments of the nearest established street lines, including the true angles and distances to such reference points or monuments.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Title Bar:</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>The name, signature and seal of the licensed land surveyor preparing the plat.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The scale of the plat (scale to be shown graphically and in feet per inch).</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Date of Preparation and north point.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
### 3. Final Design

<table>
<thead>
<tr>
<th>Description</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>The location of lots, streets, public highways, alleys, parks, &amp; other features, with accurate dimensions in feet &amp; decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The exact locations, widths and names of all streets with dimensions.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Building setback lines on the front and side streets, with dimensions.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

### 4. Notes and Certificates

<table>
<thead>
<tr>
<th>Description</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>A statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>A certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation &amp; recording of the subdivision plat.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>A certificate signed &amp; acknowledged as in Subsection B.4.b. dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use, including those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>A certificate signed by the licensed land surveyor responsible for the survey and the final plat. The signature of the said engineer shall be accompanied by his seal.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The acknowledgement of a notary in the proper form.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The certificate of the Planning Commission in the proper form.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The Certificate of the register of deeds in the proper form.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
### 5. Supplemental Information

<table>
<thead>
<tr>
<th>Item</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title Report.</strong> A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Taxes Paid Receipt.</strong> A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, moneys or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials or governing bodies to meet this requirement</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>CCRs.</strong> A copy of any covenants, conditions, and restrictions (CCRs), or any other deed restrictions, applicable to the subdivision.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td><strong>Confirmation of Setting Monuments.</strong> Certification from the land surveyor platting said area that all permanent monuments as required have been set.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Development Plan.</strong> A plan showing the size and location of all improvements to be made in the subdivision, such as curb, gutter, street paving, and water and sewer lines. The plan also declares which improvements the subdivided intends to make prior to opening the subdivision for development.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Supplemental Information.</strong> Any additional supplemental information as needed by Zoning Administrator and/or Planning Commission to review and decide approval or disapproval of the application.</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Digital Submission.</strong> The final plat shall be submitted in digital format as specified by the Zoning Administrator.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>