

**HAYS AREA PLANNING COMMISSION MEETING AGENDA**  
**CITY COMMISSION CHAMBERS**  
**1507 MAIN ST, HAYS, KS**  
**OCTOBER 18, 2021**  
**6:30 PM**

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

**2. CONSENT AGENDA.**

A. Minutes of the meeting of August 16, 2021.

*Action:* Consider approval of the minutes of the August 16, 2021, meeting.

B. Citizen Comments

**3. PUBLIC HEARING ITEMS.**

A. None.

*Action:*

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

A. Unified Development Code (UDC) Discussion Series – Review UDC Regulations

*Action:*

**5. AGENDA ITEMS/COMMUNICATIONS.**

A. North Vine Street Update

B. 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.

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**HAYS AREA PLANNING COMMISSION**  
**CITY HALL COMMISSION CHAMBERS**  
**August 16, 2021**  
**6:30 P.M.**

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

The Hays Area Planning Commission met for their regularly scheduled meeting on Monday, August 16, 2021, at 6:30 p.m. in the 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, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, and Bernie Gribben

**Absent:** Matthew Wheeler

City staff in attendance: Jesse Rohr, Director of Public Works and Linda Bixenman, Administrative Assistant

Others in Attendance: Collin Bielser, Assistant City Manager

**2. CONSENT AGENDA:**

Paul Phillips asked if there were any changes to the agenda. There were no changes to the agenda.

**A. Minutes:** Mike Vitztum moved; Dustin Schlaefli seconded the motion to approve the minutes from the June 21, 2021, meeting.

**Vote: AYES**

Paul Phillips, Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, and Bernie Gribben

**B. Citizen Comments:**

Paul Phillips asked if there were any citizen comments. There were none.

**3. PUBLIC HEARING ITEMS:**

**A. Public Hearing for the Rezoning Request from P-I Public and Institutional District to R-M Residential and Multi-Family of the property of 210 W. 13<sup>TH</sup> Street:**

Jesse Rohr, Director of Public Works, provided the PowerPoint presentation. This is a public hearing for the request to change the zoning classification from P-I Public and Institutional District to R-M Residential Multi-Family District for the property at 210 W. 13<sup>th</sup> Street between Fort and Ash on the south side

of the street. He provided a map to point out the location where it is located across from St Joseph's Church.

In 1907, St. Joseph's school was built at 210 W. 13<sup>th</sup> and later was a parish center. The building is no longer in use and has been vacant with no occupancy in the building for more than five years. The Diocese of Salina has marketed the property for sale and the developer has requested this public hearing for the request to rezone it to R-M Residential Multi-Family to convert the building to multi-family apartments.

The property is listed as a historical structure on the state and national registry making it eligible for tax credits from the state of Kansas. It is also located within the Neighborhood Revitalization Program area and is eligible for a tax rebate.

He provided an overhead view of the property to show the approximate 28 parking stalls marked on the property. Access to the property will be from the alley. Depending on how the property is developed, there may be need for future access from 13<sup>th</sup> Street.

He showed the Zoning Map for the zoning surrounding the subject property.

He showed the Future Land Use Map to point out the area is identified as Downtown Mixed Use on the Comprehensive Plan.

Properties to the south and west are identified as Medium Density Residential. Per staff, the rezoning request is logical and does continue with the character of the neighborhood.

He provided a list of zoning uses allowed by right, limited uses and special uses in the "R-M" Residential Multi-Family zoning district.

He provided the options and recommended approval of the rezoning request as submitted.

He provided the action requested.

He asked for any questions. There were none.

Chairman Paul Phillips informed the audience of the Open Meetings Act by Kansas Law, and that the first part of the hearing would be a public hearing for the discussion of the rezoning request. He would then close the public hearing for the Commission to discuss the case amongst themselves.

It is important to remember that any of the land uses, per the presentation for the R-M Residential Multi-Family, should be taken into consideration to determine whether or not this zoning would be a good fit for the property.

He opened the public hearing. He asked if there was anyone in the audience with comments or questions. There were none.

Chairman Paul Phillips closed the public hearing for the Commission to discuss the case amongst themselves.

Paul Phillips explained there would be two motions: one for Staff Findings of Fact and one for the substantive motion.

He entertained a motion on Staff Findings of Fact.

Mike Vitztum moved; Dustin Schlaefli seconded the motion to approve Staff Findings of Fact.

**Vote: AYES**

Paul Phillips, Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, and Bernie Gribben

Paul Phillips entertained a motion for the substantive motion for the rezoning request. He pointed out the factors to consider for a rezoning request.

**Motion:**

Mike Vitztum moved; Dustin Schlaefli seconded the motion to recommend to the City Commission for approval of the change in zoning from P-I Public and Institutional District to R-M Residential Multi-Family for 210 W. 13<sup>th</sup> Street based on the factors that it fits the character of the neighborhood and the length of time the subject property has remained vacant as zoned.

**Vote: AYES**

Paul Phillips, Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, and Bernie Gribben

Jesse Rohr noted that this rezoning request is scheduled to go before the City Commission Work Session on September 2, 2021, and hopefully on to the regular meeting for official action on September 9, 2021.

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

**A. Preliminary and Final Plat of El Charro Addition:**

Jesse Rohr, Director of Public Works, provided the PowerPoint presentation for application of a preliminary and final plat for the property located at 2010 and 2020 E. 8<sup>th</sup> Street (southeast corner of the Intersection of Highway 40 and Canterbury). There are three apartment buildings and a convenience store that were built in the 1940's that will be identified as separate lots with this new plat. Presently there are two lots, one for the convenience store and

the other lot includes the apartment buildings. This action will plat the property into four separate lots, which includes the lot with the convenience store to clean up the recorded land documents. This is being platted for financial and management reasons.

The properties are not within the city limits; however, they are within the current Extraterritorial Jurisdiction. There is no current plan for annexation. The properties do have city water through a pre-annexation agreement. The property is part of the Big Creek Sewer District. No additional utilities are being requested to serve the property.

There is no planned development for the property.

### **Preliminary Plat**

He showed the preliminary plat detailing the location of the lots. The gray areas indicate the access and utility easements that accommodate the property today.

This plat has gone before the Utility Advisory Committee. A couple of easements were added based on the Committee's comments. There are no issues with city utilities or franchise utilities.

### **Final Plat**

He provided the final plat which meets the requirements of the Unified Development Code in regard to lot size, setbacks, and specific utility requirements. Staff recommends approving the preliminary and final plat as submitted. There would be two separate motions.

He provided the options and action requested.

Paul Phillips asked for any questions.

Mike Vitztum asked the reason for platting the property. Jesse Rohr answered that staff's understanding, from conversations with the developer, that platting was being completed for property management and financial reasons. To refinance or market that large of a property can be difficult. They are setting themselves up for the future to split it. It is in the process of changing ownership. It helps with the process of changing hands. It is easier to sell the apartment buildings individually rather than all together.

Mike Vitztum noted the easements reflected on the preliminary plat. He asked if the only access to lot three is through lot one. Jesse Rohr answered that is correct. This is not unheard of in these types of developments. This is really protecting access to lot three by granting them this easement.

Dustin Schlaefli moved; Jim Schreiber seconded the motion to approve the El Charro Addition preliminary plat.

**Vote: AYES**

Paul Phillips, Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, and Bernie Gribben

Dustin Schlaefli moved; Jim Schreiber seconded the motion to approve the El Charro Addition final plat.

**Vote: AYES**

Paul Phillips, Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, and Bernie Gribben

Jesse Rohr explained that the final plat will go before the City Commission for action sometime in September 2021.

**5. AGENDA ITEMS/COMMUNICATIONS:**

**A. North Vine Street Update:**

Jesse Rohr provided visuals for the update on North Vine Street. He provided a visual of the phases and the construction timeline of the project.

The schedule has them switching over traffic to the outside lanes around Labor Day. After that will be Phase 4 to work on the inside lanes and roundabouts.

Jim Schreiber asked if the project is on schedule. Jesse Rohr answered that they are currently on schedule.

**B. West 27<sup>th</sup> Street Improvement Update:**

Jesse Rohr provided visuals with an update on the 27<sup>th</sup> Street Improvement project. The next phase is starting east of 27<sup>th</sup> and Hall between Canal and Walnut. There will be detours.

**C. Planning Commission Comments: None.**

**6. ADJOURNMENT:**

Chairman Paul Phillips entertained a motion to adjourn.

Dustin Schlaefli moved; Mike Vitztum seconded the motion to adjourn the meeting at 6:54 p.m.

**Vote: AYES**

Paul Phillips, Lou Caplan, Mike Vitztum, Dustin Schreiber, Bernie Gribben and Matthew Wheeler

Submitted by Linda K. Bixenman, Administrative Assistant

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**Planning Commission Action Report**

**AGENDA ITEM:** Unified Development Code (UDC) Discussion Series  
**TYPE OF REVIEW:** Review UDC Regulations  
**PRESENTED BY:** Jesse Rohr, Director of Public Works  
**PREPARED DATE:** October 11, 2021  
**AGENDA DATE:** October 18, 2021

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**Summary**

Staff has identified regulations within the Unified Development Code (UDC) for suggested changes. As we continue to utilize the UDC, we always make notes for improvements. Staff will present several short topics for discussion and ask the Planning Commission for direction on each topic. The ultimate goal is to make it easier to develop properties and clarify sections within the UDC to help citizens and staff.

**Background**

The first section of the UDC staff would like to review is in Chapter 7, Signs. Most of these sections need minor modification for clarification or removed completely.

The second section of the UDC goes over zoning uses and definitions within the UDC that need minor modification, clarification, or removal.

The reason for modification or removal is to make it easier for staff and citizens to understand the regulations, and also make it easier for regulations to be consistent with each other.

**Discussion**

<b>Signs Chapter 7</b>			
<b>UDC Suggested Change</b>	<b>UDC Section</b>	<b>Why the Change</b>	<b>Comments/Solution</b>
Pole sign setback and height conflict	7.2.202(C)	Regulation allows detached pole signs at property line. Section C contradicts and requires a 5 ft. setback for all signs.	Remove section C entirely. Staff has no issue with edge of signs being at the property line.

UDC Suggested Change	UDC Section	Why the Change	Comments/Solution
Directional Sign Setback	Table 7.2.202B	Regulations require 5 ft. setback. Staff has no concerns if directional sign is closer to the street to allow for better visibility.	Remove 5 ft. setback for directional signs – Directional signs are ok being at the property line.
Pole or Cabinet style signs in C-3 Downtown District	7.2.401	<p>7.2.401 (H) C-3 District - Prohibited signs - No pole or cabinet signs currently allowed.</p> <p>— No definition of what a cabinet sign is but a monument sign is allowed. Restricts type of monument sign.</p> <p>1. Pole signs could be allowed on properties that have space for them.</p> <p>2. If within Historical District, they have to meet SHPO requirements.</p> <p>3. Not within Historical District, pole and cabinet style would be allowed.</p>	<p>Allow Pole signs within a C-3 District since the district is now bigger and includes many areas with existing pole signs.</p> <p>Remove the cabinet style sign from being prohibited.</p>
Electronic Message Centers C-3	7.2.105(B)(4)(a)	C-3 Allows Electronic Digital Signs with special use	Remove Special Use requirement for electronic message center signs in the C-3 district
Wall Sign – Number Allowed  in I-1, I-2, & M-U	Table 7.2.201B	<p>Regulation restricts wall signage to “<b>1 per storefront façade or tenant.</b>”</p> <p>Signs can be on more than the front facade if the situation dictates</p>	<p>Change to: Unlimited, subject to the maximum sign area.</p> <p>This would allow multiple signs on the building with a maximum aggregate area of total signage</p>
Wall signage – Maximum Sign Area	Table 7.2.201B	Regulations do not address big box style or large buildings (hotels). 200 sq ft. does not go very far in some instances.	Previous regulation allowed unlimited number of wall signs. Consider allowing unlimited area for all wall signs or max of 400 sq. ft. as prior regulation.

<b>UDC Suggested Change</b>	<b>UDC Section</b>	<b>Why the Change</b>	<b>Comments/Solution</b>
Wall Signage	7.2.101 (A)	Painted Wall Signs/Murals	Make all signs or murals directly painted on walls exempt from sign regulations in regard to size, location, permits, etc.
Window Signage	Table 7.2.201B	Window shading/signage with advertising hasn't been enforced in the past and there is no need to do so.	Remove all references to regulations of window signage entirely.
Definition – Façade	Definitions Table 7.2.201B	<p>Façade means an elevation of a <u>building</u> that faces a <u>street</u> or that includes a principal public entrance.</p> <p>This definition is unclear for wall signs. Sign regulations say store front is the only allowed area for signage or just façade and can be confusing on what the intent is, especially for a multi-tenant building. This doesn't address corner lots or areas where the back of the building could have signage.</p>	No change needed IF wall signs become unlimited. However, if a limit remains, remove "storefront" from the verbiage.

<b>Zoning Uses and Definitions</b>			
<b>UDC Suggested Change</b>	<b>UDC Section</b>	<b>Why the Change</b>	<b>Comments/Solution</b>
Commercial Use of the Home	Table 2.2.206 2.2.303 (C)(3) (b) Location	Home Occupations – Regulation restricts home businesses to only the primary dwelling. Why can't home based businesses be allowed to use an accessory structure, such as a photographer or music teacher in a detached garage?	Remove the restriction of only being in the primary structure and not in an accessory structure.
Group Day Care/Child Facility	Table 2.2.206 and Sec. 2.2.203	Conflicts between the table 2.2.206 and Sec. 2.2.203. Change to allow Group Day Care Center and Child Care as Limited Use	Add "L" meaning Limited Use to the areas in Table 2.2.206 under the childcare uses.

<b>UDC Suggested Change</b>	<b>UDC Section</b>	<b>Why the Change</b>	<b>Comments/Solution</b>
Place of Public Assembly	Table 2.2.206 and Table 2.2.203	Conflicts between NC and R Districts.  NC District allows outright while R allows as limited use with restrictions.	Review and make determination what restrictions if any would be required. Change to limited use in all R and NC districts.
Building Contractor Places of Business	Table 2.2.205  "Light Industry" Definition	By definition, building and specialty contractors shall only be in I-1 zoned districts. It is desired to allow them in C-2 areas as many are currently located in such areas.	Suggest allowing it within a C-2 District with (L) Limitations - limited outside storage or equipment. Such as "Special trade contractors, excluding outside storage of any equipment or materials that is more than 12 feet in height". - many areas on 8th St are already there and make sense.
Apartments on Ground Floor	Sec. 2.2.302	Apartments in C-3 currently only allowed above ground floor. Change to allow on ground floor.	Allow apartments on the ground floor in C-3 based on a certain percentage or other limiting factor
Accessory Dwelling Unit	10.2.102 (D)(3)(a)(i)	Clarification on allowing basements and that they don't count toward 2nd floor.	Consider "Total footprint of the habitable space shall not exceed 1200 sq ft. Attached garages do not count toward total sq. ft. allowed." Simplify to make less confusing.

### **Recommendation**

Staff recommends an in-depth review of the regulations presented above and suggested language to propose for possible amendments.

### **Options**

- Request staff to develop suggested regulation changes
- Planning Commission suggest alternatives to change
- Leave regulations as adopted

### **Action Requested**

Direct staff to pursue specific changes within the UDC as recommended above and to proceed to public hearing.

### **Supporting Documentation**

None – Presentation will be more in-depth with each recommendation.