

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN ST, HAYS, KS
August 19, 2019
6:30 PM

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

A. Minutes of the meeting of May 20, 2019

Action: Consider approval of the minutes of the May 20, 2019 meeting.

B. Citizen Comments

Action: None.

3. PUBLIC HEARING ITEMS.

A. None.

4. NON- PUBLIC HEARING ITEMS.

A. Planning Commission Reorganization

Action: Annual Reorganization of Planning Commission (Chair, Vice-Chair, Secretary).

B. UDC Discussion Series - Density

Action: Consider setting a public hearing for a reduction in requirements.

C. UDC Discussion Series – Parking

Action: Consider setting a public hearing for changes in parking requirements.

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.

DRAFT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
May 20, 2019
6:30 P.M.

1. CALL TO ORDER BY CHAIRMAN: The Hays Area Planning Commission met on Monday, May 20, 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, Matthew Wheeler, Robert Readle, Mike Vitztum, Dustin Schlaefli, and Jim Schreiber

Absent: Joseph Boeckner

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

2. CONSENT AGENDA:

A. Minutes: Robert Readle moved, Lou Caplan seconded the motion to approve the minutes from the April 20, 2019 meeting. There were no corrections or additions to those minutes.

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

B. Citizen Comments: None.

3. PUBLIC HEARING ITEMS – None

4. NON-PUBLIC HEARING ITEMS:

A. Video – “Ten Towns that Changed America”

Jesse Rohr provided the video of “Ten Towns that Changed America”.

After the video, he asked if there were any comments. He noted as per the film, there were successes and failures of national planners over time. The separation of uses is how planning is done now; although with the new Unified Development Code, they have the mixed-use districts geared to walkability to businesses.

Matthew Wheeler commented that it was an excellent film; there was a lot of information. Every style of home talked about in the movie, we have in Hays.

Paul Phillips pointed out the effect of urban renewal here. The college tore down the taller student dorm buildings for a three-story building for more space. Jesse Rohr added they have a community setting inside.

Matthew Wheeler asked if we would continue to sprawl out to the suburbs away from the City. Paul Phillips answered that we do not know what technological innovation is down the road. He noted that the automobile changed America and opened the rural areas.

Jesse Rohr noted last year was the first year of the decline in automobile ownership because people are using the different forms of transportation. That will be a game changer. In the larger cities, they use their transportation services.

Paul Phillips asked Robert Readle where he would see the future of downtown Hays. Robert Readle stated that the Neighborhood Revitalization is huge; he would like to see more programs along those lines. He noted per the press some of the downtown properties are in foreclosure action that will put severe stress and risk on the blight they have been fighting since the nineties to get rid of. Downtown housing demand is amazing. We have come a long way; things can tip quickly though. The pressure is the economics of the situation. You must be productive to maintain a standard of living.

He stated that Hays USD 489 is possibly selling Washington School to Overland Property Group is an awesome example. Mike Vitztum pointed out he hopes they go to the next level to get a certain modern and old look because it has many possibilities since it is by the pool, park and walking trails. It would be nice if it would be something fun and something different. He noted an example of a project he was involved in another town of a school building converted to residential lofts.

Jesse Rohr added that it takes the mix of restaurants, entertainment, bars and businesses downtown and residents to make it work downtown. What has been done downtown is unspoken.

5. AGENDA ITEMS/COMMUNICATIONS:

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

3-mile Extraterritorial Jurisdiction:

Mike Vitztum asked for the process steps for anything that happens within the 3-mile extraterritorial jurisdiction; specifically, the issue that came up on the Kuhn property east of town.

He asked why the county said they never approved anything. Jesse Rohr answered that he does not have the answer to that.

He explained that the regulations today are different than the regulations at the time of the Kuhn Addition. With the new regulations, a rezoning would require a public hearing at the Planning Commission and then to the City Commission for official action. A final plat would go before the Planning Commission, County Commission and City Commission for final approval. This was the process for the Blue-Sky Acres south of town.

Paul Phillips asked the process of the Kuhn development. Jesse Rohr answered that it came before the Planning Commission and final approval by the City Commission. It was not required to go to the county. There was a right of way on the plat that was dedicated and remains dedicated today.

After the development went in, the roads were built by a private contractor. The county supposedly assumed ownership and maintenance of those roads for about 5 years. About 2 years ago, the county stopped maintaining the roads since they stated it was never accepted by them.

This is the road that comes off highway 40 and south and then east and dead ends. On the plat it loops around to the north and out to the highway. There is ½ right of way with the intent if the land to the east would develop, the other half of the right of way would be dedicated at that time.

The property owners are asking why the roads are not being maintained. The county responded that the roads do not belong to them and they are not going to maintain the roads.

Planning Commission Reorganization:

Jesse Rohr stated that it was the time of the year for the Planning Commission reorganization. They would do this at the next meeting.

6. ADJOURNMENT: Paul Phillips adjourned the meeting at 7:56 p.m.

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

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Planning Commission Action Report

AGENDA ITEM: Unified development Code (UDC) Discussion Series –
Density, Lot Size, Minimum Street Frontage

TYPE OF REVIEW: Proposed Unified Development Code Change

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

DATE PREPARED: August 1, 2019

AGENDA DATE: August 19, 2019

Summary

Staff is considering some changes to the UDC that would remove specific requirements for development density. Upon using the UDC, it has been shown that various requirements can be too restrictive and create the need for unnecessary larger lots. Making changes to these regulations will provide developers more options for more dense developments. Staff recommends setting a public hearing for September 16, 2019 to consider changes to UDC Table 3.1.301A, Development Standards, and Sec. 2.2.306 (C) (9), Hotel/Motel Compatibility Standards.

Background

In December of 2018, the Planning Commission held discussions on density of development and how it's regulated within the UDC. Minimum landscaping area, floor area, lot area, street frontage, and maximum building height are all regulated within the UDC and can directly impact density. Upon using the UDC, it has been shown that certain various requirements can be too restrictive and create the need for unnecessary larger lots.

Also, within the UDC are certain limited requirements for specific uses which can also impact density. As an example, the minimum size of a parcel for a hotel/motel proposed for development is three acres. Staff feels that this is too restrictive and as long as the other minimum requirements are met, there is no need for a minimum lot size for a hotel/motel.

Discussion

The UDC has minimum requirements for development of a lot. Landscaping, floor area, lot area, street frontage, and maximum building height are all regulated. The UDC also contains tables that help calculate the maximum size of a proposed

building and takes into account setbacks, bufferyards, landscaping, on-site drainage, and parking. During the planning stages, planning staff can use this information to easily calculate the maximum size of a building on a particular lot. This gives the developer more upfront information about what may be required. Making changes to these regulations will provide developers more options for more dense developments.

Staff sees no need to regulate minimum lot sizes for commercial or industrial developments. Lot size should be market driven and developed as needed for any specific development type. Having lot size minimums of 2 acres or more seems excessive. Also, requiring a minimum of 3 acres for a hotel/motel site is unnecessary.

There is also no need to have excessive minimum street frontages within the regulations. The lot frontage should be dictated by the specific development in question. Requiring 200 ft of lot frontage for a commercial property seems excessive.

Removing these excessive requirements will benefit the small business owner that does not need a large lot to accommodate a proposed development or business.

Options

The Planning Commission has the following options:

- Alter language within the UDC to remove minimum lot sizes and excessive street frontages for commercial and industrial developments
- Suggest other changes to the density requirements found within Table 3.1.301A
- Make no changes

Recommendation

Staff recommends setting a public hearing for September 16, 2019 to consider changes to UDC Table 3.1.301A, Development Standards, and Sec. 2.2.306 (C) (9), Hotel/Motel Compatibility Standards.

Supporting Documentation

Table 3.1.301A with Proposed Changes
Section 2.2.306 (C) (9) Proposed Changes

Sec. 3.1.301 Nonresidential and Mixed Use Development Standards

A. **Generally.** The standards that are applicable to nonresidential and mixed use parcels proposed for development are provided in Table 3.1.301A, *Nonresidential and Mixed Use Development Standards*. The table includes provisions for minimum landscape surface ratio (LSR), floor area ratio (FAR), minimum lot area, minimum street frontage, and maximum building height.

B. **Nonresidential and Mixed Use Development Standards.**

Table 3.1.301A Nonresidential and Mixed Use Development Standards								
Standard	Stories	Zoning District						
		C-1	C-2	C-3 ¹	I-1	I-2	M-U	P-I
Minimum Landscape Surface Ratio (LSR)	N/A	25%	15%	1%	20%	15%	15%	20%
Floor Area Ratio ("FAR") ²	1	0.321	0.280	0.962	0.342	0.518	0.280	0.342
	2	0.408	0.335	1.852	0.435	N/A	0.335	0.435
	3	N/A	N/A	2.680	0.478	N/A	0.358	0.478
	4	N/A	N/A	3.448	N/A	N/A	0.371	N/A
Density	N/A	N/A	N/A	See Notes ¹ and ⁴	N/A	N/A	See Note ⁴	N/A
Minimum Area of Parcel Proposed for Development	N/A	N/A	1 ac.	N/A	1 ac.	5 ac.	5 ac.	1 ac.
			N/A		N/A	N/A	N/A	N/A
Minimum Street Frontage	N/A	80'	200'	70'	125'	250'	250'	125'
		50'	50'	25'	50'	50'	50'	50'
Maximum Building Height ³	N/A	35'	45'	60'	45'	60'	60'	45'

TABLE NOTES:
 N/A - Not Applicable

- No off-street parking is required in the C-3 district, except for live-work units and multi-family as set out in Table 3.1.202B, *Residential Development Standards in Nonresidential and Mixed Use Districts*.
- The FARs account for the Landscape Surface Ratio (including setbacks, bufferyards, on-site drainage, and parking lot landscaping) and required on-site parking, excluding the C-3 District. Multiplying the site area by the FAR determines the maximum building size.
- Refer to Subsection D.2.c., *Setback Planes*, of this Section.
- Refer to Table 3.1.201, *Residential Development Standards*, for the planned development (multi-family) neighborhood type in the Residential Multi-Family (R-2) District for the maximum gross density in the C-3 and M-U districts.

- a. *District:* C-2, M-U and I-1
- b. *Location:* The facility shall take access from an arterial or collector street.
- c. *Design:*
 - i. C-2 and M-U: Outdoor display areas:
 - a. Cannot be larger than 30 percent of the footprint of the principal building.
 - b. Must be enclosed by a structure that screens the merchandise.
 - c. The display of goods, materials, and merchandise will not be in parking areas or reduce the minimum required parking or loading for the use.
 - ii. I-1:
 - a. The use involves the sale of a single category of merchandise and is characterized by one or more of the following:
 - A. Outdoor displays that are larger in area than the footprint of the principal building;
 - B. The sale of goods that are manufactured on-site.
 - b. Permitted examples include:
 - A. Permanent retail operations that are located outside of enclosed buildings;
 - B. Lumber and other building materials; or
 - C. Lawn, garden equipment, and related supplies stores.
 - c. Prohibited examples include: warehouse clubs, super stores, and home centers.
- d. *Other:* N/A

9. **Hotel/Motel.**

- a. *District:* C-1, C-2, I-1, C-3 and M-U
- b. *Location:* The minimum area of the parcel proposed for development is three acres.
- c. *Design:*
 - i. C-1, C-2 and I-1: All rooms are accessed via interior hallways.
 - ii. C-3 and M-U:
 - a. The use can be integrated into mixed use buildings with rooms located above the ground floor.
 - b. All rooms are accessed via interior hallways.

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Planning Commission Action Report

AGENDA ITEM: UDC Discussion Series - Off Street Parking
TYPE OF REVIEW: Proposed Unified Development Code Change
PRESENTED BY: Curtis W. Deines, P.I.E. Superintendent
DATE PREPARED: August 1, 2019
AGENDA DATE: August 19, 2019

Summary

Staff has considered a small change to the regulations in the Unified Development Code that would add flexibility to parking requirements for small business owners. Allowing a limited amount of on-street parking to be counted towards the total parking required could help reduce costs for some developments. Staff recommends setting a public hearing to consider adding proposed language to the UDC to allow limited on-street parking to be counted towards total parking requirements.

Discussion

During a previous Planning Commission meeting a few months ago, a general discussion of parking regulations took place with the intended outcome of ensuring that the parking regulations found within the UDC were sufficient yet reasonable. After research by staff, it was found that the UDC parking requirements seem minimal for specific occupancies and do not require extensive changes. In some cases, the UDC also provides staff some discretion when determining the minimum number of parking stalls required.

However, one suggested small change being recommended which could have a big impact in some cases, is the allowable inclusion of on-street parking in the overall count of required spaces. Often times a property owner is very near the threshold of meeting the minimum parking requirements, greenspace requirements, and stormwater management requirements. Being short a couple of parking spaces and allowing those spaces to be located within available on-street areas can make all the difference in a project. Also, keep in mind that a single parking stall can cost between \$3000-\$5000. It is suggested that this proposal be for uses other than one and two-family dwellings.

Option - For developments other than one or two-family dwellings with 30 or fewer off-street parking stalls required, up to 15% on-street stalls can be included

in the total count of required spaces. On-street parking shall be located directly adjacent to the proposed development.

Example – Total off-street parking required – 30; 15%, or 5 stalls, could be located on-street

Points to Consider

- UDC update in 2016 reduced off-street parking requirements for the majority of commercial uses.
- On-street parking being included in the calculation of total parking can assist in flexibility for small business owners.
- No variance from Board of Zoning required

Options

The Planning Commission has the following options:

- Add proposed language to the UDC to allow limited on-street parking to be counted towards total parking requirements
- Suggest other changes to the parking requirements
- Make no changes

Recommendation

Staff recommends setting a public hearing for September 16, 2019 to consider adding proposed language to the UDC to allow limited on-street parking to be counted towards total parking requirements.

Action Requested

Set a public hearing for September 16, 2019 to consider adding proposed language to the UDC to allow limited on-street parking to be counted towards total parking requirements.

Supporting Documentation

Parking Examples

Properties that could benefit from on street parking proposal.

E 27th St



Broadway



7th & Oak – Multi Family

