

**CITY OF HAYS COMMISSION MEETING
CITY HALL, 1507 MAIN STREET, HAYS, KS
THURSDAY, AUGUST 11, 2022 – 6:30 P.M.
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on July 28, 2022. (PAGE 1)
3. **CITIZEN COMMENTS**: (non-agenda items).
4. **CONSENT AGENDA**: (Items to be approved by the Commission in one motion, unless objections are raised).

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

5. **ANNEXATION OF CITY-OWNED PROPERTY AT 1732 WEST 41ST STREET**: Approve Ordinance No. 4014 annexing the property at 1732 West 41st Street as legally described within the adopting ordinance. (PAGE 5)
6. **REZONING OF CITY-OWNED PROPERTY AT 1732 WEST 41ST STREET FROM AGRICULTURE (A-L) TO PUBLIC AND INSTITUTIONAL DISTRICT (P-I)**: Adopt Ordinance No. 4015 approving the change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for 3.78 acres of land located at 1732 West 41st Street. (PAGE 13)
7. **COMMISSION INQUIRIES AND COMMENTS**
8. **EXECUTIVE SESSION (IF REQUIRED)**
9. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JULY 28, 2022

1. CALL TO ORDER BY CHAIRPERSON: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 28, 2022 at 6:30 p.m.

Roll Call: Present: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

Mayor Ruder declared a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular meeting held on July 14, 2022; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended June 30, 2022.

Month-to-date (MTD) General Fund sales tax collections were at \$810,483, which was an increase of \$93,196 or 13% as compared to last year. Year-to-date (YTD) General Fund sales tax is at \$4,527,455 up \$471,268 or 11.6% from a year ago. The six-month average is at 11.6%, which was an increase of 1.78% when compared to a year ago. MTD county sales tax collections were at \$98,088, up 12% as compared to last year. YTD county sales tax is at \$550,410.

The report of top ten quarter-to-date (QTD) sales tax collections by classification was up \$188,278 or 8.6%. These top ten represent 74% of the total sales tax collections for the running quarter.

The portfolio of certificates of deposit on June 30, 2022 totaled \$4,000,000 with a weighted average interest rate of .06% up .02% from a year ago. The total

par value of the US Treasuries is \$60,954,000 with a weighted average yield to maturity of .61% up .55% from a year ago. The total balance of the Money Market account on June 30, 2022 was \$3,500,000 with a current yield of .05%. Total investments are up \$5,501,692.

Shaun Musil moved, Michael Berges seconded, to approve the Financial Report for the month of June, 2022 as presented.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: There were no items on the Consent Agenda for consideration.

NEW BUSINESS

6. PUBLIC HEARING TO CONSIDER THE CREATION OF THE FOURTH AND FORT STREET RURAL HOUSING INCENTIVE DISTRICT: Mayor Ruder opened the public hearing to hear public comment on the consideration of establishing the Fourth and Fort Street Rural Housing Incentive District (RHID) for Michael D. Graham Rentals, LLC.

Kim Rupp, Director of Finance, noted that the developer has undergone a name change during the process changing the name from Turn-Key Properties, LLC to Michael D. Graham Rentals, LLC. He added that it is strictly administrative in purpose and has no bearing on the public hearing. It still covers the same project and property.

The project involves the construction of four structures containing an aggregate total of 36 apartment units to be located at 4th and Fort Street directly west of the former Washington Elementary School.

Following the public hearing, the Commission will be asked to consider an Ordinance establishing the RHID, adopting the Development Plan, and authorizing the execution of the Development Agreement. The Development Agreement is entered into between the City and the Developer to govern the rights and responsibilities of the parties. The Ordinance will become effective following a 30-day veto period.

Total cost of the project is estimated to be \$3,436,000 with \$414,500 of that eligible for RHID reimbursement. The term of the RHID is 25 years with the RHID incremental property tax over those 25 years estimated to be \$622,512.

There were no comments from the public.

Sandy Jacobs moved, Michael Berges seconded, to close the public hearing to consider the creation of the Fourth and Fort Street Rural Housing Incentive District.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

7. ORDINANCE ESTABLISHING THE FOURTH AND FORT STREET RURAL HOUSING INCENTIVE DISTRICT, ADOPTING THE DEVELOPMENT PLAN, AND AUTHORIZING THE EXECUTION OF THE DEVELOPMENT AGREEMENT:

Sandy Jacobs moved, Michael Berges seconded, to approve Ordinance No. 4013 establishing the Fourth and Fort Street Rural Housing Incentive District, adopting the Development Plan, and authorizing the execution of the Development Agreement.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

8. PROGRESS REPORT: Collin Bielser, Assistant City Manager, presented a monthly report of city-related activities, services, and programs.

9. HAYS HAPPENINGS/UPCOMING EVENTS: Melissa Dixon, Director of the Convention and Visitors Bureau, presented information on events that will be going on in Hays during the month of August.

10. COMMISSION INQUIRIES AND COMMENTS: Commissioner Barrick stated that the Hays Community Theater is presenting “The Wizard of Oz” and encouraged everyone to attend.

Commissioner Jacobs thanked Michael Graham for his continued investment in housing in our community. She thanked Paul-Wertenberger Construction for their work on the 27th Street reconstruction. She also complimented City staff on the quality concrete work they do.

Commissioner Musil thanked Paul-Wertenberger Construction for their work on the 27th Street reconstruction. He also thanked the community for their patience during construction. He recognized Kelly Ackerman who was awarded the 2022 Kansas Special Education Professional of the Year. Mrs. Ackerman is a special education teacher at Hays High School.

Vice-Mayor Berges congratulated the Hays Larks for another fantastic season.

Mayor Ruder reminded everyone to be prepared for increased traffic as school begins again.

The meeting was adjourned at 6:52 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5

MEETING DATE: 8-11-2022

TOPIC:

Annexation of City-Owned Property at 1732 W. 41st St.

ACTION REQUESTED:

Approve Ordinance No. 4014 annexing the property at 1732 West 41st Street as legally described within the adopting ordinance.

NARRATIVE:

The City of Hays owns the property at 1732 W. 41st St. and has submitted a signed consent to annex the property under K.S.A. 12-520(a)(7). The City desires to annex the parcel to allow for development of the property and connection to city services. The land is contiguous to City limits. Staff recommends annexing this property due to its proximity to the City limits and the availability of city services and infrastructure necessary to serve this property.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Jesse Rohr, Director of Public Works

ADMINISTRATION RECOMMENDATION:

Staff recommends annexing this property due to it being contiguous to the City limits and availability of City services.

ATTACHMENTS:

Staff Memo
Map(s) of area being annexed
Ordinance No. 4014
Signed Consent to Annex

Commission Work Session Agenda

Memo

From: Curtis W. Deines, Planning & Development
Superintendent

Work Session: August 4, 2022

Subject: Annexation of City-Owned Property at 1732 West 41st St.

Person(s) Responsible: Jesse Rohr, Director of Public Works

Summary

The City of Hays owns the property at 1732 W. 41st St. and has submitted a signed consent to annex the property under K.S.A. 12-520(a)(7). The City desires to annex the parcel to allow for development of the property and connection to city services. The land is contiguous to City limits. Staff recommends annexing this property due to its proximity to the City limits and the availability of city services and infrastructure necessary to serve this property.

Background

This property has been owned by the City of Hays for many years and is currently in agricultural production. The property is slated for the new Fire Department fire station, which will better accommodate future development by improving response times to emergencies.

Discussion

The City of Hays, owner of the property located at 1732 W 41st St., submitted a signed consent to annex the property under K.S.A. 12-520(a) (7) and desires the annexation to allow for development of the property and connection to city utilities. The land is contiguous with the present City limits. A request to rezone the property will be heard with another, separate, agenda item.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City staff.

Financial Consideration

There are no known direct costs to the City if this property is annexed.

Options

The City Commission has the following options:

- Annex the property as requested
- Do not annex the property

Recommendation

Staff recommends annexing this property due to it being contiguous to the City limits and availability of city services.

Action Requested

Approve an ordinance annexing the property at 1732 W. 41st St. as legally described within the adopting ordinance.

Supporting Documentation

Map(s) of area being annexed
Signed Consent to Annex
Ordinance

ORDINANCE NO. 4014

**AN ORDINANCE ANNEXING LAND TO THE CITY OF
HAYS, KANSAS.**

WHEREAS, the following described land adjoins the City of Hays, Kansas; and

WHEREAS, written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Hays, Kansas, pursuant to K.S.A. 12-520(a)(7); and

WHEREAS, the governing body of the City of Hays, Kansas finds it advisable to annex such land.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF HAYS, KANSAS:**

Section 1. Pursuant to K.S.A. 12-520(a)(7) the following described land is hereby annexed and made part of the City of Hays, Kansas:

A tract of land located in the East Half of the Northwest Quarter (E/2 NW/4) of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West of the 6th p.m. Ellis County, Kansas more particularly described as follows:

From the Northwest corner (NW/c) of the East Half of the Northwest Quarter (E/2 NW/4); thence South along the West line of said E/2 a distance of fifty (50) feet; thence East parallel to the North line of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West a distance of thirty-five (35) feet; this being the point of beginning; thence East parallel to the North line of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West (C/L of 41st Street) a distance of four hundred twelve (412) feet; thence South parallel to West line of said E/2 a distance of four hundred (400) feet; thence West parallel to North line of Section Twenty-nine (29), Township Thirteen (13) south, Range Eighteen (18) West a distance of four hundred twelve (412) feet; thence North parallel to West line of said E/2 a distance of four hundred (400) feet to the point of beginning. Also known as 1732 W. 41st St. Said tract containing three and seventy-eight hundredths (3.78) acres, more or less.

Section 2. The aforesaid Ordinance shall take effect and be in force from and after passage and publication on the City of Hays Website, the official city news outlet for legal publication notifications for the City of Hays, Kansas.

PASSED AND APPROVED by the Governing Body of the City of Hays, Kansas, this 11th day of August 2022.

MASON RUDER
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(seal)

CONSENT TO ANNEXATION

The City of Hays is the owner of the real estate hereinafter described as follows, to-wit:


Legal Description:

A tract of land located in the East Half of the Northwest Quarter (E/2 NW/4) of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West of the 6th p.m. Ellis County, Kansas more particularly described as follows:

From the Northwest corner (NW/c) of the East Half of the Northwest Quarter (E/2 NW/4); thence South along the West line of said E/2 a distance of fifty (50) feet; thence East parallel to the North line of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West a distance of thirty-five (35) feet; this being the point of beginning; thence East parallel to the North line of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West (C/L of 41st Street) a distance of four hundred twelve (412) feet; thence South parallel to West line of said E/2 a distance of four hundred (400) feet; thence West parallel to North line of Section Twenty-nine (29), Township Thirteen (13) south, Range Eighteen (18) West a distance of four hundred twelve (412) feet; thence North parallel to West line of said E/2 a distance of four hundred (400) feet to the point of beginning. Also known as 1732 W. 41st St. Said tract containing three and seventy-eight hundredths (3.78) acres, more or less:

And hereby consents to the annexation of such land by the City of Hays, Kansas

Dated: July 21, 2022

By: 
City of Hays

ATTEST:

Brenda K. Kitchen
(Notary)



CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 8-11-2022

TOPIC:

Rezoning of City-Owned Property at 1732 West 41st Street from Agriculture (A-L) to Public and Institutional District (P-I)

ACTION REQUESTED:

Adopt Ordinance No. 4015 approving the change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for 3.78 acres of land located at 1732 West 41st Street.

NARRATIVE:

An application has been submitted by the City of Hays to request a change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for the property located at 1732 W. 41st St. The City has owned the property for several years, and it is also the current location of a City water well and booster station. The property has been in agriculture production for many years, and the City now desires to develop the property for civic uses. Staff, as well as the Planning Commission, recommends changing the zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for 3.78 acres of land owned by the City of Hays located at 1732 W. 41st St., due to the relative gain to the health, safety and welfare of the general public.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Jesse Rohr, Director of Public Works

ADMINISTRATION RECOMMENDATION:

Staff, as well as the Hays Area Planning Commission (5-0), recommends approving the rezoning request from Agriculture District (A-L) to Public and Institutional District (P-I).

ATTACHMENTS:

Staff Memo
Visuals/Maps
Ordinance No. 4015
Planning Commission Findings of Fact
Planning Commission Minutes (Excerpt)

Commission Work Session Agenda

Memo

From: Curtis W. Deines, Planning & Development
Superintendent

Work Session: August 4, 2022

Subject: Rezoning of City-Owned Property at 1732 West 41st St.
from Agriculture (A-L) to Public and Institutional District
(P-I)

Person(s) Responsible: Jesse Rohr, Director of Public Works

Summary

An application has been submitted by the City of Hays to request a change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for the property located at 1732 West 41st St. The City has owned the property for several years, and it is also the current location of a city water well and booster station. The property has been in agriculture production for many years, and the City now desires to develop the property for civic uses. Staff, as well as the Planning Commission, recommends changing the zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for the 3.78 acres of land owned by the City of Hays located at 1732 W. 41st St., due to the relative gain to the health, safety, and welfare of the general public and the compatibility of adjacent zoning districts.

Background

An application has been submitted by the City of Hays to request a change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for the property located at 1732 W. 41st St. Several years ago, the City of Hays purchased this additional property around an existing city water well and booster station with future development of a fire station in mind.

Discussion

This property is identified as Low Density Residential on the Future Land Use Map found within the adopted Comprehensive Plan due to its location to other residential properties. Adjacent properties are also identified as Low Density Residential. The Comprehensive Plan's Compatibility Matrix chart for Low Density Residential compared to Civic Use rates compatibility of the proposed and adjacent uses a 5 out of 5, or completely compatible to each other. The adjacent zoning districts are NC.2, A-L, & R-

G. Based on this information, this rezoning request is logical, and the community will benefit from the development of a fire station at this location.

The property will be annexed into the city limits of Hays. Public water and sewer are available at the property.

The purpose of the Public and Institutional District (P-I) is to provide for public-owned and operated uses (e.g., governmental and school buildings and facilities, utility stations, libraries, cemeteries, active and passive recreation parks, public safety complexes, post offices, etc.) These uses are often times unique in nature and scale and thus, not appropriately placed within any other district. Some of the uses may be appropriate in other zoning districts subject to applicable performance standards.

The Hays Area Planning Commission approved the rezoning request 5-0 after a public hearing conducted on July 18, 2022. No opposition to the request was present at the hearing.

Although the future proposed use of the subject property as a location for a new fire station is widely known, this rezoning request is not for consideration of a fire station, but rather consideration of rezoning the property to the proposed P-I zoning district. All allowed uses within the P-I district shall be considered when reviewing this rezoning request.

P-I Zoning allows the following uses by right (UDC 2.2.202):

- College/University/Vocational School
- Government and Public Institutions
- Library
- Place of Public Assembly (event facilities; meeting halls; private clubs; lodges; places of worship)
- Schools, Private
- Schools, Public
- Office, General
- Recycling Collection Facility
- Transportation Stop (bus and taxi)
- Power Generation, Small-scale (Renewable; Noncombustible)
- Public Utilities

Limited Uses for P-I Zoning:

- Cemetery or Mausoleum
- Hospitals
- Recreation and Fitness, Outdoor
- Drive-In/Drive-Through Facility
- Farmers' Market
- Parking Structure, Stand Alone
- Restaurant
- Storage Yard
- WTF, Attached
- WTF, Freestanding Non-Stealth
- WTF, Freestanding Stealth

Approval by Exception:

- Campground
- Landfill
- Airport
- Helistop
- Substations (electrical and telephone)

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

There are no known financial benefits or detriments to the City of Hays at this time as a result of this proposed rezoning.

Options

The City Commission has the following options:

- Approve the rezoning request from A-L to P-I as recommended by the Planning Commission.
- Send the request back to the Planning Commission for further consideration with specific basis for further review.
- Deny the rezoning request from A-L to P-I (Requires a 2/3 majority vote to overturn the P.C. recommendation).

Recommendation

Staff, as well as the Hays Area Planning Commission (5-0), recommends approving the rezoning request from Agriculture (A-L) to Public and Institutional District (P-I).

Action Requested

Adopt an ordinance approving the change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for the 3.78 acres of land owned by the City of Hays, generally located at 1732 W. 41st St.

Supporting Documentation

Visuals/Maps

Planning Commission Findings of Fact

Planning Commission Minutes (Excerpt)

Ordinance

1732 W. 41st. St Rezoning Request



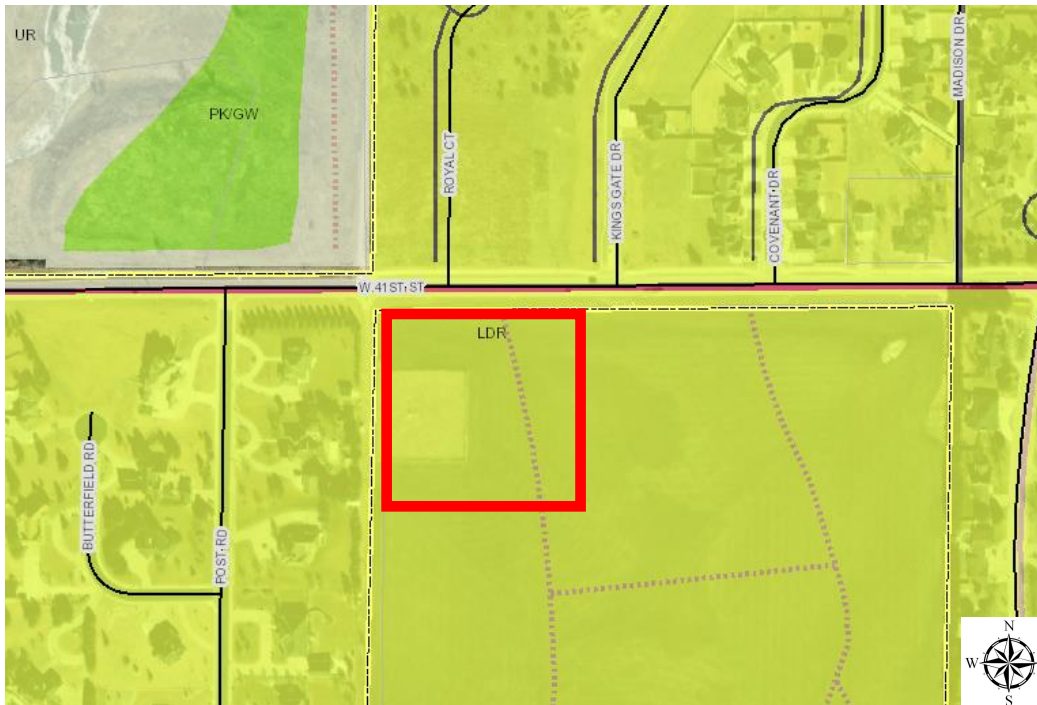
1732 W. 41st.



Current Zoning Map



Future Land Use Map



ORDINANCE NO. 4015

AN ORDINANCE REZONING A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. ELLIS COUNTY, KANSAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER (NW/C) OF THE EAST HALF OF THE NORTHWEST QUARTER (E/ 2 NW/4); THENCE SOUTH ALONG THE WEST LINE OF SAID E/ 2 A DISTANCE OF FIFTY (50) FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST A DISTANCE OF THIRTY-FIVE (35) FEET; THIS BEING THE POINT OF BEGINNING; THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST (C/ L OF 41ST STREET) A DISTANCE OF FOUR HUNDRED TWELVE (412) FEET; THENCE SOUTH PARALLEL TO WEST LINE OF SAID E/ 2 A DISTANCE OF FOUR HUNDRED (400) FEET; THENCE WEST PARALLEL TO NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST A DISTANCE OF FOUR HUNDRED TWELVE (412) FEET; THENCE NORTH PARALLEL TO WEST LINE OF SAID E/2 A DISTANCE OF FOUR HUNDRED (400) FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS 1732 W. 41ST ST. SAID TRACT CONTAINING THREE AND SEVENTY-EIGHT HUNDREDTHS (3.78) ACRES, MORE OR LESS;

FROM “A-L” (AGRICULTURE) TO “P-I” (PUBLIC AND INSTITUTIONAL DISTRICT);

WHEREAS, the Hays Area Planning Commission, after due and legal notice published on the City of Hays website, its official publication, on June 21, 2022, and after a public hearing held in conformity with such notice on July 18, 2022, did, on the last-mentioned date, recommend to the Governing Body of the City of Hays, Kansas, the rezoning of the following described real estate:

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. ELLIS COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER (NW/C) OF THE EAST HALF OF THE NORTHWEST QUARTER (E/ 2 NW/4); THENCE SOUTH ALONG THE WEST LINE OF SAID E/ 2 A DISTANCE OF FIFTY (50) FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST A

DISTANCE OF THIRTY-FIVE (3 5) FEET; THIS BEING THE POINT OF BEGINNING; THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST (C/ L OF 41ST STREET) A DISTANCE OF FOUR HUNDRED TWELVE (412) FEET; THENCE SOUTH PARALLEL TO WEST LINE OF SAID E/ 2 A DISTANCE OF FOUR HUNDRED (400) FEET; THENCE WEST PARALLEL TO NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST A DISTANCE OF FOUR HUNDRED TWELVE (412) FEET; THENCE NORTH PARALLEL TO WEST LINE OF SAID E/2 A DISTANCE OF FOUR HUNDRED (400) FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS 1732 W. 41ST ST. SAID TRACT CONTAINING THREE AND SEVENTY-EIGHT HUNDREDTHS (3.78) ACRES, MORE OR LESS;

BE REZONED FROM "A-L" (AGRICULTURE) TO "P-I" (PUBLIC AND INSTITUTIONAL DISTRICT);

WHEREAS, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be served by approving said rezoning recommendation of the Hays Area Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. That the following-described real estate, to-wit:

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. ELLIS COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER (NW/C) OF THE EAST HALF OF THE NORTHWEST QUARTER (E/ 2 NW/4); THENCE SOUTH ALONG THE WEST LINE OF SAID E/ 2 A DISTANCE OF FIFTY (50) FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST A DISTANCE OF THIRTY-FIVE (3 5) FEET; THIS BEING THE POINT OF BEGINNING; THENCE EAST PARALLEL TO THE NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST (C/ L OF 41ST STREET) A DISTANCE OF FOUR HUNDRED TWELVE (412) FEET; THENCE SOUTH PARALLEL TO WEST LINE OF SAID E/ 2 A DISTANCE OF FOUR HUNDRED (400) FEET; THENCE WEST PARALLEL TO NORTH LINE OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST A DISTANCE OF FOUR HUNDRED TWELVE (412) FEET; THENCE NORTH PARALLEL TO WEST LINE OF SAID E/2 A DISTANCE OF FOUR HUNDRED (400) FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS

1732 W. 41ST ST. SAID TRACT CONTAINING THREE AND SEVENTY-EIGHT HUNDREDTHS (3.78) ACRES, MORE OR LESS;

BE REZONED FROM "A-L" (AGRICULTURE) TO "P-I" (PUBLIC AND INSTITUTIONAL DISTRICT).

Section 2. The aforesaid Ordinance shall take effect and be in force from and after passage and publication on the City of Hays Website, the official city news outlet for legal publication notifications for the City of Hays, Kansas.

PASSED by the Governing Body on the 11th day of August, 2022.

MASON RUDER
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)

HAYS AREA PLANNING COMMISSION FINDINGS OF FACT

1. **CASE NO:** 2022-01Z **FILING FEE PAID:** N/A
 2. **DATE FILED:** 06-01-2022
 3. **DATE ADVERTISED FOR HEARING:** 06-21-2022 through 07-05-2022
 4. **PUBLIC HEARING DATE:** 07-18-2022
 5. **APPLICANT'S NAME:** City of Hays
 6. **LOCATION OF PROPERTY:** Generally known as 1732 W 41st Street
 7. **DESCRIPTION OF PROPERTY:** Agriculture
 8. **PRESENT USE OF PROPERTY:** Agriculture
 9. **PRESENT ZONING:** "A-L" Agriculture
 10. **REQUESTED ZONING:** "P-I" Public & Institutional District
-

1. **CHARACTER OF THE NEIGHBORHOOD:**
DIRECTION

- NORTH:** Residential Single Family
SOUTH: Agriculture
EAST: Agriculture and Residential Single Family
WEST: Residential Single Family

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

- NORTH:** R-G Residential General and NC.2 Neighborhood Conservation District
SOUTH: A-L Agriculture
EAST: A-L Agriculture & NC.2 Neighborhood Conservation District
WEST: NC.2 Neighborhood Conservation District

3. **CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:** This property has been undeveloped and used for agriculture production and also contains a City of Hays water well and booster station. This property will be annexed into the City limits. Public water and sewer are available at the property. The City now desires to develop the property for civic uses. The property is located adjacent to R-G Residential General, NC.2 Neighborhood Conservation and Agriculture Zoning Districts.

A. DEDICATION OR RESERVATION NEEDED FOR:

1. **DRAINAGE:** Yes
2. **STREETS:** Existing
3. **UTILITY EASEMENTS:**

- a. **ELECTRICITY:** Existing
- b. **GAS:** Existing
- c. **SEWERS:** Existing
- d. **WATER:** Existing

- 4. **WALKING/MULTI-PURPOSE PATH EASEMENT:** Yes
- 5. **SHOULD PLATTING BE REQUIRED:** No (No lot subdivision is occurring)

B. TRAFFIC CONDITIONS:

- 1. **CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS:** Arterial
- 2. **RIGHT-OF-WAY WIDTH:** 100' ROW
- 3. **SIGHT DISTANCE:** OK
- 4. **TURNING MOVEMENTS:** OK
- 5. **COMMENTS ON TRAFFIC:** Local Residential and Commercial Traffic

- 4. **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** Although suited for agricultural purposes as presently used, the proposed zoning to Public and Institutional District would be suitable for the area.
- 5. **THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** Changing the zoning classification from A-L to P-I will not detrimentally affect nearby property. P-I districts are frequently interspersed within various residential and commercial districts throughout the City of Hays. There will be limited or no effect on adjacent properties.
- 6. **THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** This property has always been used for agriculture production and also contains a City of Hays water well and booster station. Several years ago, the City of Hays purchased this additional property around the existing City water well and booster station with future development of a civic use in mind.
- 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 zoning to Public and institutional District will be beneficial to the general public and community as a whole. The development will only enhance the neighborhood as it develops.
- 8. **THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY:** This request is in conformance with the Comprehensive Plan and Future Land Use Map due to its proximity to developed properties. The property is identified as Low Density Residential on the Comprehensive Plan due to the location to other residential properties. The Comprehensive Plan's Compatibility Matrix chart for Low Density Residential compared to Civic Use rates the properties and allowed uses a 5 out of 5, making them extremely compatible to each other. This rezoning request is logical, and the community will benefit from the development of a civic use at this location.

Based on these considerations, the Planning Commission does recommend the change of Zoning from A-L Agriculture District to P-I Public & Institutional District.

**MINUTES EXCERPT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
JULY 18, 2022
6:30 P.M.**

1. PUBLIC HEARING ITEMS:

A. Public Hearing for a Rezoning Request from A-L Agriculture to P-I Public and Institutional for 1732 W 41st Street:

Curtis Deines presented a PowerPoint presentation for a rezoning request by the City of Hays to change the zoning of 1732 W. 41st from A-L Agriculture to P-I Public and Institutional District. The City has owned the property for several years. The City purchased this additional property around a City water well and booster station with future development of a fire station in mind.

He reminded the Commission that when they hear a rezoning case, the application is evaluated for all uses that would be allowed if the rezoning is approved.

The property has always been in agriculture production. He pointed out the adjoining zoning districts. Residential to the east, west and north and agriculture to the south.

This property is identified as low density residential on the Comprehensive Plan due to its location to other residential properties. Per the Comprehensive Plan's compatibility matrix chart for low density residential compared to civic use rates, the proposed and adjacent uses are rated a 5 out of 5, meaning they are extremely compatible to each other.

He explained about the "P-I" zoning district and provided the list of uses by right, limited use and uses by exception.

He explained about the Staff Findings of Fact associated with the rezoning request.

He provided the options to the Planning Commission.

He provided the action requested.

He asked for any questions before the public hearing is opened.

Chairman Lou Caplan informed the audience of the Open Meetings Act by Kansas Law.

He opened the public hearing. He asked if there was anyone in the audience with comments or questions.

Curtis Deines stated that he had received a few e-mail inquiries and invited those residents to attend the public hearing, although there were no public in attendance.

Chairman Lou Caplan closed the public hearing for the Commission to discuss the case amongst themselves. He 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.

Motion:

Mike Vitztum moved; Dustin Schlaefli seconded the motion to approve Staff Findings of Fact based on that it is in conformance with the Comprehensive Plan and Future Land Use Map.

Vote: AYES

Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, Bernie Gribben, and Matthew Wheeler

Lou Caplan entertained for a substantive motion.

Motion:

Mike Vitztum moved, Dustin Schlaefli seconded the motion to approve the change in zoning from A-L Agriculture District to P-I Public and Institutional District for 3.78 acres of land owned by the City of Hays, generally located at 1732 W 41st St, based on the relative gain to the health, safety, and welfare of the general public and compatibility with adjacent zoning districts.

Vote: AYES

Lou Caplan, Mike Vitztum, Dustin Schlaefli, Jim Schreiber, Bernie Gribben, and Matthew Wheeler