

HAYS AREA PLANNING COMMISSION MEETING AGENDA
CITY COMMISSION CHAMBERS
1507 MAIN ST, HAYS, KS
January 20, 2025
4:00 PM

1. CALL TO ORDER BY CHAIRMAN.

2. CONSENT AGENDA.

- A. Minutes of the meeting of December 16, 2024

Action: Consider approval of the minutes of the December 16, 2024 meeting

- B. Citizen Comments

3. PUBLIC HEARING ITEMS.

- A. None.

4. NON-PUBLIC HEARING ITEMS.

- A. Consider the Rezoning Request from "A-L" Agriculture District to "R-G" Residential General District for 20 acres of land situated at the south end of an agricultural field, west of Thunderbird, between 33rd Street and 41st Street., being a tract of land in the East Half of the Northwest Quarter of Section 29, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas.

Action: Set a public hearing for February 17, 2025 to consider the proposed rezoning.

- B. UDC Regulation Discussion – Small Sheds

Action: Provide Staff direction regarding the proposed UDC revision and consider setting a public hearing for February 17, 2025.

5. AGENDA ITEMS/COMMUNICATIONS.

- A. Project Update
- B. 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
December 16, 2024
4:00 P.M.

1. CALL TO ORDER BY CHAIRMAN:

The Hays Area Planning Commission met for their regularly scheduled meeting on Monday, December 16, 2024, at 4:00 p.m. in the Commission Chambers at City Hall. Chairman Matthew Wheeler called the meeting to order.

Roll Call:

Present: Matthew Wheeler, Jim Schreiber, Mike Vitztum, Dustin Schlaefli, Brian Garrett, and Joseph Boeckner

Absent: Bernie Gribben

City staff in attendance: Collin Bieler, Deputy City Manager, Jesse Rohr, Public Works Director, Curtis Deines, Superintendent of Planning and Development, Jarrod Kuckelman, Management Analyst, and Ashley Kinderknecht, Administrative Assistant.

2. CONSENT AGENDA:

A. Minutes: Matthew Wheeler asked if there were any changes to the November 18, 2024, Hays Area Planning Commission meeting minutes. There were none.

Motion: Dustin Schlaefli moved, Jim Schreiber seconded the motion to approve the minutes from the November 18, 2024, meeting.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Mike Vitztum, Dustin Schlaefli, Brian Garrett, and Joseph Boeckner

B. Citizen Comments: There were no citizen comments.

3. PUBLIC HEARING ITEMS:

A. Public Hearing for the Rezoning Request from “A-L” Agriculture District and “R-G” Residential General District to “R-M” Residential Multi-Family District for the proposed property at 25th & Wheatland Ave, Hays, Kansas.

Curtis Deines provided a PowerPoint presentation regarding the rezoning request from “A-L” Agriculture District and “R-G” Residential General to “R-M” Residential Multi-Family for the fourth phase of Heart of America Development Corporation’s workforce housing project. Part of the property is already zoned R-M and will remain unchanged. The R-M designation is sought to offer more housing type options and flexibility for the developer, including higher-density residential uses like apartments. This phase will include extending water and sewer services, aligning with the Comprehensive Plan’s designation

of the area of Medium Density Residential (MDR). The development is compatible with surrounding residential uses and supports continued growth.

The primary objective for rezoning to R-M is to allow for higher-density development. The key difference between R-M and R-G zoning is the side yard setback, which is reduced from 7 ft to 4 ft. This change enables smaller lots with a minimum width of 45 ft and allows structures to be built closer together, increasing overall density. The intent is to replicate the workforce housing model used in the southern development, with additional options for duplexes or townhomes. He provided visuals of the current zoning and what is proposed, along with the future land use map showing the Medium Density Residential for this area.

Mr. Deines provided a list of Uses by Right and Limited Uses for R-M Zoning. He then provided the Uses by Exception, which requires Hays Area Board of Zoning Appeals approval. He provided the options to be considered by the Planning Commission and gave the staff's recommendation of changing the zoning as requested.

Matthew Wheeler opened the Public Hearing and asked for any citizen comments. Cheryl Morgan owns property to the west of the proposed development. She would like to know if the future land use map is something she needs to worry about in the future as far as her property zoning is concerned, as she would like to keep it agricultural. Matthew Wheeler stated that they can't force her to change her zoning. He stated that a future land use map was put together for them as a city, but we can't force her to change her zoning.

Matthew Wheeler closed the Public Hearing.

Motion:

Jim Schreiber moved to approve Staff Findings of Fact; Mike Vitztum seconded.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Mike Vitztum, Dustin Schlaefli, Brian Garrett, and Joseph Boeckner

Motion:

Mike Vitztum moved to change the zoning from A-L Agriculture District and R-G Residential General to R-M Residential Multi-Family as it is compatible with the adjacent zoning districts; Jim Schreiber seconded.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Mike Vitztum, Dustin Schlaefli, Brian Garrett, and Joseph Boeckner

4. NON-PUBLIC HEARING ITEMS:

A. Final Plat of Tallgrass 4th Addition

Curtis Deines provided a PowerPoint presentation regarding lot agreement and street description of the proposed Plat. He stated that this is a replat of the Tallgrass 2nd

Addition to the City of Hays. He explained that there are approximately 100 to 102 lots that are available with several streets. There are a couple of connection points, one toward the North and one in the middle for potential connection to the East. There is stormwater detention put into the bottom right hand corner. Midwest Energy recently put in a gas line along I-70 so we would preserve that in either a Utility Easement or a non-developed lot that they will keep and maintain.

Mr. Deines provided options for the Planning Commission to consider. The Plat meets the requirements of the current subdivision regulations regarding lot size, setbacks, and specific utility requirements. Staff recommends approving the Plat as submitted and recommends approval to the Hays City Commission.

Matthew Wheeler asked if Ms. Morgan's address would change. Mr. Deines stated that nothing with her property will change. Joseph Boeckner asked if this would tie into the new road that was upgraded by Heart of America. Mr. Deines stated that was correct. Mike Vitztum asked about a square on the right hand side of the plat. Mr. Deines stated that was for a temporary turnaround which may not be needed.

Matthew Wheeler asked for any additional questions. There were none.

Dustin Schlaefli made a Motion to approve the Tallgrass 4th Addition Final Plat; Brian Garrett seconded.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Mike Vitztum, Dustin Schlaefli, Brian Garrett, and Joseph Boeckner

5. AGENDA ITEMS/COMMUNICATIONS

A. Project Updates: Public Works Director Jesse Rohr updated the Planning Commissioners on a few projects taking place throughout the city.

B. Planning Commissioner Comments: None.

6. ADJOURNMENT: Matthew Wheeler adjourned the meeting at 4:18 p.m.
Submitted by Ashley Kinderknecht, Administrative Assistant



Hays Area Planning Commission Agenda Memo

Agenda Item: Rezoning Request from (A-L) Agriculture District to (R-G) Residential General District

Type of Review: Consider Rezoning from (A-L) Agriculture District to (R-G) Residential General District

Presented By: Curtis W. Deines, Planning & Development Superintendent

Date Prepared: January 3, 2025

Agenda Date: January 20, 2025

Summary

An application has been submitted to request a change in zoning from (A-L) Agriculture District to (R-G) Residential General District for 20 acres of land situated at the south end of an agricultural field, west of Thunderbird, between 33rd Street and 41st Street. This property, identified in the Comprehensive Plan for Light Density Residential (LDR) development, is ideal due to its proximity to existing neighborhoods and utility access. The first phase of a proposed residential development will be this 20 acres adjacent to residential areas platted in the late 1970s and early 1980s along Thunderbird Dr. and Oakmont St. R-G zoning is fully compatible with LDR, earning a 5 out of 5 rating on the compatibility matrix found within the Comprehensive Plan. Staff recommends setting a public hearing to consider the change of zoning as requested.

Background

An application has been submitted to request a change in zoning from (A-L) Agriculture District to (R-G) Residential General District for 20 acres of land located on the south end of the agricultural field, west of Thunderbird, between 33rd and 41st Streets. This area is currently agriculture land and is located adjacent to single family residential developments and is logical for development.

Discussion

This property has been identified in the City of Hays Comprehensive Plan for residential development. This location is designated as a prime area for development due to its proximity to other developments and availability of utilities for extension.

This first planned phase of development is 20 acres located on the south end of the parent tract and is adjacent to residential property along Thunderbird Dr. and Oakmont St. The adjacent properties were platted in the late 70's and early 80's. The Comprehensive Plan identifies this area as LDR (Light Density Residential). R-G is completely compatible with Light and Medium Density developments with a rating of 5 out of 5 from the compatibility matrix chart.

Recommendation

Staff recommends setting a public hearing for February 17, 2025.

Action Requested

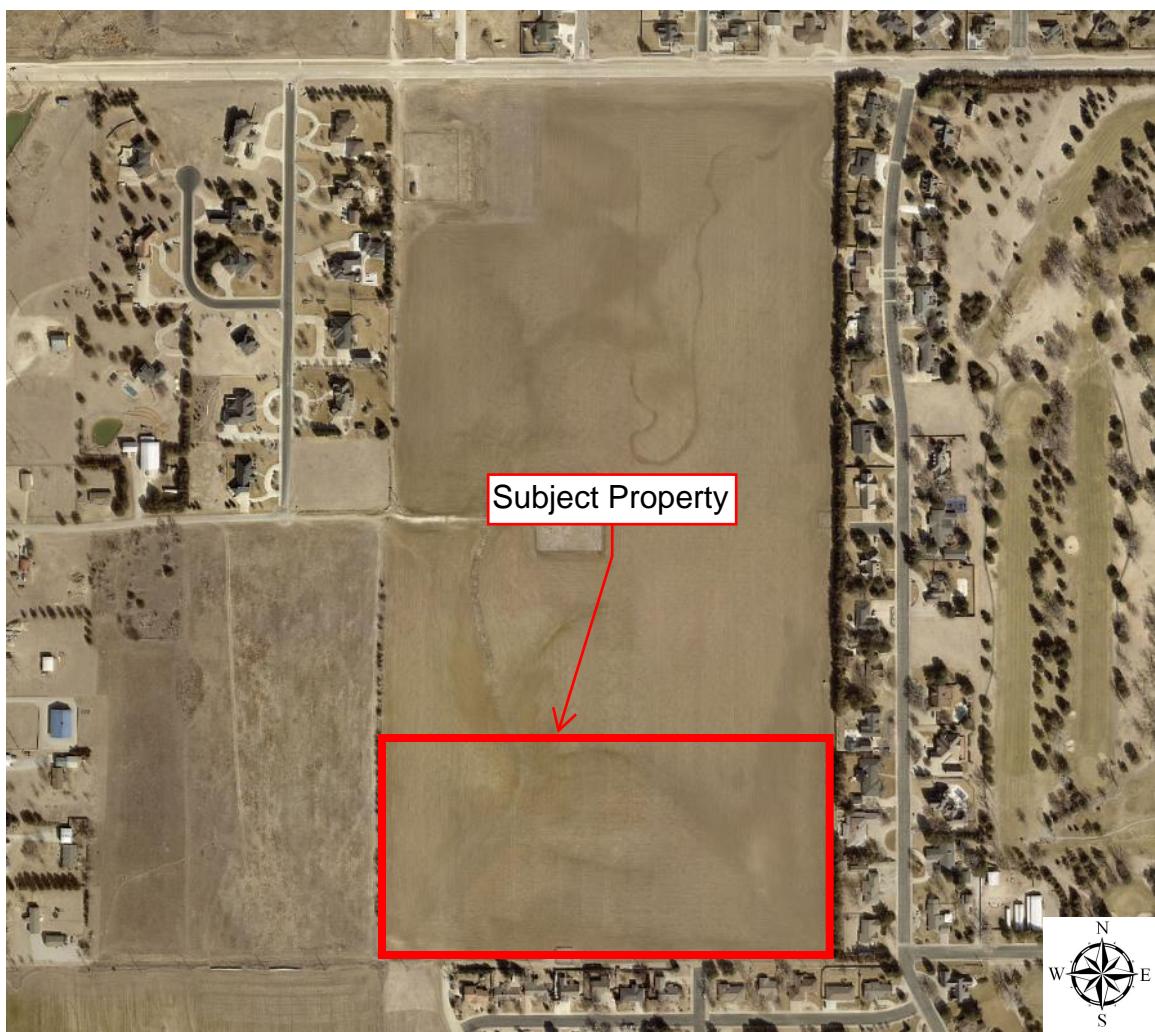
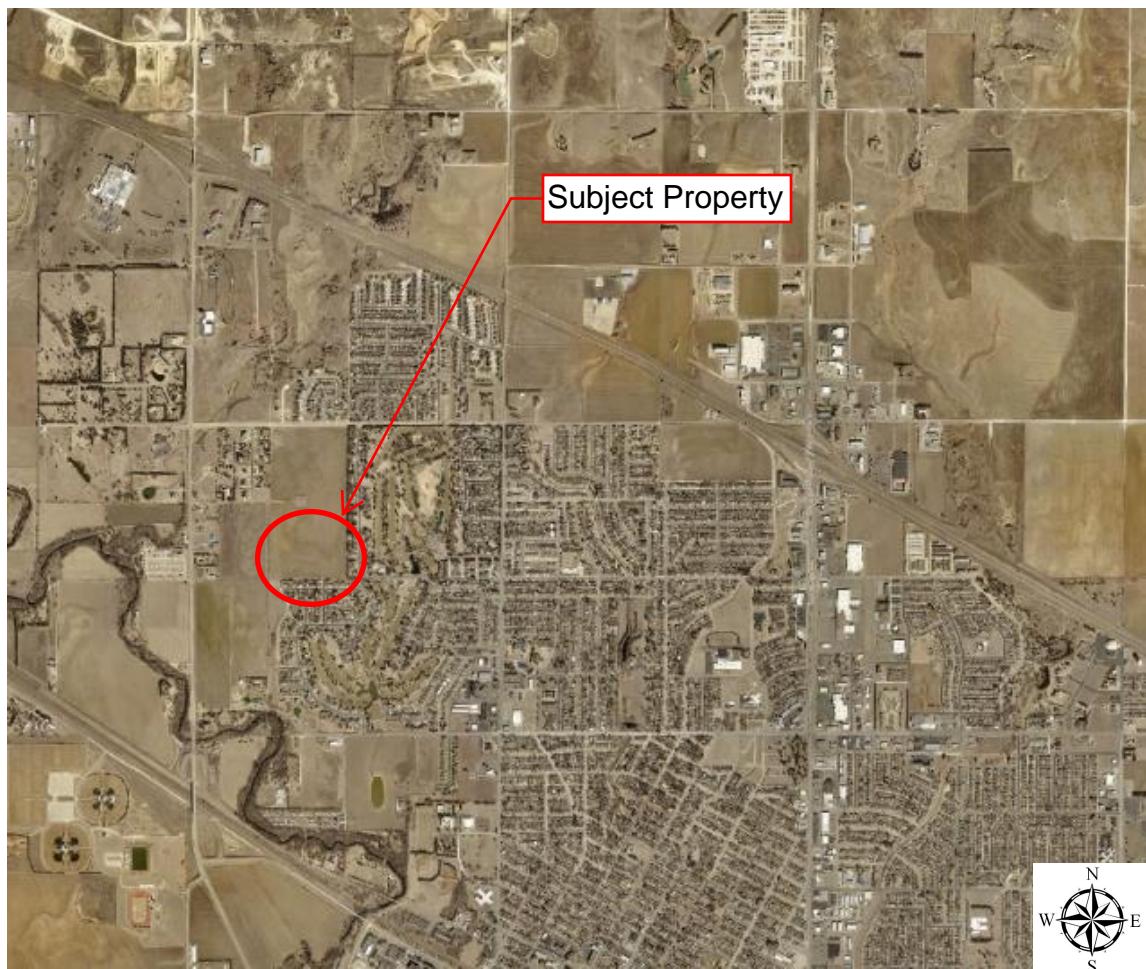
Set a public hearing for February 17, 2025.

Supporting Documentation

Visuals

Zoning District Uses

Application



Zoning Map



Comprehensive Plan Map



REZONING EXHIBIT A

Proposed Covenant Estates First Addition

Portion of East Half of Northwest Quarter Section 29, Township 13 South, Range 18 West
City of Hays, Ellis County, Kansas



Proposed Zoning Change
Location Map
not to scale

City of Hays UDC Regulations for Residential General District R-G

R-G Zoning allows the following:

Uses by Right:

- o Group Day Care Center
- o Planned Development
- o Public Utilities
- o Schools, Private & Public
- o Single Family Detached
- o Standard Residential Neighborhood
- o Transportation Stop (Bus & Taxi)

Limited use:

- o Apartment
- o Assisted Living Facility
- o Child-Care Facility,
 Family Day Care Home
- o Child-Care Facility,
 Group Day Care Home
- o Child-Care Facility,
 Youth Residential
- o Duplex
- o Golf Course
- o Home Occupations
- o Library
- o Manufactured Home
- o Modular Home
- o Place of Public Assembly- (Event Facilities,
 Meeting Halls, Private Clubs,
 Lodges, Place of Worship)
- o Power Generation, Small-scale
 (Renewable; Noncombustible)
- o Recreation and Fitness, Outdoor
- o Townhouse
- o Triplex
- o Wireless Telecommunication Facilities
 (Stealth & Attached)

Uses by Exception:

- o Cemetery or Mausoleum
- o Funeral Home/ Mortuary/Funeral
 Chapel/Crematory
- o Government and Public Institutions
- o Manufactured Home Park or Subdivision
- o Substations (Electrical and Telephone)

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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
 (check one) City PD 3-mile planning area PD

Current Zoning: _____ Requested Zoning: _____

Adjacent property zoning: N_____ E_____ S_____ W_____
 NE_____ SE_____ SW_____ NW_____

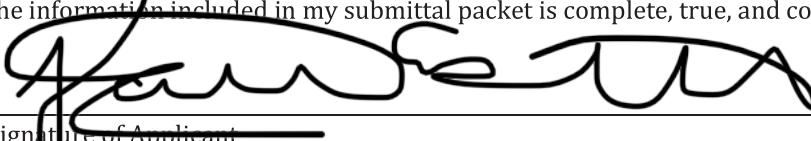
The rezoning is being requested for the following reason(s): (Do not include reference to proposed uses)

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: 1/3/2025 Reviewer: CD Case Number: 2025-01Z

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: _____

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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

Street Address or PO Box

City, State, ZIP

Work / Cell Phone

E-mail

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 ONLYApplication Complete: Yes NoProject Name: Covenant Estates First Addition Case#: 2025-01Z Reviewer(s): CDDate Submitted: 1/3/2025 Meeting Date(s): _____ BZA PC CC

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Applicant and Property Profile

PROPERTY DESCRIPTION

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

General Location _____

Street Address (as applicable) _____

Total Acreage of Application

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

Current Zoning _____

Proposed Zoning (as applicable) _____

Adjacent Zoning:

N _____
NE _____

E _____
SE _____

S _____
NW _____

W _____
SW _____

Current Use(s) _____

Proposed Use(s) _____

Is any of the property in the floodplain or floodway?

If yes, attach copy of applicable firm panel.

Yes

No

Unknown

Is the property under a special use permit?

Yes

No

Unknown

Has the property ever received a variance?

Yes

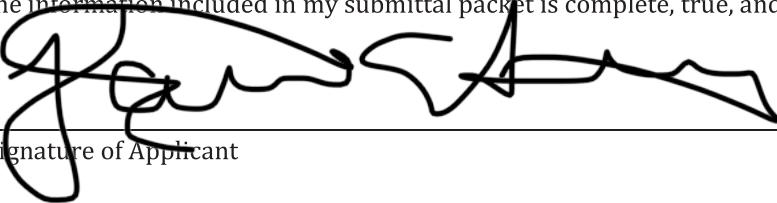
No

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

Date _____

Signature of Owner (if different from applicant) _____

Date _____

OFFICE USE ONLY

Application Complete: Yes No

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

Date Submitted: _____ Meeting Date(s): _____

BZA PC CC



Hays Area Planning Commission Agenda Memo

Agenda Item:	UDC Discussion: Small Sheds Under 120 Sq. Ft.
Type of Review:	UDC Regulation Review
Presented By:	Curtis W. Deines, Planning & Development Superintendent
Date Prepared:	January 2, 2025
Agenda Date:	January 20, 2025

Summary

Current regulations for small sheds under 120 square feet do not require a building permit but must meet side and rear yard setbacks, which were changed in 2016 to a uniform 5-foot distance. This has led to enforcement challenges, as many property owners are unaware of or disregard the setback, resulting in non-compliant structures. Eliminating the setback requirement for these low-impact structures could enhance land use and align permitting with enforcement practices. Additionally, the current regulation limits size and the number of accessory structures, which complicates enforcement. Furthermore, size restrictions in the A-L district are seen as overly restrictive and misaligned with future development goals. Staff is in support of the reduction of regulations for accessory structures.

Background

Change 1: Currently, small sheds measuring 120 square feet or less do not need a building permit, but they must still comply with side and rear yard setback requirements. Prior to the 2016 update of the Unified Development Code (UDC), these structures could be placed as close as 3 feet from the side yard property line. However, the 2016 revision set a uniform 5-foot setback for all accessory and storage structures. This change has led to issues where many property owners, unaware or unconcerned due to the lack of a permit requirement, place sheds in violation of the setback rules. Additionally, variances have sometimes been granted to allow reduced setbacks for structures that don't need permits.

Change 2: Eliminating the maximum of 2 accessory structures on a lot would make enforcement easier as current regulations are difficult to uphold due to the fact that many small structures are exempt from permit requirements.

Change 3: In the A-L (Agricultural) district, non-agricultural accessory structures are limited to a maximum size of 50% of the footprint of the main dwelling. This regulation is excessively restrictive and does not support future development plans in the A-L district.

Discussion

1. Enforcement Challenges

The current regulation for structures under 120 square feet is difficult to enforce since no building permit is required. Property owners often overlook or ignore setback requirements, leading to non-compliant structures that are either unnoticed or discovered after installation. This inconsistency in enforcement can result in conflicts between the city and property owners.

2. Low Impact of Small Structures

Small structures like garden sheds, playhouses, or storage sheds generally have minimal impact on privacy, fire safety, or neighborhood aesthetics, making setback requirements less critical. Regulations currently limit the number of accessory structures to two per lot. Staff recommends removing this limitation, particularly as recent changes to the development code allow for buildings to occupy more lot space, enabling property owners to better utilize their property for multiple small structures serving different functions.

3. Efficient Land Use

Eliminating setback requirements for small structures in residential areas allows homeowners to optimize yard space while maintaining neighborhood character. This approach mirrors 2023 changes that reduced setbacks for primary structures, providing property owners greater flexibility in how they use their property.

4. Consistency with Permitting

Requiring setbacks for small structures while not requiring permits creates a regulatory inconsistency. Aligning setback requirements with the permit exemption for these structures will simplify regulations, reduce homeowner confusion, and ease the burden on city staff by minimizing enforcement challenges.

Recommendation

Staff seeks a recommendation from the Planning Commission to hold a future public hearing.

Action Requested

Provide direction to staff for setting a future public hearing

Supporting Documentation

Visuals
Regulation





CHAPTER 10 BUILDINGS AND STRUCTURES

ARTICLE 10.2 SUPPLEMENTAL STANDARDS

Division 10.2.100 Supplemental Standards for All Uses

Sec. 10.2.101 Accessory Buildings and Structures

- A. **Generally.** The construction and use of accessory building or structures, except accessory dwelling units (see Section 10.2.102, *Accessory Dwelling Units*), are subject to the requirements of this Section.
- B. **All Uses.**
1. *Timing of Construction.* No accessory building or structure shall be constructed unless the principal building is constructed and connected to utilities or under construction simultaneously with the accessory building or structure.
 2. *Easements.* Accessory buildings and structures shall not be located within easements unless written permission is granted from the owner/operator of the easement and proof of such permission is provided to the City prior to the issuance of permits or clearances for such structures.
 3. *Building Permit.*
 - a. Accessory buildings and structures shall make application for a building permit.
 - b. Accessory buildings and structures are subject to all applicable building codes of the City, as amended from time to time. The more restrictive provisions of this Section or the applicable building codes shall apply.
 4. *Survey.* A copy of a plat of survey showing all existing buildings and structures on the lot or parcel of land where the accessory building or structure is proposed to be located may be required with the building permit application.
- C. **Residential Uses.**
1. *Maximum Number.* No more than two accessory buildings or structures shall be constructed on a lot in the R-S, R-G, and N-C districts.
 2. *Footprint.* In the Agriculture (A-L) District, an accessory building or structure is permitted to support agricultural uses. Non agricultural buildings and structures shall cover no more than 50 percent of the footprint of the principal dwelling.
 3. *Height.*
 - a. Maximum height measured from the finished floor to the peak of the roof shall not exceed 18 ft. or height of the principle dwelling, whichever is greater.

Remove
Regulation

4. *Setbacks.*
- a. Front:
 - i. Generally: Behind principal building.
 - ii. Garages: Behind the front building line.
 - iii. Carports, car covers, or porte-cocheres: Behind the front building line.
 - b. Street Side: Equal to the required street side yard setback for the zoning district.
 - c. Interior Side: Five feet from the side property line.
 - d. Rear:
 - i. Generally: Five feet from the rear property line.
 - ii. Alley Access: The sum width of the alley and the setback shall be not less than 25 feet.
 - e. Separation from Other Structures: Not closer than five feet to any other structure.
5. *Small Storage Buildings.* Only two small storage buildings are allowed per lot with a maximum gross area of 120 square feet:
- a. Height: Shall not exceed 12 feet in height at the highest point;
 - b. Side Yard: Shall not be constructed or placed closer than five feet from the side lot line.
 - c. Rear Yard:
 - i. Generally: Five feet from the rear lot line.
 - ii. Alley: May be placed on the rear line if there is an abutting alley.
6. *Exceptions.*
- a. Roofs. The roof overhang or roof projection shall not be closer than two feet to any other structure on the lot.
 - b. Open Porches. Open porches shall be allowed to be constructed within the required front yard setback under the following conditions:
 - i. The width of the porch does not exceed 25 percent of the width of the principal structure it is attached to.
 - ii. The porch shall extend no further than five feet from into the front yard setback.
 - iii. The porch shall remain open, excluding required railing (36 inches maximum height).
 - iv. The porch roof covering shall only be supported by columns or posts.