



AGENDA
HUTCHINSON PLANNING COMMISSION
 Tuesday, January 19, 2016 – 5:00 p.m.
 City Council Chambers
 125 East Avenue B, Hutchinson, Kansas

1. ROLL CALL

- | | | |
|-----------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Macklin | <input type="checkbox"/> Woleslagel | <input type="checkbox"/> Bisbee |
| <input type="checkbox"/> Hamilton | <input type="checkbox"/> Peirce (2015 Vice-Chair) | <input type="checkbox"/> Obermite |
| <input type="checkbox"/> Carr | <input type="checkbox"/> Hornbeck | <input type="checkbox"/> Peterson |

2. INTRODUCTION OF NEW PLANNING COMMISSIONERS

- a. Todd Carr
- b. Thomas Hornbeck
- c. Darryl Peterson

3. ELECTION OF OFFICERS

- a. 2016 Chairman
- b. 2016 Vice-Chairman

4. APPROVAL OF MINUTES – Meeting of December 1, 2015.

5. CORRESPONDENCE & STAFF REPORTS – Motion to accept documents into the official record.

6. NEW BUSINESS

- a. **2015 Planning & Development Department Annual Report**
(Motion: None. For information only)
- b. **2016 Amended Planning Commission Bylaws**
(Motion: Approve/Modify and Approve/Return to Staff/Disapprove 2016 Amended Planning Commission Bylaws)
- c. **Planning Commission Training (Modules 1 & 2)**
(Motion: None. For information only)

7. PUBLIC HEARINGS - NONE

8. OPEN COMMENTS FROM THE AUDIENCE (Please limit comments to five minutes.)

9. ADJOURNMENT

Staff Contacts:	Jana McCarron	620-694-2681	Casey Jones	620-694-2667
	Amy Denker	620-694-2638	Stephanie Stewart	620-694-2635
	Charlene Mosier	620-694-2639		

MINUTES
 CITY PLANNING COMMISSION
 TUESDAY, DECEMBER 1, 2015
 CITY COUNCIL CHAMBERS
 125 EAST AVENUE B

1. The Planning Commission meeting was called to order at 5:00 p.m. with the following members present: Jack Martin, Terry Bisbee, Janet Hamilton, Harley Macklin, Robert Obermite, Rod Weinmeister and Josie Thompson. Mark Woleslagel and Ken Peirce were absent. Staff present were Jana McCarron, Director of Planning and Development; Casey Jones, Senior Planner; and Stephanie Stewart, Planning Technician.
2. Thompson welcomed everyone in attendance.
3. APPROVAL OF MINUTES
 The minutes of the November 17, 2015, meeting were approved on a motion by Martin, seconded by Bisbee, passed unanimously.
4. CORRESPONDENCE & STAFF REPORTS
 The documents and staff reports were accepted into the official record on a motion by Macklin, seconded by Martin, passed unanimously.
5. RESOLUTION OF MEETING DATES FOR 2016
 The resolution of meeting dates for 2016 were approved on motion by Macklin, seconded by Bisbee, passed unanimously.
6. PUBLIC HEARINGS
 - 6a. 15-CUP-12: 925 E 30th Ave
 Request for an electrical billboard sign
 Applicant: Cy Lansdown, Affordable Sign & LED
 Owner: T & H Real Estate LLC, c/o Scott Tajchman
 Staff Representative: Casey Jones

Thompson asked if there were any outside contacts or conflicts of interest; there were none.

Jones presented the staff report for the case. The request is to install an electronic billboard sign on the existing sign poles, which formerly advertised a Montana Mike's restaurant. The property is zoned *C-4 Special Commercial District* and billboard signs are permitted as a conditional use in this district. The proposed sign will have a 10' x 20' double-sided LED billboard on the top cabinet, which will be used for on-premises and off-premises advertising. The bottom cabinet will be a 4' x 12' internally lit sign used for on-premises advertising. The total height of the sign will be 30'. The property also has a monument

sign, and with two signs, the property is at its maximum allowance for signage. The main issue or concern with the proposed sign is ensuring that it maintains proper clearance from overhead electrical lines.

A map of the area and photos of the existing sign and proposed sign were shown. The Future Land Use Map designates the area as commercial.

A public hearing notice was published in *The Hutchinson News* on September 28, 2015. Notices were sent to the owners of record of all 7 properties within 200 feet of the subject property. No comments were received.

Jones reviewed the analysis of the factors the Planning Commission must consider when making a recommendation for rezoning:

1. Character of the neighborhood – Met.
2. Current zoning and uses of nearby property – Met.
3. Suitability of the property for the proposed use as presently zoned – Met.
4. Extent of detrimental effects to nearby property owners if the application were approved – Met.
5. Length of time the property has remained vacant – Met.
6. Relative gain to the public health, safety, and welfare compared to the hardship imposed upon the landowner if the application were denied – Met.
7. Conformance of this request to the comprehensive Plan – Met.
8. Impact of public facilities and utilities – Uncertain.

Thompson asked for the applicant presentation. Cy Lansdown, Affordable Sign & LED, 4015 E 56th Avenue, Hutchinson, KS 67502, was representing the property owner. He had talked with Westar and their concerns with the distance between the powerline with the “droop” and the sign. Westar says the distance needs to be 9 ½’ and the OSHA standard is 10’. The existing sign is currently 8 1/2’ from the power lines. Lansdown said he would use the existing poles, and place the proposed sign off-center 6” (to the South) making the total distance between the powerlines and the sign 10’6”. He said the sign will be similar to the sign at Lubber’s. It will be a double-sided LED 10mm sign with high resolution. The property owner will then sell the advertising slots to on-premises and off-premises businesses, and advertising on the lower sign can be split among the tenants of the building.

There were no comments from the audience.

Thompson asked for the staff recommendation. Jones said staff recommends approval of the request with the six conditions listed in the staff report.

Thompson closed the hearing and asked for a motion.

Motion by Weinmeister, seconded by Macklin to recommend to the City Council approval of this request for an electrical billboard sign with the conditions as presented based upon due consideration of the following factors:

1. Character of the neighborhood;

2. **Zoning and uses of nearby property;**
3. **Suitability of the property for the proposed zoning classification and use;**
4. **Impacts of nearby properties;**
5. **Length of time the property has remained vacant;**
6. **Relative gain to the public health, safety, and welfare, as compared with the hardship to the land owner if the application were denied;**
7. **Availability of public utilities to serve the development;**
8. **Conformance to the Comprehensive Plan; and**
9. **Recommendations of the professional staff.**

Conditions:

1. **This conditional use permit shall only be used for an electronic billboard sign at 925 East 30th Avenue.**
2. **The applicant shall obtain a sign permit prior to installing the sign.**
3. **The sign shall be designed and installed according to the approved plans.**
4. **Brightness of the sign shall be automatically controlled as required by city code.**
5. **The sign shall meet the clearance requirements of Westar Energy.**
6. **No additional freestanding signage shall be permitted on the property.**

The motion passed with the following vote: Yes – Obermite, Weinmeister, Hamilton, Martin, Bisbee, Macklin and Thompson.

The City Council will hear this case on December 15, 2015.

7. OPEN COMMENTS FROM THE AUDIENCE – None.

8. OTHER BUSINESS –

8a. Presentation of commemorative clocks to outgoing Commissioners:

Jack Martin, Josie Thompson, and Rod Weinmeister

McCarron thanked each member for their time and work on the commission and that they will be missed. John Deardoff, City Manager, was present to thank each of them. Each member expressed their enjoyment and thanked the commission for their time and dedication as well.

McCarron stated there are no cases set for the December 15th meeting. The next meeting will be January 5, 2016, and at that time they will vote on a new chair.

9. ADJOURNMENT – The meeting adjourned at 5:38 p.m.

Respectfully Submitted,
Stephanie Stewart

Approved this _____ day of _____

Attest: _____

Executive Summary

The 2015 Calendar year was a busy one for the Hutchinson Planning and Development Department. Achievements include:

- Launched Healthy Neighborhoods Initiative
- Adopted new Subdivision Regulations
- Implemented electronic packets for Planning Commission
- Developed an Historic Preservation Action Plan
- Designed and partially implemented a Rental Registration & Inspection Program
- Developed a Rural Housing Incentive District program
- Rehabilitated 5 properties using CDBG funds, with another 7 approved
- Painted 6 houses using Brush Up Hutch Paint funds
- Transferred 3 properties from the Land Bank and acquired 7 additional lots

2016 Work Plan

- Complete Avenue A CDBG grant
- Begin Comprehensive Plan process
- Adopt revised Historic Preservation regulations
- Seek Historic Preservation Foundation grant for architectural consulting services
- Implement Rural Housing Incentive Districts
- Implement Rental Registration and Inspection Program
- Implement CitizenServe

Department

Jana McCarron, AICP - Director of Planning & Development
Casey Jones, AICP - Senior Planner
Amy Denker - Housing Program Coordinator
Charlene Mosier - Planning Technician
Stephanie Stewart - Planning Technician
Vacant - Associate Planner

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Department Overview

Department Realignment

After evaluating operations and departmental needs, the Department created two Planning Technician positions in October 2015. This was accomplished by upgrading a Secretary position and downgrading one of the Associate Planner positions. The technicians perform technical components for planning and landmarks cases – mapping, mailings, legal notices, etc. – as well as clerical support functions. The technicians also serve as Planner of the Day, answering basic Planning & Development questions and issuing minor permits. The City has been divided geographically, with each technician responsible for zoning code enforcement in a given portion of town.

CitizenServe Installation

In August 2015, the Planning & Development Department, in collaboration with the Inspections & Information Technologies Department, began installation of a new permitting software package - CitizenServe. This program is web-based and allows for resident access to records via a web portal. Employees can record the results of inspections, upload photos and perform other activities from the field. The Rental Registration & Inspection module was launched in November 2015. Code enforcement is expected to be up and running by February 2016, with building permits available in April 2016. Planning is expected to be completed by June 2016.

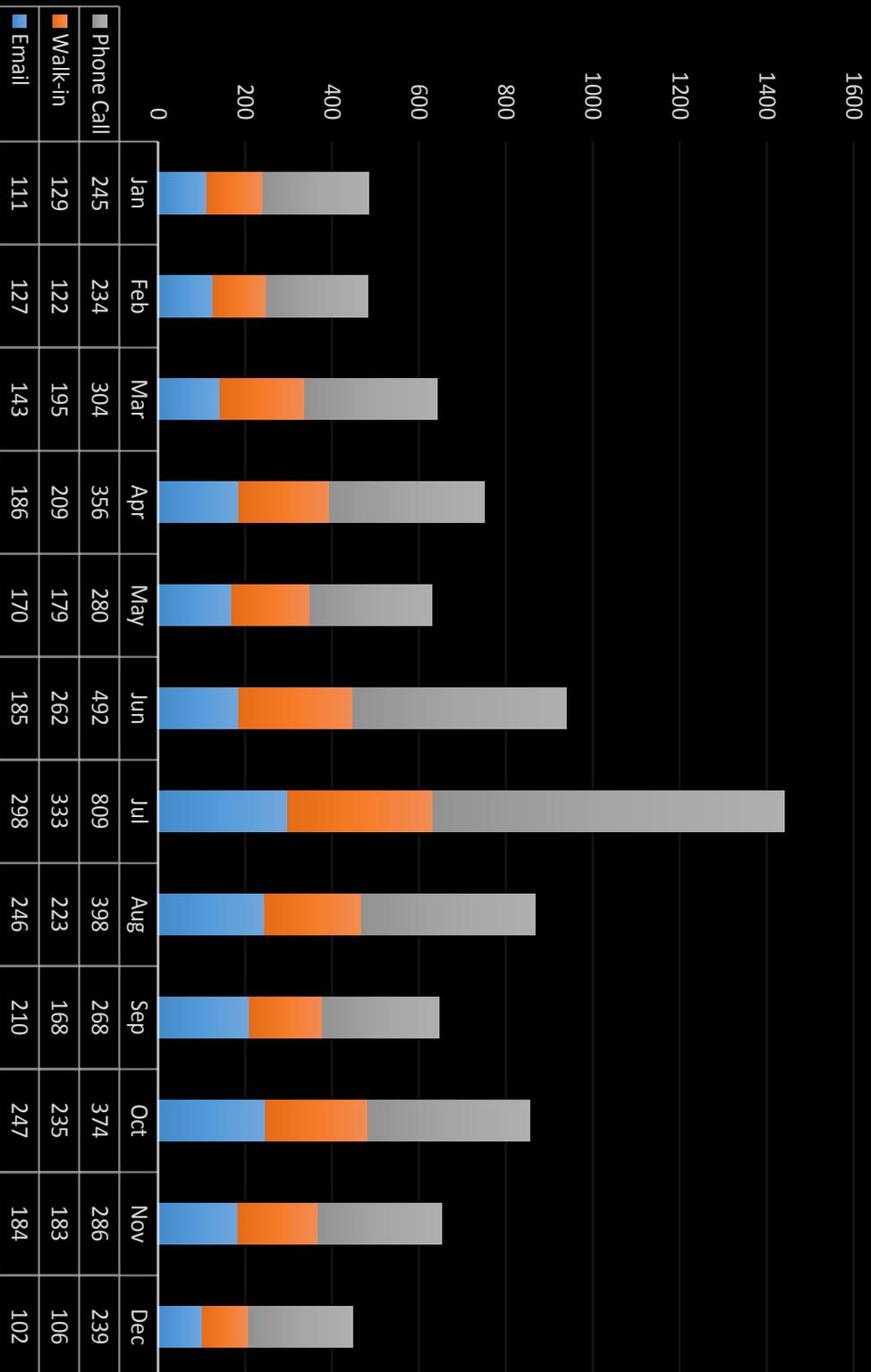
Electronic Packets

In April 2015, the Department purchased I-Pads for the Planning Commissioners in order to implement electronic packets. The transfer to electronic packets has saved staff time, photocopying & postage costs. Total estimated savings for 2015 were \$2,716.

Customer Contacts

In October 2014, the Department began tracking external customer contacts. This was in response to a perceived increase in development activity. From October through December 2014, there were 1,333 customer contacts made. During the same timeframe in 2015, 1,956 (1500+ in just Oct-Nov) contacts were made. This represents a 36% increase from 2014 and does not include the rental registration contacts handled by the Department's temporary employee. Total contacts for 2015 were 8,838. This is an average of more than 1400 customers per employee, which is remarkable considering we had seven months without full staffing. The chart below shows customer contacts by month and type.

Planning & Development Department 2015 Customer Contacts



Housing & Neighborhoods

The Department made great strides in the Housing and Neighborhoods Division, including launching three major efforts to improve housing: the Rental Registration & Inspection Program, Rural Housing Incentive Districts and the Healthy Neighborhoods Initiative. Each of these is described below, along with other department achievements.



Avenue A CDBG Grant

In 2015, bids were awarded for repairs to 13 houses (5 in April 2015, 3 in November 2015 and 4 in December 2015). In July of 2015, the target area was expanded east to Lorraine Street and north and south to sections of E Sherman St and E Avenue B. Expansion of the project area allowed for the addition of 4 rental homes, which are required by the grant. The grant is anticipated to be completed April 2016.

Bravo Awards

The Bravo Awards were revised to include fewer properties and to make the awards more meaningful by providing gift certificates in addition to recognition by the City Council. Nine awardees were recognized in 2015, including:

- 2722 Heather Parkway
- 213 W 7th Ave (Interfaith)
- 3201 E 4th Ave (Fire Science Building)
- 213 W Avenue B
- 130 E 13th Ave
- 821 N Pierce St
- 828 N Lee St
- 633 W Sherman Ave
- 1901 N Main St



Brush Up Hutch Paint Program

Funding from the Brush Up Hutch Paint Program was used for matching funds for the CDBG Avenue A Grant as well as to partially fund a Project Coordinator position with Interfaith Housing. In November 2015, the Community Improvement Commission formally adopted program guidelines. A total of 6 houses were painted in 2015.

Hutchinson Land Bank

The Hutchinson Land Bank acquired 7 vacant lots in 2015. Four vacant lots were sold or transferred to local property owners or organizations. The lots will be used for new housing and a public park expansion. For further information regarding the Hutchinson Land Bank, please refer to the 2015 Hutchinson Land Bank Annual Report.



Rural Housing Incentive Districts

In May 2015, a local developer approached the City hoping to establish a Rural Housing Incentive District (RHID) for construction of a new housing project. RHIDs allow for the taxes associated with new development to pay for the infrastructure costs of that development. The State of Kansas requires all local jurisdictions planning to use RHID financing to prepare a Housing Needs Analysis. The Housing Needs Analysis and resolution establishing RHID areas were adopted by City Council on November 17, 2015. Staff is working on a City Council Policy, which should be ready for Council review in January 2016. Following State approval of the Needs Analysis, RHID financing should be available as another tool to facilitate housing development in Hutchinson.

Spring Clean Up

Spring Clean Up was held on April 25 and 26, 2015. Dumpsters were placed at 15 locations around the community, and were monitored by City and Stutzman staff. In addition, TECH accepted E-waste. In total, 185.4 tons of waste was collected, including 4.25 tons of E-waste. This program will be administered by the Public Works Department in the future.



Moderate Income Housing Grant

In March 2015, the Hutchinson City Council accepted a Moderate Income Housing grant in the amount of \$225,000 from the Kansas Housing Resource Corporation for completion of phase 2 of the Townhomes at Santa Fe Project (200 blk W 5th Avenue). The local match for the project is \$54,500. A total of 10 units will be constructed.

Rental Registration & Inspection Program

In March 2015, City Council authorized establishing a mandatory rental registration and inspection program to begin operating in January 2016. The Planning & Development Department has worked in concert with the Inspections Department on program implementation. Milestones associated with program include:

Select vendor for Sungard replacement	May 2015
Develop draft list of rental properties	May 2015
Field verify multi-unit addresses	June 2015
Send initial letter to landlords	July 2015
Develop exemption and registration forms	August 2015
Conduct Fair Housing and Landlord/Tenant Act training	August 2015
Develop job description and advertise for Housing Inspector	September 2015
Send second letter/invite to IPMC workshop	October 2015
Conduct IPMC Workshop (3 sessions)	November 2015
Hire temporary Rental Registration Assistant	November 2015
Send invoices to landlords with smaller holdings	November 2015
Send invoices to landlords with larger holdings	December 2015
Hire Housing Inspector	December 2015

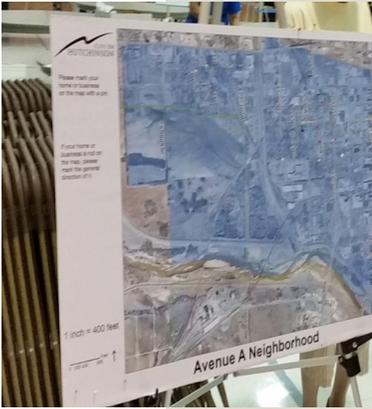
As of the date of this report 808 rentals have been registered, with 153 of those registrations occurring online. The deadline for registration is March 31, 2016.

Healthy Neighborhoods Initiative

In June 2015, the City launched the Healthy Neighborhood Initiative. Funded in part by a grant from the Hutchinson Community Foundation, the initiative has used the experience of two nationally-recognized experts in neighborhood revitalization. This effort looks at neighborhoods as markets in order to help strengthen and empower neighborhoods. The following milestones were achieved in 2015:

- Neighborhoods Director Hired (Hutchinson Recreation Commission) – March 2015
- Healthy Neighborhoods Training – March 2015
- Healthy Neighborhoods Workshop – June 2015
- Neighborhood Block Walks conducted – July 2015
- Healthy Neighborhoods Steering Committee established – March 2015
- Neighborhood Tours – Steering Committee – August 2015
- Selection of Feature Neighborhoods – Steering Committee – August 2015
 - o Avenue A School Neighborhood (W Avenue A)
 - o Graber/Farris School Neighborhood
- One-on-One Interviews – Neighborhoods Director – August-October 2015
- Avenue A School Visioning Meeting – August 2015
- Graber/Farris School Community Meeting –October 2015

NeighborWorks America Grants



As a partnering entity with NeighborWorks America, the City received funding to conduct housing and neighborhood efforts. Partnering entities cannot obtain an “affiliate” status and receive on-going funding, however, Interfaith Housing is in the process of becoming an affiliate organization. The following funded was awarded or finalized in 2015.

Community Leadership Institute Grants

The Allen School neighborhood group attended a CLI in 2012 and 2013. The group received, \$4,000 to fund a community garden and a alleyway clean-up project. All funds have been expended and the grant was closed out in December 2015.

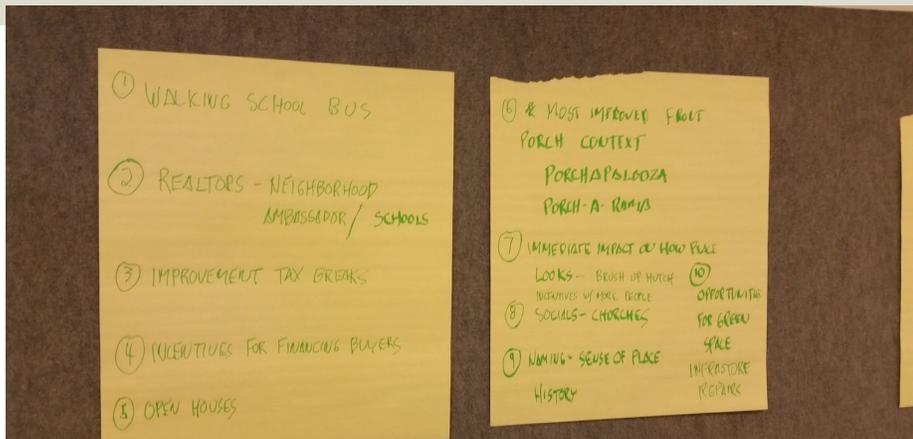
The Avenue A (E Avenue A) neighborhood group attended a CLI in 2014. The group received \$2,000 in funding for a neighborhood social. The social was held at George Pyle Park in April 2015. All funds have been expended and the grant was closed out in 2015, however, the group has been successful in attracting funding from the Hutchinson Community Foundation, the City of Hutchinson and a private donor for the installation of playground equipment in George Pyle Park. The playground is expected to be built in Spring of 2016.

InterFaith Housing Test Build

In 2014, Interfaith Housing moved their focus from the Lincoln Gardens Project to a test build on E Avenue G. Two of the lots associated with the test build were donated to Interfaith by the Hutchinson Land Bank. The test build project will consist of the construction of two modular homes on infill lots. Building permits for the structures were issued in December 2015. A total of \$23,000 in NeighborWorks funding was provided for the project.

Schubert Training

The Healthy Neighborhood Initiative described above was also partially funded by NeighborWorks America. This organization provided \$10,000 toward the total project budget to support training efforts.



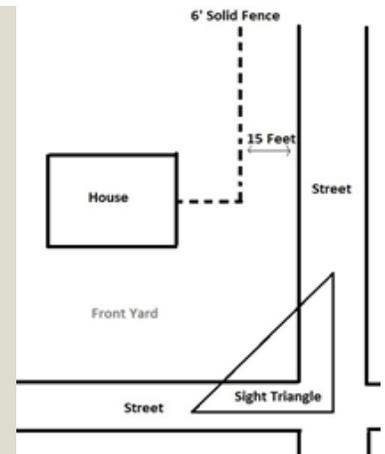
Planning & Development

The Planning & Development Department saw a continued heavy caseload for 2015. Notable accomplishments were adoption of subdivision regulations and development of an historic preservation action plan.

2015 Zoning Regulation Amendments

In February 2011, the City adopted new zoning regulations. The regulations are supposed to be reviewed by the Planning Commission on an annual basis. Notable amendments made in 2015 include:

- Expanded the list of structural features allowed in setback areas
- Reduced the rear yard setback required in the R-3, R-4 and R-5 zones
- Prohibited sale, manufacture or storage of explosives, including ammunition, as a home occupation



Subdivision Regulations Adoption

In May 2014, staff began the process of drafting new subdivision regulations. The regulations were needed in part because Reno County removed themselves from joint review in 2012. The former regulations were not part of City Code, but part of a joint resolution with Reno County adopted in 1991 and last updated in 1998. A part of the review and approval process, 50 meetings were held with staff, developers, the Planning Commission, a steering committee and other stakeholders. On October 20, 2015 the new subdivision regulations were adopted by City Council to be included as Chapter 9 of the Hutchinson Municipal Code.

2015 Planning Cases

The Planning Division experienced a continued high caseload for 2015, with the total of all cases, including violations being 267. While this is slightly less than 2014, it still represents a 47% increase over 2009 levels with the same staffing levels. In 2015, the Department began tracking a number of planning activities that were not previously tracked, including: # of fence permits issued (94); # of occupancy inspections performed (10); # of occupancy permits reviewed (60); # of residential accessory buildings reviewed (52); # of residential additions reviewed (43); # of residential duplexes reviewed (2); # of single family dwellings reviewed (17); # of residential swimming pools reviewed (4); and # of sign permits issued (68). The other activities represent a significant amount of planning staff time, totaling 350 customer contacts.

2015 Planning Cases cont...

	2009	2010	2011	2012	2013	2014	2015
Board of Zoning Appeals	4	6	11	10	9	4	8
CERT	18	36	29	33	34	67	34
Comprehensive Plan	1	0	0	0	0	0	2
Conditional Use Permit*	--	--	11	8	7	11	12
Fence Permits***	--	--	--	--	--	--	94
Floodplain Permit	1	0	0	0	1	0	1
Landmarks	57	47	82	89	64	27	24
Landmarks Appeal	2	0	1	3	1	2	3
Lot Split	5	7	4	2	1	1	5
Occupancy Inspections***	--	--	--	--	--	--	10
Occupancy Permits***	--	--	--	--	--	--	60
Plan Review**	--	--	--	--	--	4	7
Pre-Submittal Analysis**	--	--	--	--	--	24	18
Residential Accessory Buildings***	--	--	--	--	--	--	52
Residential Additions***	--	--	--	--	--	--	43
Residential Duplexes***	--	--	--	--	--	--	2
Residential Single Family Dwellings***	--	--	--	--	--	--	17
Residential Swimming Pools***	--	--	--	--	--	--	4
Subdivision	4	11	7	6	15	1	7
Sign Permits***	--	--	--	--	--	--	68
Site Plan Review*	--	--	--	--	6	17	11
Special Use Permit	17	13	7	2	2	2	4
Subdivision Variance**	--	--	--	--	--	1	0
Temporary Use Permit	19	18	23	32	21	19	16
Vacation	4	3	5	4	0	3	6
Zoning Amendment	5	5	4	7	5	5	10
Zoning Violation	44	49	38	44	65	101	103
Total	181	195	222	240	231	289	621

CERT= Home Occupation, Wireless Telecommunication and Zoning Certifications

*Implemented in 2011.

**Implemented in 2014, or began tracking in 2014.

***Implemented in 2015 or began tracking in 2015.

The following projects of note were approved during 2015:

- Panda Express
- Five Guys Burgers and Fries
- Pie Five Pizza
- Commerce Gardens
- Fire Station #3 reconstruction
- Murphy Oil
- Rib Crib
- Mattress Firm
- Buffalo Wild Wings
- The Alley
- Pro Pak addition
- Lampton Welding
- Helena Chemical expansions
- Rita's Italian Ice



2016 Preservation Action Plan

In September 2015, the Landmarks Commission and City Council held a study session to discuss the City's historic preservation priorities. Following the study session, staff and the Landmarks Commission worked on developing an action plan to address issues of concern. The plan was adopted by the Landmarks Commission in December 2015 and is slated for City Council consideration in early January.





BYLAWS

FOR THE

HUTCHINSON PLANNING COMMISSION

ORIGINAL BY-LAWS ADOPTED - JANUARY 7, 1975

AMENDED

March 2, 1993
December 19, 1995
January 19, 2016

STATE ENABLING ACT AND CITY PLANNING RESOLUTION

The Hutchinson Planning Commission is subject to the planning laws of the State of Kansas, which include KSA 12-741 et. seq., as amended. The Commission is also subject to provisions of the City Code, including Sec. 2-501 et.seq.; Sec. 9-301 et. Seq.; and Sec.27-324 et.seq.

APPOINTMENT

1. The Hutchinson Planning Commission shall consist of nine members who shall be appointed by the Mayor, with the advice and consent of the Hutchinson City Council.
2. These nine members shall be residents of Reno County. Two must reside outside the corporate limits of any incorporated city, but within three miles of the Hutchinson City Limits. Seven must reside within the corporate limits of Hutchinson.
3. Terms of office shall be for a period of three years. Members may be reappointed and shall serve a maximum of two consecutive terms and one partial term. A partial term shall be deemed any term less than two years duration. All members shall hold office until their successors are appointed and their terms commence. Terms shall be based on the calendar year.
4. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term by the Mayor and City Council of the City of Hutchinson.
5. Members shall serve without compensation for their services.

ORGANIZATION

1. The Hutchinson Planning Commission shall elect a Chairman and a Vice-Chairman who shall serve for one year and until the respective successors have been selected.
2. The Planning Commission shall adopt such other rules governing its organization and procedures as it may deem necessary.
3. The City Council may employ such employees as it may deem necessary for the work of the Planning Commission and may contract with planners, architects, engineers, landscape architects and other consultants for such services as may be required.
4. The Director of Planning and Development, or designee, shall serve as the Secretary to the Planning Commission.

FUNCTION AND DUTY

The function and duties of the Planning Commission are included as part of the Hutchinson Municipal Code.

RULES

The following rules governing the procedures of the City Planning Commission are adopted in accordance with the planning laws of the State of Kansas.

Article I: Officers

1. The Planning Commission shall elect a Chairman and Vice-Chairman at the first regularly scheduled meeting of each calendar year, which term shall be for one year. In the event the Chairman's term will expire before the next election, the Planning Commission shall elect a Chairman at the last regularly scheduled meeting of the calendar year in which the Chairman's term expires. The Chairman and Vice-Chairman shall serve until their successors have been selected. The Director of Planning and Development, or designee, shall serve as Secretary to the Planning Commission.
2. The Chairman shall preside at all meetings and public hearings of the Planning Commission and shall decide all points of order and procedure. The Secretary shall transmit reports and recommendations of the Planning Commission to the City Council.
3. The Vice-Chairman shall assume the duties of the Chairman in his absence.
4. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the Planning Commission may require.

Article II: Meetings

1. The City Planning Commission shall adopt an annual schedule of bi-monthly meetings to be held at a time and place to be designated by the Chairman and approved by the Commission in an annual resolution.
2. Special meetings of the Planning Commission may be called by the Chairman, or in his absence by the Vice-Chairman and four members of the Commission, provided at least three days notice is given each member prior to any such meeting date.
3. The order of business at all meetings shall be as indicated on the agenda and shall generally be according to the following:
 - (a) Roll call
 - (b) Approval of minutes of previous meeting
 - (c) Acceptance of staff reports and correspondence into the official record
 - (d) Unfinished business
 - (e) Public hearings
 - (f) New business
 - (g) Open comments from the audience

- (h) Staff announcements and communications
 - (i) Adjournment
4. All meetings of the Planning Commission shall be open to the public, and shall be compliant with the Kansas Open Meetings Act (KSA 75-4317 et seq).

Article III: Quorum

Five members, a majority of the Commission, shall constitute a quorum for the transaction of business. The Commission shall assemble for all regularly scheduled meetings with a published agenda. If a quorum of the Commission is not present, no business shall be conducted and the matters for considerations shall be postponed to the next regularly scheduled Commission meeting. Further legal notifications or notification of surrounding property owners shall not be required for those cases postponed due to lack of a quorum.

Article IV: Voting

Unless otherwise provided for in the state statutes, an affirmative vote of the majority of the members of the Planning Commission who are present and voting shall be necessary to authorize any action of the Commission. (At the passage of these by-laws, the only exceptions are in the cases of adopting and amending a comprehensive plan (KSA 12-747(b)), amending subdivision regulations (KSA 12-749(d)) and establishing a zoning ordinance (KSA 12-756(b).) When such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the City Council with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically not vote on any decision in which there might be a conflict of interest.

Article V: Recommendations

An authorized representative of the Planning Commission shall have the right to appear before the City Council for the purpose of reporting recommendations of the Planning Commission.

Article VI: Committees

1. The Planning Commissioners may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. The Chairman shall designate the members of each committee and shall name the Chairman of each committee. No committee shall be of such size as to constitute a quorum of the Commission. The Chairman shall fill vacancies on committees as they are created.

Article VII: Records and Reports

1. The Planning Commission shall keep a record of its recommendations, resolutions, transactions, findings, and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The Commission shall make each year, a report to the City Council of its proceedings and the progress of its work during the previous year. Said report may be in the form of the Planning & Development Department Annual Report

Article VIII: Agenda Topics

1. Upon application by an interested party for a place upon the agenda of a Planning Commission meeting, the Secretary of the Planning Commission shall require that all data pertaining to such subjects be presented in writing at least one week prior to the date of the Planning Commission meeting.
2. When the volume of the Planning Commission subjects may require such action, the Chairman of the Commission may, with approval of the Commission, postpone discussion of certain subjects until sufficient time is available for the members to give proper review to such subjects.
3. Agendas shall be transmitted electronically to the members of the Planning Commission at least five days prior to the Planning Commission meeting.
4. Subjects which are not listed on an official Planning Commission agenda may be introduced and discussed at a meeting. However, no action shall be taken until such items appear on a published agenda.

Article IX: Publicity

1. The Planning Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by publishing agendas and public hearing notices on the City's website and in other locations as required by law.
2. If a public hearing is required, the Commission shall fix a time for the hearing and give public notice as to the time, place, date, and subject in the official city newspaper to be published in accordance with state and local law. Affected property owners shall be notified in accordance with state and local law.

Article X: Attendance of Members

Regular attendance at Commission meetings is required. Whenever any duly appointed member of the City Planning Commission does not attend three regular consecutive meetings

or at least eight meetings in a six month period, it shall be assumed that he/she has tendered his/her resignation to the City Council and the Secretary shall commence the process of finding a new appointee. It shall be the duty of each member to notify the Secretary of the Planning Commission in the event he/she cannot attend a regular Commission meeting. Planning Commissioners are encouraged to attend activities that are related to planning. Examples include Planning Commissioners workshops, training, and conferences on issues related to planning.

Article XI: Amendments

These bylaws may be amended by an affirmative vote by five members of the Planning Commission provided such proposed amendment has been submitted in writing to each member of the Commission at least three days prior to the meeting at which such action is to be taken.

ATTEST:

APPROVED BY THE HUTCHINSON
PLANNING COMMISSION

Jana McCarron, AICP, Secretary

(New Chair Here), Chairman

Date: _____



BY-LAWS

FOR THE

HUTCHINSON PLANNING COMMISSION

~~HUTCHINSON, KANSAS, PLANNING COMMISSION~~

~~LEONARD SINCLAIR, CHAIRMAN~~

Mark Coberly	Ray Mora
John Eriksen	Gene Schmidt
Virginia Fesler	Karolyn Stevens
Bob Gottschalk	Phil Stiles

ORIGINAL BY-LAWS PASSED ADOPTED - JANUARY 7, 1975

AMENDED

March 2, 1993
December 19, 1995
January 19, 2016

STATE ENABLING ACT AND CITY PLANNING RESOLUTION

-The Hutchinson Planning Commission is subject to the planning laws of the State of Kansas, which include KSA 12-741 et. seq., as amended. The Commission is also subject to provisions of the City Code, including ~~Article VII, Section 2-40~~ Sec. 2-501 et.seq.; Sec. 9-301 et. Seq.; and Sec.27-324 et.seq.

APPOINTMENT

1. The Hutchinson Planning Commission shall consist of nine members who shall be appointed by the Mayor, with the advice and consent of the Hutchinson ~~Board of Commissioners~~ City Council.
2. These nine members shall be residents of Reno County. Two ~~(2)~~ must reside outside the corporate limits of any incorporated city, but within three miles of the Hutchinson City Limits. Seven ~~(7)~~ must reside within the ~~boundaries~~ corporate limits of Hutchinson.
3. ~~In the appointments first made to the City Planning Commission, the first appointed shall serve for terms of one year, two years, and three years divided equally or as nearly equally as possible between these terms; and thereafter appointments shall be for three year terms. Terms of office shall be for a period of three years.~~ Members may be reappointed and shall ~~not serve for more a maximum of than~~ two consecutive terms and one partial term. A partial term shall be deemed any term less than two years duration; provided, that any appointment of a Commission member to serve a term of less than two (2) years shall not be considered as serving a term for purposes of reappointment. All members shall hold office until their successors are appointed and their terms commence. Terms shall be based on the calendar year.
4. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term by the Mayor and City Council of the City of Hutchinson.
5. Members shall serve without compensation for their services.

ORGANIZATION

1. The Hutchinson Planning Commission shall elect a Chairman and a Vice-Chairman who shall serve for one year and until the respective successors have been selected.
2. The Planning Commission shall adopt such other rules ~~and regulations~~ governing its organization and procedures as it may deem necessary.
3. The ~~Board of City Commissioners~~ City Council may employ such employees as it may deem necessary for the work of the Planning Commission and may contract with planners, architects, engineers, landscape architects and other consultants for such services as may be required.
4. ~~The Planning Commission shall, when it deems necessary or appropriate, recommend to the City Commission that it contract for, accept and expend grants from the Federal Government available for the purpose of City Planning and from any agency of the State~~

~~or other source which might have funds available for such purposes. The Director of Planning and Development, or designee, shall serve as the Secretary to the Planning Commission.~~

- ~~5. All monies appropriated by the City Commissioners and all monies received from grants, gifts, or other sources for the use and benefit of the Planning Commission shall be deposited with the City Treasurer and shall be paid out on warrants of the Planning Commission approved by the City Commission.~~

FUNCTION AND DUTY

~~The function and duties of the Planning Commission are included as part of the Hutchinson Municipal Code.~~

- ~~1. It shall be the function and duty of the Planning Commission to advise the City Commission in city and regional planning issues, land use studies, technical services, and any and all types of planning studies requested by the Governing Body.~~
- ~~2. In the preparation of the Official Comprehensive Plan, the Planning Commission shall make careful and comprehensive surveys and studies of existing conditions and desired future conditions. After holding public hearings, the Planning Commission shall recommend to the Board of City Commissioners, carried by not less than a majority vote of the full membership of the Board, a comprehensive plan. The Board of City Commissioners may adopt the comprehensive plan by resolution or by ordinance. The resolution or ordinance shall refer expressly to the maps, descriptive matter and other matters intended by the Planning Commission to form the whole or part of the plan, and the actions taken shall be recorded on the adopted plan. At least once a year, the Planning Commission shall review or reconsider the plan or any part thereof and may propose amendments, extensions, or additions. Proposals must go through the aforementioned process.~~

RULES AND REGULATIONS

~~The following rules and regulations governing the procedures of the City Planning Commission are adopted in accordance with the planning laws of the State of Kansas.~~

Article I: Officers

- ~~1. The Planning Commission shall elect a Chairman and Vice-Chairman at the first regularly scheduled meeting of each calendar year, which term shall be for one year. In the event the Chairman's term will expire before the next election, the Planning Commission shall elect a Chairman at the last regularly scheduled meeting of the calendar year in which the Chairman's term expires. The Chairman and Vice-Chairman shall serve until their successors have been selected. The ~~Planning~~ Director of Planning and Development, or designee, shall serve as Secretary to the Planning Commission.~~
- ~~2. The Chairman shall preside at all meetings and public hearings of the ~~City~~ Planning Commission; ~~and~~ shall decide all points of order and procedure. ~~The Secretary;~~ ~~and~~ shall transmit reports and recommendations of the Planning Commission to the City ~~Commission~~ Council.~~

3. The Vice-Chairman shall assume the duties of the Chairman in his absence.
4. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the Planning Commission may require. ~~An assistant Secretary who is not a member of the Planning Commission may be appointed. Compensation for the assistant Secretary, if any, shall be set by the Board of City Commissioners~~

Article II: Meetings

1. The City Planning Commission shall adopt an annual schedule of bi-monthly meetings to be held at a time and place to be designated by the Chairman and approved by the Commission in an annual resolution.
2. Special meetings of the Planning Commission may be called by the Chairman, or in his absence by the Vice-Chairman and four members of the Commission, provided at least three days notice is given each member prior to any such meeting date.
3. The order of business at all meetings shall be as indicated on the agenda and shall generally be according to the followings:
 - (a) Roll call
 - (b) Approval of minutes of previous meeting
 - (c) Acceptance of staff reports and correspondence into the official record
 - ~~(d)~~ Unfinished business
 - (e) Public hearings
 - ~~(f)~~ New business
 - (g) Open comments from the audience
 - (h) Staff announcements and communications
 - ~~(i)~~ Adjournment
4. All ~~regular~~ meetings of the Planning Commission shall be open to the public, and shall be compliant with the Kansas Open Meetings Act (KSA 75-4317 et seq). ~~except that the Planning Commission may adjourn to executive session, in accordance with K.S.A. 75-4317 et. seq., entitled "Open Public Meetings" if applicable.~~
5. ~~Where procedural and parliamentary rules adopted by the Planning Commission do not conflict, parliamentary procedure shall be according to the "Robert's Rules of Order".~~

Article III: Quorum

~~Five members, a majority of the Commission, shall constitute a quorum for the transaction of business. The Commission shall assemble for all regularly scheduled meetings with a published agenda. If a quorum of the Commission is not present, no business shall be conducted and the matters for considerations shall be postponed to the next regularly scheduled Commission meeting. Further legal notifications or notification of surrounding property owners shall not be required for those cases postponed due to lack of a quorum.~~

Article IV: Voting

Unless otherwise provided for in the state statutes, an affirmative vote of the majority of the members of the Planning Commission who are present and voting shall be necessary to authorize any action of the Commission. (At the passage of these by-laws, the only exceptions are in the cases of adopting and amending a comprehensive plan (KSA 12-747(b)), amending subdivision regulations (KSA 12-749(d)), and establishing a zoning ordinance (KSA 12-756(b)). When such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the ~~Board of City Commissioners~~ Council with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically ~~disqualify himself from voting not vote~~ on any decision in which there might be a conflict of interest.

Article V: Recommendations

~~An authorized representative of the City~~ Planning Commission shall have the right to appear before the ~~Board of City Commissioners~~ Council for the purpose of reporting recommendations of the Planning Commission.

Article VI: Committees

1. The Planning Commissioners may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. The Chairman shall designate the members of each committee and shall name the Chairman of each committee. No committee shall be of such size as to constitute a quorum of the Commission. The Chairman shall fill vacancies on committees as they are created.

Article VII: Records and Reports

1. The Planning Commission shall keep a record of its recommendations, resolutions, transactions, findings, and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The Commission shall make each year, a report to the ~~Board of City Commissioners~~ Council of its proceedings and the progress of its work during the previous year. Said report may be in the form of the Planning & Development Department Annual Report
4. ~~The Planning Commission may, each year, prepare and file with the Board of City Commissioners, an estimate of the expenditures of the Commission for the ensuing fiscal year, itemizing the expenses, the amounts, and the purposes.~~

Article VIII: Agenda Topics

1. Upon application by an interested party for a place upon the agenda of a Planning Commission meeting, the Secretary of the Planning Commission shall require that all data pertaining to such subjects be presented in writing at least one week prior to the date of the Planning Commission meeting.

2. When the volume of the Planning Commission subjects may require such action, the Chairman of the Commission may, with approval of the Commission, postpone discussion of certain subjects until sufficient time is available for the members to give proper review to such subjects.
3. Agendas shall ~~ordinarily be mailed to~~ transmitted electronically to the members of the Planning Commission at least ~~three~~ five days prior to the Planning Commission meeting.
4. Subjects which are not listed on an official Planning Commission agenda may be introduced and discussed at a meeting. However, no action shall be taken until such items appear on a published agenda.

Article IX : Publicity

1. The Planning Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by ~~supplying newspapers and radio and television stations with information publishing agendas and public hearing notices on the City's website and in other locations as required by law.~~
2. If a public hearing is required, the Commission shall fix a ~~reasonable~~ time for the hearing and give public notice as to the time, place, date, and subject in the official city newspaper to be published in accordance with state and local law. Affected property owners shall be notified in accordance with state and local law.

Article X: Attendance of Members

Regular attendance at Commission meetings is required. Whenever any duly appointed member of the City Planning Commission does not attend three ~~(3)~~ regular consecutive meetings or at least eight ~~(8)~~ meetings in a six ~~(6)~~ month period, it shall be assumed that he/she has tendered his/her resignation to the ~~Board of City Commissioners~~ Council and the Secretary shall commence the process of finding a new appointee. It shall be the duty of each member to notify the Secretary of the Planning Commission in the event he/she cannot attend ~~the a~~ regular ~~monthly~~ Commission meeting. Planning Commissioners are encouraged to attend activities that are related to planning. Examples include Planning Commissioners workshops, training, and public hearings conferences on issues related to planning ~~related issues.~~

Article XI: Ethical Principles and Conflicts of Interest

1. **Serve the Public Interest.** The primary obligation of Planning Commission members and planning staff is to serve the public interest.
2. **Support Citizen Participation in Planning.** Because the definition of the public interest is modified continuously, Planning Commission members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well-being. Members should encourage a forum for meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.
3. **Recognize the Comprehensive and Long Range Nature of Planning Decisions.** Planning Commission members and planning staff should recognize and give special consideration to the comprehensive and long range nature of planning decisions. Planning Commission members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Planning Commission members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Planning Commission members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. **Expand Choice and Opportunity for All Persons.** Planning Commission members and planning staff should strive to make decisions which increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions, and decisions which restrict choices and opportunities be changed.
5. **Facilitate Coordination Through the Planning Process.** Planning Commission members and planning staff must encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests. Planning Commission members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
6. **Avoid Conflict of Interest.** To avoid conflict of interest and even the appearance of impropriety, Planning Commission members who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to a immediate relation. (Immediate relation is defined as any person directly related by blood, marriage, or adoption.) A member with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and step down from the Planning Commission and participate as a member of the public when such deliberations are to take place. The member must not discuss the matter privately with any other member voting on the matter.

7. ~~**Render Thorough and Diligent Planning Service.** Planning Commission members and planning staff must render thorough and diligent planning service. Should a Planning Commission member or members of staff believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member must not participate in that decision.~~
8. ~~**Not Seek or Offer Favors.** Planning Commission members and members of staff must seek no favor. Planning Commission members and planning staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties; or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part. Individuals must not offer any gifts or favors intended to influence the recommendation or decision of Planning Commission members or planning staff.~~
9. ~~**Not Disclose or Improperly Use Confidential Information for Financial Gain.** Planning Commission members and planning staff must not disclose or use confidential information obtained in the course of their planning duties for financial or other gain. A Planning Commission member or member of staff must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the Planning Commission member or member of staff has made reasonable efforts to verify the facts and issues involved, obtain reconsideration of the matter, and obtain separate opinions on the issue from other planners or officials.~~
10. ~~**Ensure Access to Public Planning Reports and Studies on an Equal Basis.** Planning Commission members and planning staff must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to a member or planning staff must be made available in the same form to the public in a timely manner at reasonable or no cost.~~
11. ~~**Ensure Full Disclosure at Public Hearings.** Planning Commission members and staff members must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record.~~
12. ~~**Maintain Public Confidence.** A Planning Commission member or member of staff must conduct himself/herself publicly so as to maintain public confidence in the public-~~

~~planning body, the City of Hutchinson, and the official's performance of the public trust.~~

Article XII: Amendments

~~These rules of procedure bylaws~~ may be amended by an affirmative vote by five ~~(5)~~ members of the Planning Commission provided such proposed amendment has been submitted in writing to each member of the Commission at least three ~~(3)~~ days prior to the meeting at which such action is to be taken.

Article XIII: Repeal of Rules of Procedure

~~These rules of procedure shall repeal and replace all other rules of procedure which the Planning Commission has previously adopted.~~

ATTEST:

APPROVED BY THE HUTCHINSON
PLANNING COMMISSION

~~Tim Truesdale~~ Jana McCarron, AICP, Secretary
Chairman

~~Leonard Sinclair~~ (New Chair Here),

Date: _____