



AGENDA
BOARD OF ZONING APPEALS
 Tuesday, April 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 (Vice Chair) | <input type="checkbox"/> Peirce (Chair) | <input type="checkbox"/> Obermite |
| <input type="checkbox"/> Carr | <input type="checkbox"/> Hornbeck | <input type="checkbox"/> Peterson |

2. APPROVAL OF MINUTES – Meeting of April 5, 2016.

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

4. PUBLIC HEARINGS

- a. **16-SUP-03: Special Use Permit for a Tavern/Bar** (1221 E 4th Ave)
 Request for a special use permit for a change of use to a tavern/bar on property owned by Amanda Erickson (Barry Mayfield-Agent)
(Staff Representative: Jana McCarron, Planning & Development Director)

- b. **16-SUP-04: Special Use Permit for a Tavern/Bar** (1321 E 4th Ave)
 Request for a special use permit for a change of use to a tavern/bar on property owned by Mayfield & Sons (Barry Mayfield-Agent)
(Staff Representative: Jana McCarron, Planning & Development Director)

5. UPCOMING CASES

None for 5/3/2016.

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

7. 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		

Item 2.

MINUTES
BOARD OF ZONING APPEALS
TUESDAY, APRIL 5, 2016
CITY COUNCIL CHAMBERS
125 E. AVENUE B

1. The meeting was called to order at 6:10 p.m. with the following members present: Harley Macklin, Terry Bisbee, Mark Woleslagel, Janet Hamilton, Robert Obermite, Tom Hornbeck, Todd Carr, and Ken Peirce. Darryl Peterson was absent. Casey Jones, Senior Planner; and Charlene Mosier, Planning Technician were also present.
2. The minutes from the March 15, 2016, meeting were approved on a motion by Hamilton, seconded by Woleslagel, passed unanimously.
3. A motion to accept correspondence and staff reports into the official record was made by Hamilton, seconded by Woleslagel, passed unanimously.
4. PUBLIC HEARINGS
 - 4a. 16-SUP-02: 00000 E 17th Ave. (Chick-fil-A)
Request for a Special Use Permit to construct a new restaurant with drive-through service on property owned by Hutch Parcel, LLC.

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

Jones presented the staff report prepared by Jana McCarron, Director of Planning and Development. McCarron was attending an APA Conference in Phoenix, Arizona.

The request by Christian Ablah, Hutch Parcel, LLC and applicant GBC Design, Inc., representing Chick-fil-A, is for a special use permit to allow a drive-through restaurant to be located at 00000 E. 17th Ave., (west of the existing Verizon Store), on the eastern portion of Lot 2, Block 1, Hutch Parcel Addition in the City of Hutchinson, on property zoned C-4 Special Commercial District. According to the Reno County Appraiser, this parcel has never been developed. The site was platted in September, 2013 as Lot 2, Block 1 of Hutch Parcel Addition. On May 9, 2014, Lot 2 was altered and the eastern 45 feet of the lot was added to Lot 1 (where the Verizon Store is located). On September 2, 2015, Lot 2 was split into two lots. The westernmost portion of Lot 2 was developed in 2015 with the addition of a parking lot only. Because no use for that property was established at the time the parking lot was constructed, the City required the property owner to enter into a Developer's Agreement. That agreement guarantees future development of the property in accordance with the City's regulations.

The applicant is planning to construct a new, 4,877-square-foot, Chick-fil-A drive-through restaurant on the site (eastern portion of Lot 2 that is presently undeveloped). The restaurant

will have dual drive-through lanes that parallel E 17th Avenue and will be located along the northern boundary of the lot. The lanes will merge into a single lane near the northwest corner of the proposed building. The food pick-up window is located on the western side of the proposed building.

Bisbee asked about the shared sign with Verizon. Jones reviewed the sign history.

On April 7, 2015, the Board of Zoning Appeals granted a special use permit for off-premises signage to be located on the westernmost portion of lot 2 (adjacent to this property). That sign was permitted to contain signage advertising Hobby Lobby. The Hobby Lobby signage was to be attached to the existing Verizon store sign also located on that lot.

On October 8, 2015, staff approved a sign permit for the subject property to contain a two-tenant sign; one sign advertising Chick-fil-A and the other advertising the future business to be located on the western portion of Lot 2 (as that lot cannot have any additional detached signage). That sign has not been erected and the permit will expire on April 8, 2016. Chick-fil-A has contacted the City inquiring about having a sign advertising only the Chick-fil-A business on the subject property. Staff is not supportive of this request, as there would be no available signage for the westernmost lot (now a parking lot) when it develops and it would put the Board of Zoning Appeals in a position to have to approve an off-premises sign or sign variance.

A public hearing notice was published in the Hutchinson News on March 2, 2016 and notices of the request were sent to six owners of six properties within 200 feet of the subject property. No comments were received.

Peirce asked for the staff recommendation.

Staff recommends approval of this request with the following conditions:

1. This Special Use Permit shall only be used for a drive-through restaurant located on Lot 2, Block 1, Hutch Parcel Addition, Hutchinson, Kansas.
2. The drive-through lanes, pick-up window, and remainder of the site shall be developed in accordance with the approved site plan. Any significant changes to the plans shall require approval by special use permit.
3. Any detached sign installed along the north side of the subject property adjacent to 17th Avenue shall provide adequate advertising space for both Chick-fil-A and the future tenant of the western portion of Lot 2, Block 1, Hutch Parcel Addition. All signage shall obtain a sign permit from the City of Hutchinson prior to installation.
4. Approval is for the Site Plan submitted on March 29, 2016. The applicant has indicated the lot configuration may change and revised plans will be submitted, if that is the case. The Director of Planning & Development will make the determination as to whether a new Special Use Permit is required at the time of submittal of revised plans, dependent upon impacts of the new lot configuration on the site.

5. Access easements are required between this lot and the lots located to the East and West. Provisional approval of the Special Use Permit shall be granted at this time, with final approval granted at the time the appropriate recorded easements are provided to the City. No building permit shall be issued until the final Special Use Permit approval is granted.
6. Applicant has indicated that an irrigation plan detail will be provided under separate cover. Approval of the Special Use Permit is provisional at this time, with final approval to be granted at the time approvable irrigation plans are submitted, reviewed and approved by the Planning & Development Department.
7. All conditions of approval required by the Engineering Department and the Public Works Department shall be met.

Peirce asked the applicant for his presentation.

Allan Wiley, GBC Design, Inc., Akron, Ohio, said the drive-through portion of the business accounts for approximately 60 percent of the total sales for Chick-fil-A. They would like to begin construction in the Fall of this year and be open by the first of next year.

There were no comments from the audience. Peirce closed the hearing and asked for a motion.

Motion by Hornbeck, seconded by Carr to approve this request for a special use permit for a drive-through restaurant on the eastern portion of Lot 2, Block 1, Hutch Parcel Addition, pursuant to the above listed staff-recommended conditions, and based upon due consideration of the following factors:

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 on 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.**

The motion passed with the following vote: Yes – Macklin, Bisbee, Hamilton, Woleslagel, Obermite, Carr, Hornbeck, Peirce.

5. **UPCOMING CASES**

- 5a. Special Use Permit – Tavern/Bar, 1221 E. 4th Ave. (April, 19, 2016).
- 5b. Special Use Permit – Tavern/Bar, 1321 E. 4th Ave. (April 19, 2016).

- 6. OPEN COMMENTS FROM THE AUDIENCE – None.
- 7. ADJOURNMENT – The meeting adjourned at 6:30 p.m.

Respectfully Submitted,
Charlene Mosier, Planning Technician

Approved this _____ day of _____

Attest: _____



**BOARD OF ZONING APPEALS
STAFF REPORT**

**PUBLIC HEARING: 4/19/2016
620-694-2639**

April 12, 2016

TO: Hutchinson Board of Zoning Appeals

FROM: Jana McCarron, AICP
Planning & Development Director

SUBJECT: Case #16-SUP-03, 1221 E 4^h Ave,
Tavern/Bar

**APPLICANT/
OWNER:** Amanda Erickson

AGENT: Barry Mayfield



REQUEST:

Request by Barry Mayfield, representing Amanda Erickson, for a special use permit to allow a Tavern/Bar use to be located at 1221 E 4th Avenue, City of Hutchinson, Reno County, Kansas, on property zoned C-4, Special Commercial District.

STAFF RECOMMENDATION:

Staff recommends **tabling** this request, pending receipt of the following items:

1. Revised Site Plan accurately depicting property lines, paving, building dimensions, signage location, landscaping, existing and proposed parking areas, disabled parking, trash enclosure, sight triangle, loading and alley access requirements.
2. Occupancy load for the building for the purpose of calculating parking needs.
3. Variance application for parking and loading needs that cannot be met on this site.

MOTION:

Motion to **TABLE** this request for a special use permit for a Tavern/Bar use to be located at 1221 E 4th Ave based upon staff recommendations and pursuant to submission of outstanding materials.

BACKGROUND

On March 10, 2016, the City received the attached application (Exhibit 1) and drawing (Exhibit 2) for a change of use of the property located at 1221 E 4th Ave to a tavern/bar. While the property has been used as a tavern/bar in the past, the building has been vacant for a number of years. The most recent use of the property was for storage, however, that use was never formally approved by the City. The property is located in the C-4, Special Commercial District. In order to establish a tavern/bar use on the site, special use permit approval from the Board of Zoning Appeals is required.

A Development Review Committee was held on March 22, 2016 and numerous comments were submitted by the Planning & Development Department (Exhibit C). Staff has met with the applicant's agent and advised him that the project is not approvable as submitted. The agent is working on preparation of

revised plans and submittal of a variance application. Once the outstanding items are received, staff will place this item and the variance request on the Board's agenda for consideration.

ATTACHMENTS

Exhibit 1 – Special Use Permit application

Exhibit 2 – Site plan drawing

Exhibit 3 – DRC comments

2016 SPECIAL USE PERMIT APPLICATION



CITY OF HUTCHINSON

CITY OF HUTCHINSON
Planning and Development Department
 125 E Avenue B, Hutchinson, KS 67501
 620-694-2639 phone ~ 620-694-2673 fax

FOR OFFICE USE ONLY

DATE RECEIVED: 3/10/16 CASE #: 10-SUP-03 FEE PAID (\$165): 1125

PROJECT INFORMATION

Project Address 1221 E 4th

Legal Description Eccles 1st, S18, T23, R05W All of lot 9 Block 2 except that portion removed for street row of A 5ft Strip of vacated street adjoining to the NW of this parcel

Applicant Amanda Erickson

Mailing Address Po Box 2794 67504

Phone 899-3696 - 899-3777 E-Mail brm@mayfieldandsons.com

Property Owner Amanda Erickson

Mailing Address PO box 2794

Phone 620 728 1700 E-Mail _____

Surveyor/Engineer/Architect/Agent (attach additional pages, if needed)

Mailing Address _____

Phone _____ E-Mail _____

USE INFORMATION

- What is the current use of the property?
~~Strip Club~~ Bar, tavern
- What will the property be used for if the special use permit is approved?
Bar / tavern, or retail of some sort
- In the space below, list all existing and proposed structures, including the square footage and height of each:
Existing 2190sq 18' high

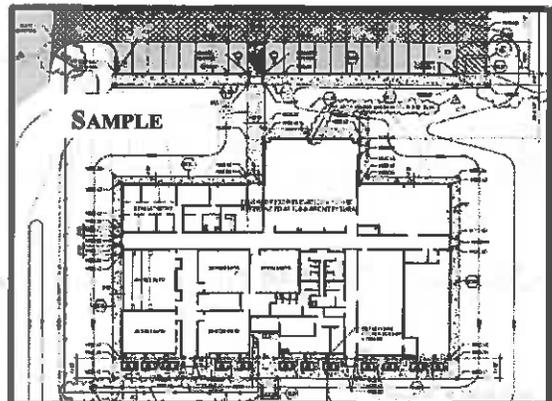
SUBMITTAL REQUIREMENTS

- Completed Special Use Permit Application.**
- Special Use Permit Application Fee (\$165.00).**
- A written and signed certification from the Reno County Treasurer's office that all property taxes for the property have been paid.**
- Copy of the deed (available from the Reno County Register of Deeds).**
- Legal description of the parcel.**
- The names and mailing addresses of all property owners located within 200 feet of the boundaries of the parcel. If the parcel is adjacent to the city limits, the above list must also include all the properties located outside the city, but within 1,000 feet of the city limits. Please provide this information in print-out form from the Reno County Appraiser.**
- 4 full-size copies of the Site Plan.**
(Site plans must be on paper not less than 18 x 24 inches and drawn at a scale of not less than 1 inch: 50 feet.)
- 4 full-size copies of the Landscaping Plan.**
(Landscaping plans must be on paper not less than 18 x 24 inches and drawn at a scale of not less than 1 inch: 50 feet.)
- 4 full-size copies of Elevation Drawings.**
(Elevation drawings shall be scaled and shall include all elevations of the structure. Proposed materials and colors shall be included on the elevation drawings.)
- 1 reduced version (11"x17") of the Site Plan, Landscaping Plan and Elevation Drawings.**
- 1 electronic version (PDF) of all drawings (Site Plan, Landscaping Plan and Elevations) submitted via email to: Charlene@Hutchgov.com.**
- Drainage Study and/or Traffic Impact Study.** Please contact the City Engineer to determine what studies are required.
- Other documentation, as required.**

SITE PLAN CHECKLIST

THE SITE PLAN DRAWING SHALL CONTAIN THE FOLLOWING:

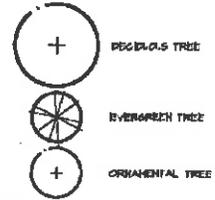
- The name and mailing address of the applicant and owner of record, if not the same as the applicant.**
- The legal description of the property.**
- Date, scale, north arrow, title and preparer's name.**
- Location and dimensions of:**
 - Property lines
 - Easements
- Location and dimensions of existing and proposed:**
 - Structures
 - Parking spaces and drive aisles
 - Driveways
 - Loading areas
 - Trash receptacles
 - Fences
 - Screening
 - Signs
 - Lighting
 - Stormwater storage and conveyance facilities
 - Utilities (e.g. water, gas, electrical, sanitary sewer)
- Use of existing and proposed structures.**
- The approximate location of structures on adjoining properties.**
- Location and extent of outdoor display/storage areas, existing and proposed.**



LANDSCAPING PLAN CHECKLIST

THE LANDSCAPING PLAN SHALL CONTAIN:

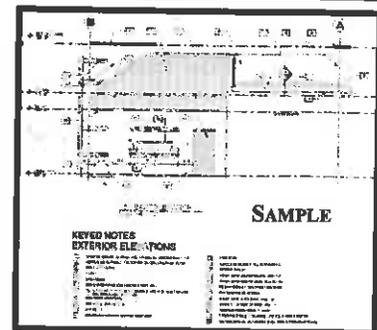
- The name and mailing address of the applicant and owner of record.
- Date, scale, title and preparer's name.
- Location, description and type of existing and proposed plantings.
- Description of the irrigation system, both existing and proposed.
- City of Hutchinson "Landscaping Point Calculation Sheet" available at: www.hutchgov.com (either on the face of the plan or as an accompanying document).



ELEVATION DRAWINGS CHECKLIST

THE ELEVATION DRAWINGS SHALL CONTAIN THE FOLLOWING:

- The name and mailing address of the applicant and owner of record.
- Date, scale, title and preparer's name.
- Height of the structure, both existing and proposed.
- Description of exterior materials, both existing and proposed.
- Drawings of all sides of the building.



SPECIAL USE PERMIT FACTORS TO BE CONSIDERED

Applicants for Special Use Permits must submit a statement justifying how the proposed project meets the factors listed in Sec. 27-502.D. of the Hutchinson City Code. The Board of Zoning Appeals is required to consider these factors when reaching a decision on a Special Use Permit application. The questions below help to determine if the factors are met. Please feel free to attach additional pages and any other supporting documentation, such as photographs, drawings, maps, statistics, legal documents and letters of support.

1. How will the proposed development be in keeping with the character of the neighborhood?
It Has ~~always~~ been a tavern/bar for the last 25 years. It should not affect the character. Retail would improve the character.
2. How will the proposed use be consistent with the zoning and uses on nearby parcels?
There is retail near in ^{almost} all the nearby parcels. There is a liquor store next door. It has been a tavern for 25+ years.
3. Why is the parcel suitable for the proposed use?
It Has been a tavern for 25+ years. Retail is permitted in C-4.
4. What detrimental effects will the proposed use have on nearby properties, and how will those effects be mitigated?
No detrimental effects. The area ~~is~~ ^{surrounding} has nowhere to go but up.

SPECIAL USE PERMIT FACTORS TO BE CONSIDERED (CONTINUED)

5. How long has the property been vacant?

Been used for 10 occupancy permit

6. What hardships would the owner(s) face if the application were denied?

financial loss

7. How does the proposed development conform to the Comprehensive Plan?

Don't understand

8. Are public facilities and utilities adequate to serve the proposed use? If so, describe how.

Yes just work

SPECIAL USE PERMIT APPLICATION PROCESS

1. Submit the **Special Use Permit Application** and all required supporting materials to the Planning and Development Department in accordance with the application deadlines on page 6.
2. Following receipt of a complete **Special Use Permit Application**, planning staff will:
 - a. Set date a date for a public hearing before the Board of Zoning Appeals. The public hearing must be held within 60 days of acceptance of the special use permit application.
 - b. Notify property owners located within the notification radius of the date, time and place of the hearing. The general public and property owners located within the notification area will be invited to comment upon the application.
 - c. Publish a public hearing notice in the *Hutchinson News*. The notice must be published a minimum of 20 days prior to the public hearing.
 - d. Transmit application materials to the Development Review Committee (DRC) for their review.
3. The Board of Zoning Appeals will hold a public hearing on the project, typically in accordance with the attached schedule. The Board may adjourn the hearing from time to time. Following the conclusion of the hearing the Board makes a final determination. The Board may grant the permit, deny the permit or grant the permit with conditions. **The applicant MUST be present at the public hearing in order for the application to be considered. The application will be tabled if the applicant is not present.**
4. Following Special Use Permit approval, the applicant may proceed to the Inspection Department to obtain the appropriate building permits for the project.

UNDER NORMAL CIRCUMSTANCES, A MINIMUM OF 45 DAYS IS REQUIRED FROM SUBMITTAL OF A COMPLETED APPLICATION TO THE FINAL DECISION.



Planning and Development Department

125 E. Avenue B, Hutchinson, KS 67501

(620) 694-2639 Fax: (620) 694-2673

We, the undersigned, hereby authorize the submittal of this application and associated documents and certify that all the information contained therein is true and correct.
(Signature of property owners)

A Mayfield
Signature

Signature

A Mayfield
Printed Name

Printed Name

Special Use Permit Application
Submittal Deadlines and Meeting Schedule

Application Deadline	Development Review Committee Meeting	Board of Zoning Appeals Public Hearing 5:00 PM
November 23, 2015	December 8, 2016	January 5, 2016
December 14, 2015	December 22, 2016	January 19, 2016
December 30, 2015	January 12, 2016	February 2, 2016
January 13, 2016	January 26, 2016	February 16, 2016
January 27, 2016	February 9, 2016	March 1, 2016
February 10, 2016	February 23, 2016	March 15, 2016
February 24, 2016	March 8, 2016	April 5, 2016
March 9, 2016	March 22, 2016	April 19, 2016
March 30, 2016	April 12, 2016	May 3, 2016
April 13, 2016	April 26, 2016	May 17, 2016
April 27, 2016	May 10, 2016	June 7, 2016
May 11, 2016	May 24, 2016	June 21, 2016
June 1, 2016	June 14, 2016	July 5, 2016
June 15, 2016	June 28, 2016	July 19, 2016
June 29, 2016	July 12, 2016	August 2, 2016
July 13, 2016	July 26, 2016	August 16, 2016
July 27, 2016	August 9, 2016	September 6, 2016
August 10, 2016	August 23, 2016	September 20, 2016
August 31, 2016	September 13, 2016	October 4, 2016
September 14, 2016	September 27, 2016	October 18, 2016
September 28, 2016	October 11, 2016	November 1, 2016
October 12, 2016	October 25, 2016	November 15, 2016
October 26, 2016	November 8, 2016	December 6, 2016
November 9, 2016	November 22, 2016	December 20, 2016
November 30, 2016	December 13, 2016	January 3, 2017
December 14, 2016	January 10, 2017	January 17, 2017

PLEASE NOTE:

The applicant or agent must be present at the scheduled public hearing. If the applicant is not present, the public hearing will not take place.

Amonda Erickson

po box 27901

zip 67504

EXHIBIT 2

Project Address 1221 E 4th

Legal Description

Eccles 1st, S18, T23, R05N All of lot 9 Block 2 except that portion removed for street road A 5ft Strip of vacated street adjoining to the NW of this parcel

3-9-16 prepared Date By Barry Mayfield N

Scale = 5' ft

Current use - Bar, tavern, Storage (private)

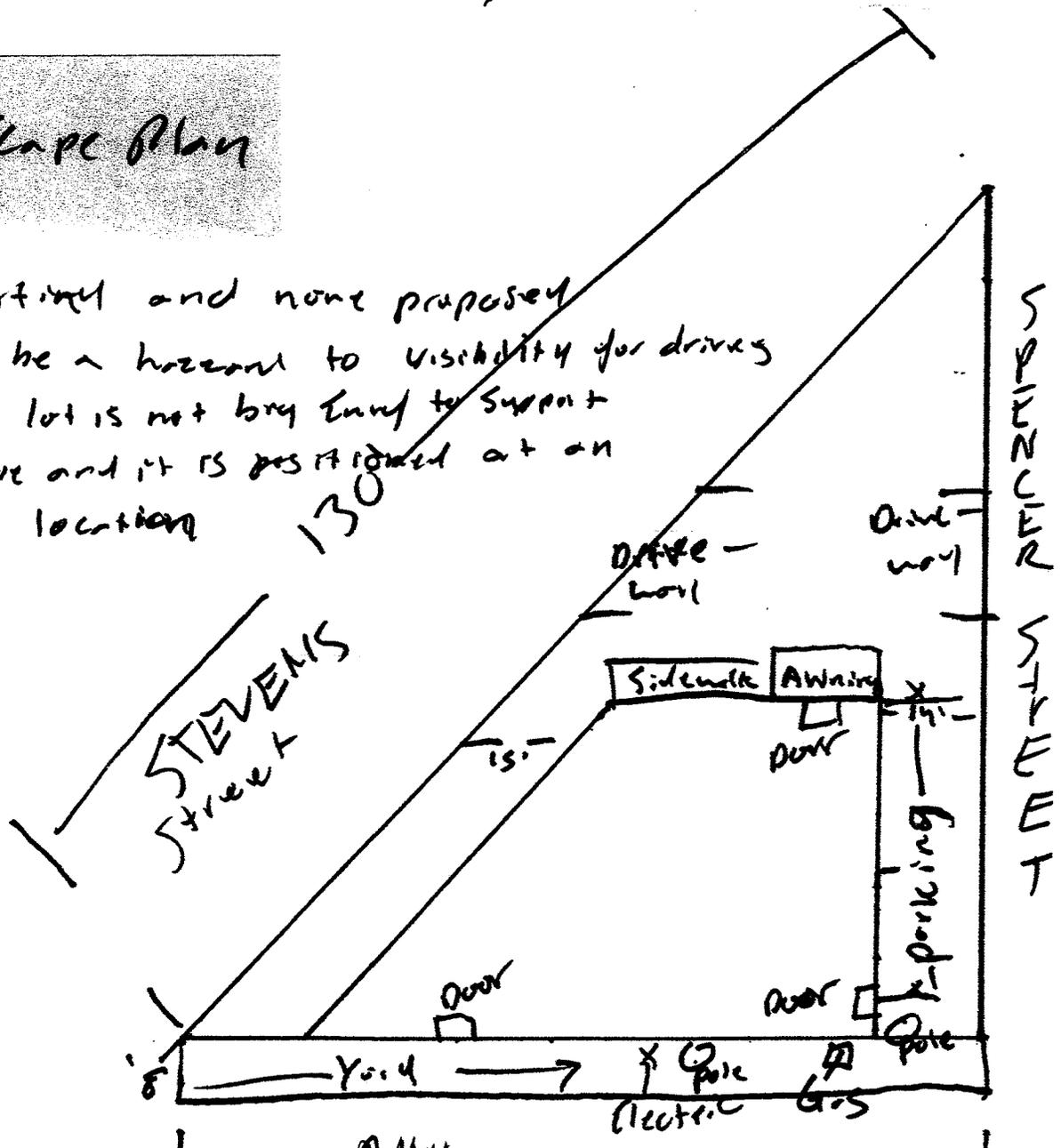
with STREET

Future use Bar, tavern, retail

land scape Plan

None Existing and none proposed

It will be a hazard to visibility for drivers as the lot is not big enough to support land scape and it is positioned at an awkward location



Amonda Erickson pobox 2794 zip 67504

Project Address 1221 E 4th

Legal Description

Eccles 1st, S18, T23, R05W All of lot 9 Block 2 except that
portion removed for street road & A 5ft Strip of vacated street
adjoining to the NW of this parcel

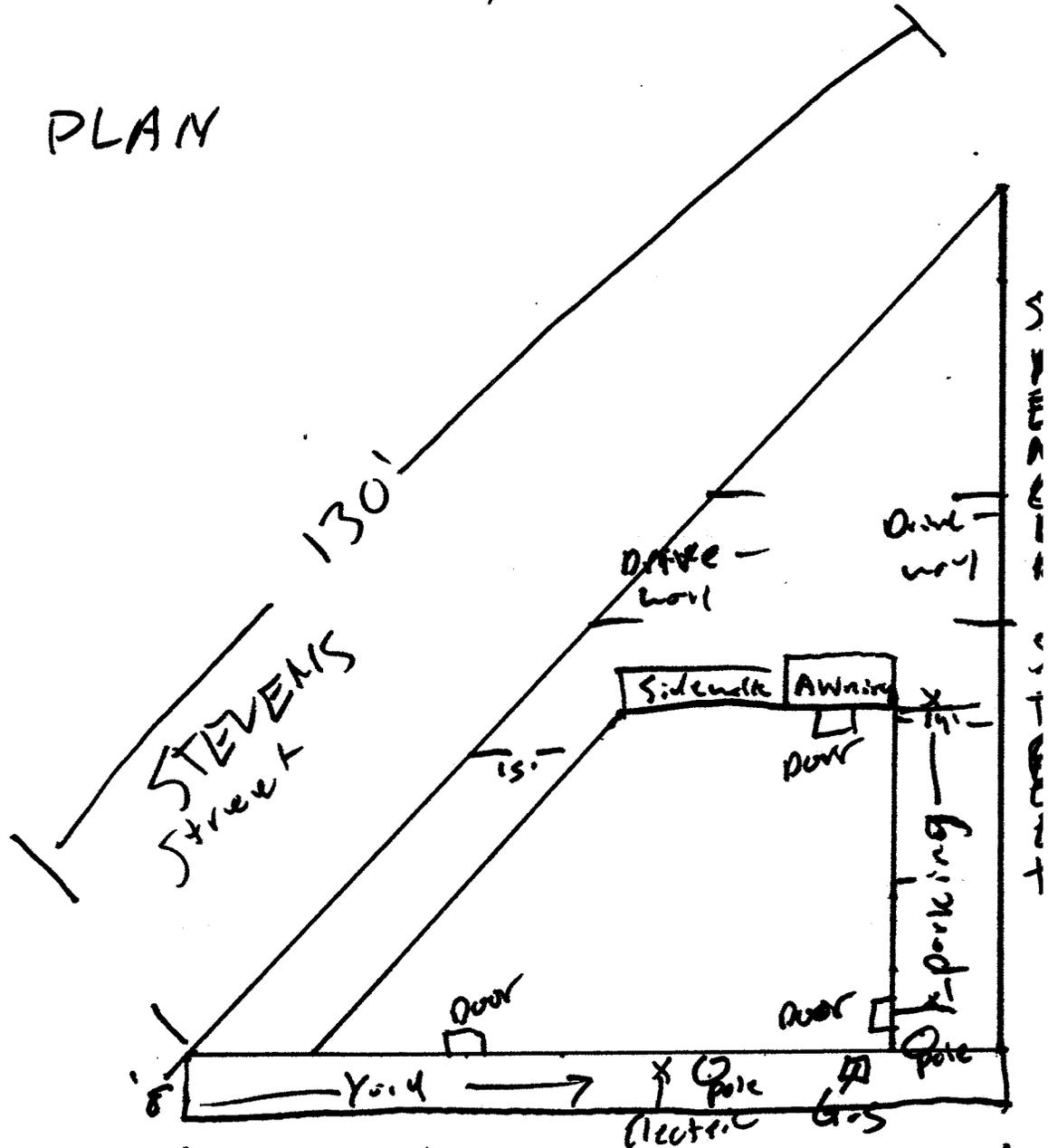
3-9-16 prepared date By Barry Mayfield NI

Scale — = 5' ft

Current use - Bar, tavern, Storage (private) CITY STREET

Future use Bar, tavern, retail

SITE PLAN



Amanda Erickson

po box 2794 zip 67504

Project Address 1221 E 4th

Legal Description

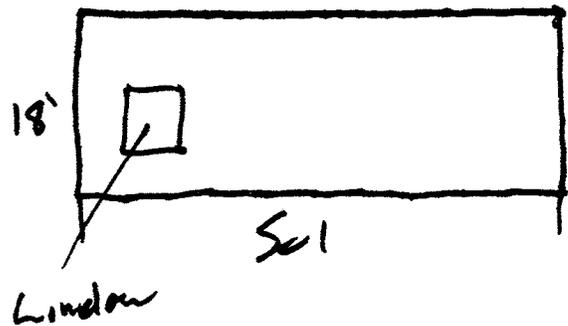
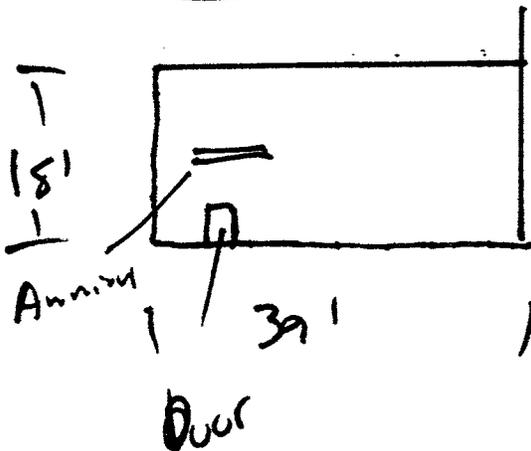
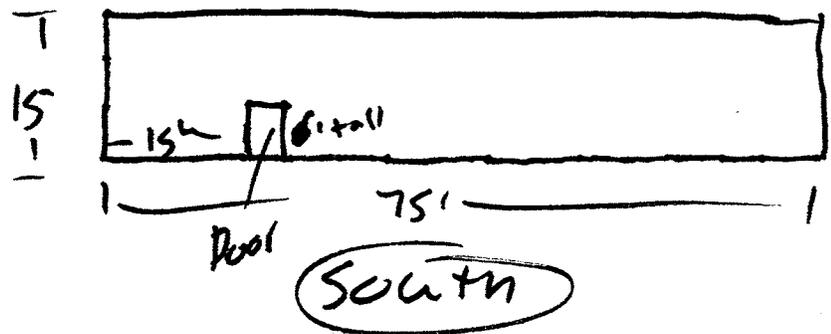
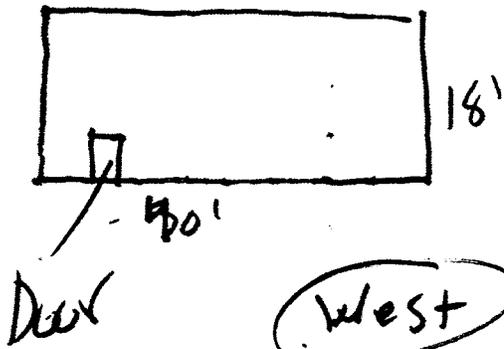
Eccles 1st S18 T23 R05W All of lot 9 Block 2 except that portion reserved for street row of a 5ft strip of vacated street adjoining to the NW of this parcel

3-9-16 prepared date By Barry Mayfield N

Scale = 5' ft

material Existing + Block, mason work proposal

→ SAME



material Existing + proposal

Block, mason. work

→ SAME

DEVELOPMENT REVIEW COMMITTEE COMMENTS

Project:	Erickson Bar/Tavern Request	DRC Meeting Date:	3/22/2016
Address:	1221 E 4 th Ave	Revised Plans Required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Case #:	16-SUP-03	Revised Plans Due:	4/5/16 at NOON
Planner:	Jana McCarron	BZA Meeting Date:	4/19/16

Planning staff and the Development Review Committee have reviewed the site plan received on March 10, 2016, for the above-referenced project and have the following comments:

1. General

- a. Construction shall conform to the approved site plan. Changes to the approved site plan shall be submitted to the Planning and Development Department for approval prior to making the changes in the field.
- b. Revised plans are required. **Please provide 4 full-size, 1 reduced and 1 PDF of all changed plan sheets no later than April 5, 2016 at NOON in order to be considered for the April 19, 2016 Board of Zoning Appeals meeting.**
- c. Property is located in the **Neighborhood Revitalization Plan (NRP)** area and has the potential to be eligible for property tax rebates. Please see the attached application and brochure. Applicant **MUST** submit the NRP application at the time of Building Permit application in order to be eligible for the rebate program. **Late submittals will not be accepted.**
- d. Nonconforming use. Based upon a review of the site plan provided by the applicant, as well as from physical inspection of the property, the development of the property is non-conforming because "...the existing development does not conform to the provisions of these regulations" (27-317). Specifically, the following nonconformities were noted:
 - **Parking.** There is no provision for off-street parking. The two spaces annotated on the site plan appear to be located in the City of Hutchinson right-of-way. (§27-701.D & §27-702)
 - **Landscaping.** Landscaping does not appear to meet the minimum standards of the zoning regulations. A landscaping plan is required as noted on the Special Use Permit Application form, but none was submitted. (Absent a landscape spreadsheet, staff cannot make a final determination on this nonconformity.) (§27-908, et seq.)
 - **Loading.** The lot does not contain an approved loading space. (§27-701.H)
 - **Driveways.** The existing driveway approaches lead to an unimproved area on the north side of the building. Unimproved driveways and parking areas are not permitted. All required parking areas and drive aisles associated with existing and new uses on the property shall be paved. (§27-701.D)

Section 27-317.B.1. of the Zoning Regulations provides: "If a nonconforming use of a building or land is discontinued or abandoned or remains idle or unused for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land or building shall comply with these regulations."

The property has been unoccupied for an indeterminate number of years (definitely more than the 12 consecutive months allowed under the Zoning Regulations). The property has not been used for

a bar/tavern for at least 9 years and has had no active water service since January, 2013. The owner indicates the property was used for storage, which use was not approved by the City. A bar/tavern use requires special use permit approval by the Board of Zoning Appeals in the C-4, Special Commercial District. Further, under the provisions of §27-502.A.3, special use permit approval is required.

Retail use of some sort, as listed on the application form as potential use for the property, is a permitted use in the C-4 Zoning District. However, because the existing development is nonconforming, the property would need to be brought into conformance prior to commencement of a retail use on the site. The comments below pertain to a tavern/bar use only.

2. Special Use Permit Comments

a. Section 27-502.B. contains the application procedure and submittal requirements for special use permits. The sketch plan provided with the application is insufficient and cannot be approved by the Board of Zoning Appeals, as the following items are missing or are inaccurate from the drawing:

- Parking area is shown but spaces are not delineated
- Dimensions of structure are not shown
- Landscaping is not shown
- Parcel boundaries are not shown
- Existing, abandoned sign is not shown

Revised plans containing all of the submittal requirements are needed prior to consideration of this item by the Board of Zoning Appeals. Staff suggests the applicant enlist the services of a design professional to assist with drawing preparation. The deadline for submittal of a revised drawing that meets the above requirements of the City's regulations is: **April 5, 2016 at NOON.**

b. Staff has concerns regarding the suitability of the property for the proposed use, particularly because there is no paved, off-street parking available. The City has minimum off-street parking standards which are based upon use type and occupant load. For the proposed use, a minimum of one off-street parking space is required for each four occupants of the building. Since no off-street parking spaces are shown on the site plan, staff believes the following required factors for approval are not met:

- The suitability of the parcel for its current zoning and use compared to the proposed use
- The extent of detrimental effects of the proposed use to nearby properties

3. Site Plan / Landscaping Plans

Submitted plan does not meet the minimum requirements of the *Hutchinson Zoning Regulations*, as follows:

a. **Required Off-Street Parking Spaces.** Section 27-702 of the Zoning Regulations contains the parking requirements for various use types, which are based upon the occupant load and use of the building. The area identified for parking is located in the public right-of-way. This area cannot be used for required parking for the use unless approved by the City Engineer. (City Engineer has

indicated approval is possible). Even with approval, the total number of parking spaces this area can accommodate is TWO (9' wide by 23' long) parallel spaces. Head-in parking is specifically prohibited by §27-701.F. Until such time as the occupant load of the building is established, the parking needs for the use cannot be calculated. The Building Official has agreed to meet with the applicant to establish the occupant load. Any occupant load larger than 8 persons (requiring 2 paved parking spaces) would require:

- 1) Placing a condition of approval of the special use permit that restricts the occupant load of the building based upon the number of paved parking spaces provided;
- 2) Provision of additional, paved spaces; or
- 3) Approval by the Board of Zoning Appeals of a Variance from the minimum number of parking spaces required (see attached application) and discussion below.

Other options for increasing available off-street parking:

- 1) Parking south side of alley. The applicant may choose to use the south side of the alley (a separate parcel that is also owned by the applicant) for parallel, off-street parking. Staff estimates four parking spaces could be placed in this area. Use of this area would require:
 - a) Paving & striping of the proposed parking area; and
 - b) Paving of the alley to City specifications.
- 2) Parking south of building. In addition to option #1, the applicant could petition the City to vacate the alley south of the existing building. If vacated, the entire area could be converted into a one-way drive aisle with parallel parking on either side. Staff estimates an additional 3 spaces could be placed just south of the building. If both option 1 and 2 were implemented, that would represent 9 total parking spaces provided (including the 2 on-street spaces proposed east of the property).

All paving would need to be installed prior to the issuance of an occupancy permit and commencement of use unless an extension on this time is approved by the Board of Zoning Appeals. This request must be made in writing.

- 3) Variance. Apply to the Board of Zoning Appeals for a variance from the City's parking requirements. As submitted, the plans show no on-property parking spaces. The maximum occupant load of the building would be needed in order to determine the number of spaces for the variance. If the applicant chooses this option, the special use permit application will be placed on hold until the variance request is submitted. The variance and special use permit will then be considered at the same Board of Zoning Appeals meeting.

Staff would not be supportive of a parking variance for all of the off-street parking needs for a tavern/bar use on this lot but does recognize that there are definitive challenges on this property. Any variance granted would have to have minimal impacts on the surrounding neighborhood.

- b. **Existing driveway.** The site plan shows an existing driveway that goes to an unpaved parking area. This area cannot be used for parking unless it is paved with either asphalt or concrete. Revise the plans to show the planned paving material or remove both driveway approaches. One additional parking space could be gained in this area.
- c. **Parking/driving areas.** All parking and driving areas shall be paved with asphalt or concrete. Label the materials on the plans.
- d. **Disabled Parking Space.** One, paved van accessible disabled parking space is needed. The space is required to be a minimum of 18' long and 8' wide with an 8' accessible aisle (parallel parking spaces need to be 23' long). Staff recommends this be placed in the area adjacent to the building that already has drive access (it will just need to be paved). Revised plans are needed.
- e. **Trash Enclosure.** No trash bin is shown. If a dumpster will be used, this must be screened unless placed along the alley. If polycarts are used, no screening is required. Show dumpster and/or polycart location on the plans and screening, if needed.
- f. **Signage.** All signs shall meet the requirements of the *Hutchinson Zoning Regulations* (see §27-801) and a sign permit shall be obtained prior to installation. An existing sign is located on the property. Show the sign on the plans and indicate whether this sign is to remain.
- g. **Sight Triangle.** No objects, including parked vehicles, taller than 30" or shorter than 10' feet shall be allowed within the Sight Triangle area. Show the Sight Triangle on the plans and ensure this area is protected. See §27-308 of the *Hutchinson Zoning Regulations* for required sight triangle dimensions.
- h. **Loading.** Section 27-701.H. of the *Hutchinson Zoning Regulations* requires one loading space for the intended use. The loading space must be a minimum of 35 feet long, 12 feet wide, have 14 feet of vertical clearance, be located 20' from the right of way and 10' from a property line. Loading areas are not allowed in the front yard. Required parking areas cannot be used for loading (overflow ones can if they meet the other code requirements). Due to the size and configuration of this property, staff recommends the applicant apply for a variance from this requirement. Loading could be accomplished in the alley.
- i. **Landscaping.** The City of Hutchinson's landscaping requirements are contained in §27-908. No landscaping plans were provided, However, they are required. Staff estimates the developed area of the property is 2,190 square feet, which equates to 11 points of landscaping required. The existing turf can count toward a maximum of 25% of the required points (or 3 points). An additional 8 points are needed. The City's landscaping spreadsheet is attached for your use. Please show landscaping on revised plans and submit the landscape spreadsheet.
- j. **Exterior Lighting.** Exterior lighting shall meet the requirements of Sec. 27-909 of the *Hutchinson Zoning Regulations*.
- k. **Bicycle Parking.** Section 27-701 of the zoning regulations recommends 1 bicycle space for the proposed use.
- l. **Screening of Mechanical Equipment.** Mechanical equipment, including transformer pads, must be screened in accordance with the requirements of 27-908.E.8 of the *Hutchinson Zoning Regulations*.
- m. **Alley Access.** Any use of the existing alley for access to the adjacent property for parking shall require paving of the alley to City specifications.

4. Comments from Other Staff:

Jeff Peterson, Interim Engineering Director

Concerns about the availability of on-street parking in area.

Barry Becker, Public Works

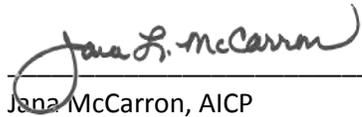
No comments (adequate parking based upon occupancy load?).

Meryl Dye, Assistant City Manager

No comments

Reviewed by:

Date:



March 23, 2016

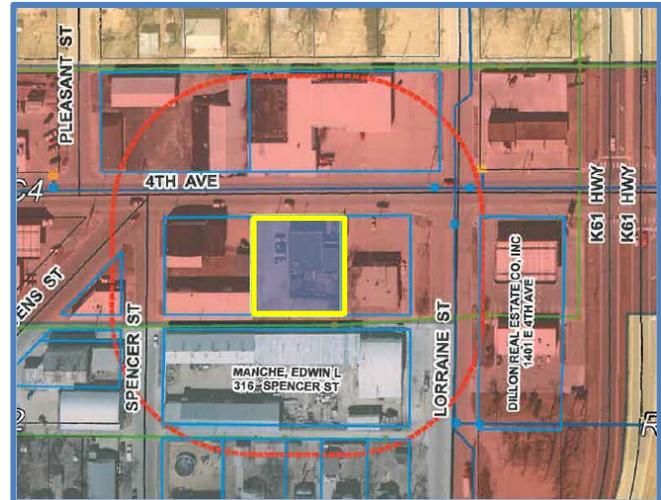
Jana McCarron, AICP
Planning & Development Director


**BOARD OF ZONING APPEALS
STAFF REPORT**

PUBLIC HEARING: 4/19/2016

620-694-2639

April 12, 2016

TO: Hutchinson Board of Zoning Appeals**FROM:** Jana McCarron, AICP
Planning & Development Director**SUBJECT:** Case #16-SUP-04, 1321 E 4th Ave,
Tavern/Bar**APPLICANT/
OWNER:** Amanda Erickson, Mayfield and Sons**AGENT:** Barry Mayfield**REQUEST:**

Request by Barry Mayfield, representing Amanda Erickson (Mayfield and Sons), for a special use permit to allow a Tavern/Bar use to be located at 1321 E 4th Avenue, City of Hutchinson, Reno County, Kansas, on property zoned C-4, Special Commercial District.

STAFF RECOMMENDATION:

Staff recommends **tabling** this request, pending receipt of the following items:

1. Revised Site Plan accurately parking areas, including striping, parcel boundaries, paving surface, disabled parking, trash enclosure, loading, landscaping and alley access requirements.
2. Occupancy load for the building for the purpose of calculating parking needs.
3. Variance application for parking needs that cannot be met on this site.

MOTION:

Motion to **TABLE** this request for a special use permit for a Tavern/Bar use to be located at 1321 E 4th Ave based upon staff recommendations and pursuant to submission of outstanding materials.

BACKGROUND

On March 10, 2016, the City received the attached application (Exhibit 1) and drawing (Exhibit 2) for a change of use of the property located at 1321 E 4th Ave to a tavern/bar. While the property has been used as a tavern/bar in the past, the building has been vacant for a number of years. The most recent use of the property was for storage, however, that use was never formally approved by the City. The property is located in the C-4, Special Commercial District. In order to establish a tavern/bar use on the site, special use permit approval from the Board of Zoning Appeals is required.

A Development Review Committee was held on March 22, 2016 and numerous comments were submitted by the Planning & Development Department (Exhibit C). Staff has met with the applicant's agent and advised him that the project is not approvable as submitted. The agent is working on preparation of revised plans and submittal of a variance application. Once the outstanding items are received, staff will place this item and the variance request on the Board's agenda for consideration.

ATTACHMENTS

Exhibit 1 – Special Use Permit application

Exhibit 2 – Site plan drawing

Exhibit 3 – DRC comments

2016 SPECIAL USE PERMIT APPLICATION



CITY OF HUTCHINSON

CITY OF HUTCHINSON
Planning and Development Department
 125 E Avenue B, Hutchinson, KS 67501
 620-694-2639 phone ~ 620-694-2673 fax

FOR OFFICE USE ONLY

DATE RECEIVED: 2/10/16 CASE #: 16-SUP-04 FEE PAID (\$165): 165

PROJECT INFORMATION

Project Address 1321 E 4th

Legal Description Eccles 1st Block 3, Lot 3-7, Section 18 Township 23 Range 05W

Applicant Amanda Erickson Owner of Mayfield and Sons

Mailing Address PO box 2794

Phone 620-899-3646 E-Mail berry@mayfieldandsons.com

Property Owner Mayfield + Sons

Mailing Address PO box 2794

Phone 620.728.1700 E-Mail _____

Surveyor/Engineer/Architect/Agent (attach additional pages, if needed)

Mailing Address _____

Phone _____ E-Mail _____

USE INFORMATION

- What is the current use of the property?
bar, tavern, storage
- What will the property be used for if the special use permit is approved?
bar, tavern, retail of some sort
- In the space below, list all existing and proposed structures, including the square footage and height of each:
3392 sq ft 18 high front + 16' rear sides

FORM 1001

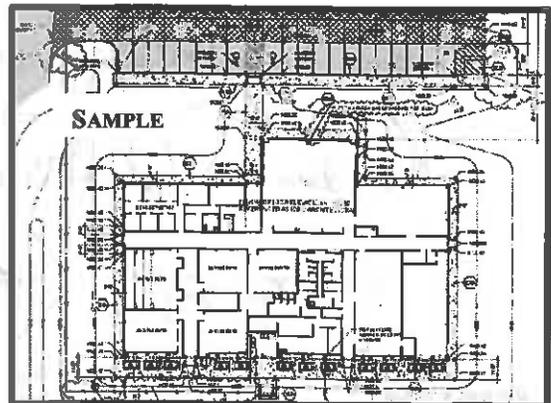
SUBMITTAL REQUIREMENTS

- Completed Special Use Permit Application.
- Special Use Permit Application Fee (\$165.00).
- A written and signed certification from the Reno County Treasurer's office that all property taxes for the property have been paid.
- Copy of the deed (available from the Reno County Register of Deeds).
- Legal description of the parcel.
- The names and mailing addresses of all property owners located within 200 feet of the boundaries of the parcel. If the parcel is adjacent to the city limits, the above list must also include all the properties located outside the city, but within 1,000 feet of the city limits. Please provide this information in print-out form from the Reno County Appraiser.
- 4 full-size copies of the Site Plan.
(Site plans must be on paper not less than 18 x 24 inches and drawn at a scale of not less than 1 inch: 50 feet.)
- 4 full-size copies of the Landscaping Plan.
(Landscaping plans must be on paper not less than 18 x 24 inches and drawn at a scale of not less than 1 inch: 50 feet.)
- 4 full-size copies of Elevation Drawings.
(Elevation drawings shall be scaled and shall include all elevations of the structure. Proposed materials and colors shall be included on the elevation drawings.)
- 1 reduced version (11"x17") of the Site Plan, Landscaping Plan and Elevation Drawings.
- 1 electronic version (PDF) of all drawings (Site Plan, Landscaping Plan and Elevations) submitted via email to: Charlene@Hutchgov.com.
- Drainage Study and/or Traffic Impact Study. Please contact the City Engineer to determine what studies are required. ?
- Other documentation, as required.

SITE PLAN CHECKLIST

THE SITE PLAN DRAWING SHALL CONTAIN THE FOLLOWING:

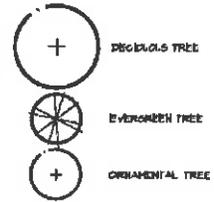
- The name and mailing address of the applicant and owner of record, if not the same as the applicant.
- The legal description of the property.
- Date, scale, north arrow, title and preparer's name.
- Location and dimensions of:
 - Property lines
 - Easements
- Location and dimensions of existing and proposed:
 - Structures
 - Parking spaces and drive aisles
 - Driveways
 - Loading areas
 - Trash receptacles
 - Fences
 - Screening
 - Signs
 - Lighting
 - Stormwater storage and conveyance facilities
 - Utilities (e.g. water, gas, electrical, sanitary sewer)
- Use of existing and proposed structures.
- The approximate location of structures on adjoining properties.
- Location and extent of outdoor display/storage areas, existing and proposed.



LANDSCAPING PLAN CHECKLIST

THE LANDSCAPING PLAN SHALL CONTAIN:

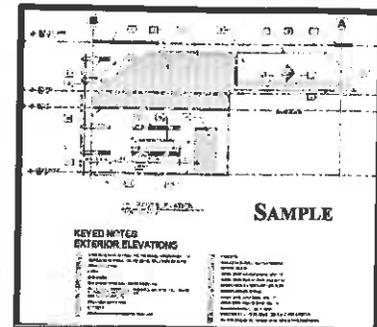
- The name and mailing address of the applicant and owner of record.
- Date, scale, title and preparer's name.
- Location, description and type of existing and proposed plantings.
- Description of the irrigation system, both existing and proposed.
- City of Hutchinson "Landscaping Point Calculation Sheet" available at: www.hutchgov.com (either on the face of the plan or as an accompanying document).



ELEVATION DRAWINGS CHECKLIST

THE ELEVATION DRAWINGS SHALL CONTAIN THE FOLLOWING:

- The name and mailing address of the applicant and owner of record.
- Date, scale, title and preparer's name.
- Height of the structure, both existing and proposed.
- Description of exterior materials, both existing and proposed.
- Drawings of all sides of the building.



SPECIAL USE PERMIT FACTORS TO BE CONSIDERED

Applicants for Special Use Permits must submit a statement justifying how the proposed project meets the factors listed in Sec. 27-502.D. of the Hutchinson City Code. The Board of Zoning Appeals is required to consider these factors when reaching a decision on a Special Use Permit application. The questions below help to determine if the factors are met. Please feel free to attach additional pages and any other supporting documentation, such as photographs, drawings, maps, statistics, legal documents and letters of support.

1. How will the proposed development be in keeping with the character of the neighborhood?
*The ~~retail~~ neighborhood is retail it will ~~fit in~~
 This has been a bar/tavern for 25+ years*
2. How will the proposed use be consistent with the zoning and uses on nearby parcels?
*perfectly it is retail ~~zoning~~
 Area*
3. Why is the parcel suitable for the proposed use?
*It has been a bar/tavern for 25+ years
 or retail is permitted in C-4*
4. What detrimental effects will the proposed use have on nearby properties, and how will those effects be mitigated?
none. The area can only go up

SPECIAL USE PERMIT FACTORS TO BE CONSIDERED (CONTINUED)

5. How long has the property been vacant? *Has not been
has been being used w/o certificate*
6. What hardships would the owner(s) face if the application were denied?
financial
7. How does the proposed development conform to the Comprehensive Plan?
great it is the same as previous 25 years
8. Are public facilities and utilities adequate to serve the proposed use? If so, describe how.
*They are there and have worked for
this same establishment for 25 + years*

SPECIAL USE PERMIT APPLICATION PROCESS

1. Submit the **Special Use Permit Application** and all required supporting materials to the Planning and Development Department in accordance with the application deadlines on page 6.
2. Following receipt of a complete **Special Use Permit Application**, planning staff will:
 - a. Set date a date for a public hearing before the Board of Zoning Appeals. The public hearing must be held within 60 days of acceptance of the special use permit application.
 - b. Notify property owners located within the notification radius of the date, time and place of the hearing. The general public and property owners located within the notification area will be invited to comment upon the application.
 - c. Publish a public hearing notice in the *Hutchinson News*. The notice must be published a minimum of 20 days prior to the public hearing.
 - d. Transmit application materials to the Development Review Committee (DRC) for their review.
 - a. The DRC will meet to discuss the project. The DRC will provide written comments which will be sent to the applicant. Based upon the comments received, revised plans may be required. Revised plans, once received, will be routed to the DRC for final comment.
3. The Board of Zoning Appeals will hold a public hearing on the project, typically in accordance with the attached schedule. The Board may adjourn the hearing from time to time. Following the conclusion of the hearing the Board makes a final determination. The Board may grant the permit, deny the permit or grant the permit with conditions. **The applicant MUST be present at the public hearing in order for the application to be considered. The application will be tabled if the applicant is not present.**
4. Following Special Use Permit approval, the applicant may proceed to the Inspection Department to obtain the appropriate building permits for the project.

UNDER NORMAL CIRCUMSTANCES, A MINIMUM OF 45 DAYS IS REQUIRED FROM SUBMITTAL OF A COMPLETED APPLICATION TO THE FINAL DECISION.



We, the undersigned, hereby authorize the submittal of this application and associated documents and certify that all the information contained therein is true and correct.
(Signature of property owners)

A Mayfield
Signature

Signature

A. Mayfield
Printed Name

Printed Name

Special Use Permit Application
Submittal Deadlines and Meeting Schedule

Application Deadline	Development Review Committee Meeting	Board of Zoning Appeals Public Hearing 5:00 PM
November 23, 2015	December 8, 2016	January 5, 2016
December 14, 2015	December 22, 2016	January 19, 2016
December 30, 2015	January 12, 2016	February 2, 2016
January 13, 2016	January 26, 2016	February 16, 2016
January 27, 2016	February 9, 2016	March 1, 2016
February 10, 2016	February 23, 2016	March 15, 2016
February 24, 2016	March 8, 2016	April 5, 2016
March 9, 2016	March 22, 2016	April 19, 2016
March 30, 2016	April 12, 2016	May 3, 2016
April 13, 2016	April 26, 2016	May 17, 2016
April 27, 2016	May 10, 2016	June 7, 2016
May 11, 2016	May 24, 2016	June 21, 2016
June 1, 2016	June 14, 2016	July 5, 2016
June 15, 2016	June 28, 2016	July 19, 2016
June 29, 2016	July 12, 2016	August 2, 2016
July 13, 2016	July 26, 2016	August 16, 2016
July 27, 2016	August 9, 2016	September 6, 2016
August 10, 2016	August 23, 2016	September 20, 2016
August 31, 2016	September 13, 2016	October 4, 2016
September 14, 2016	September 27, 2016	October 18, 2016
September 28, 2016	October 11, 2016	November 1, 2016
October 12, 2016	October 25, 2016	November 15, 2016
October 26, 2016	November 8, 2016	December 6, 2016
November 9, 2016	November 22, 2016	December 20, 2016
November 30, 2016	December 13, 2016	January 3, 2017
December 14, 2016	January 10, 2017	January 17, 2017

PLEASE NOTE:

The applicant or agent must be present at the scheduled public hearing. If the applicant is not present, the public hearing will not take place.

SITE AND LANDSCAPE Plan

PROJECT INFORMATION

Project Address 1321 E 4th **EXHIBIT 2**

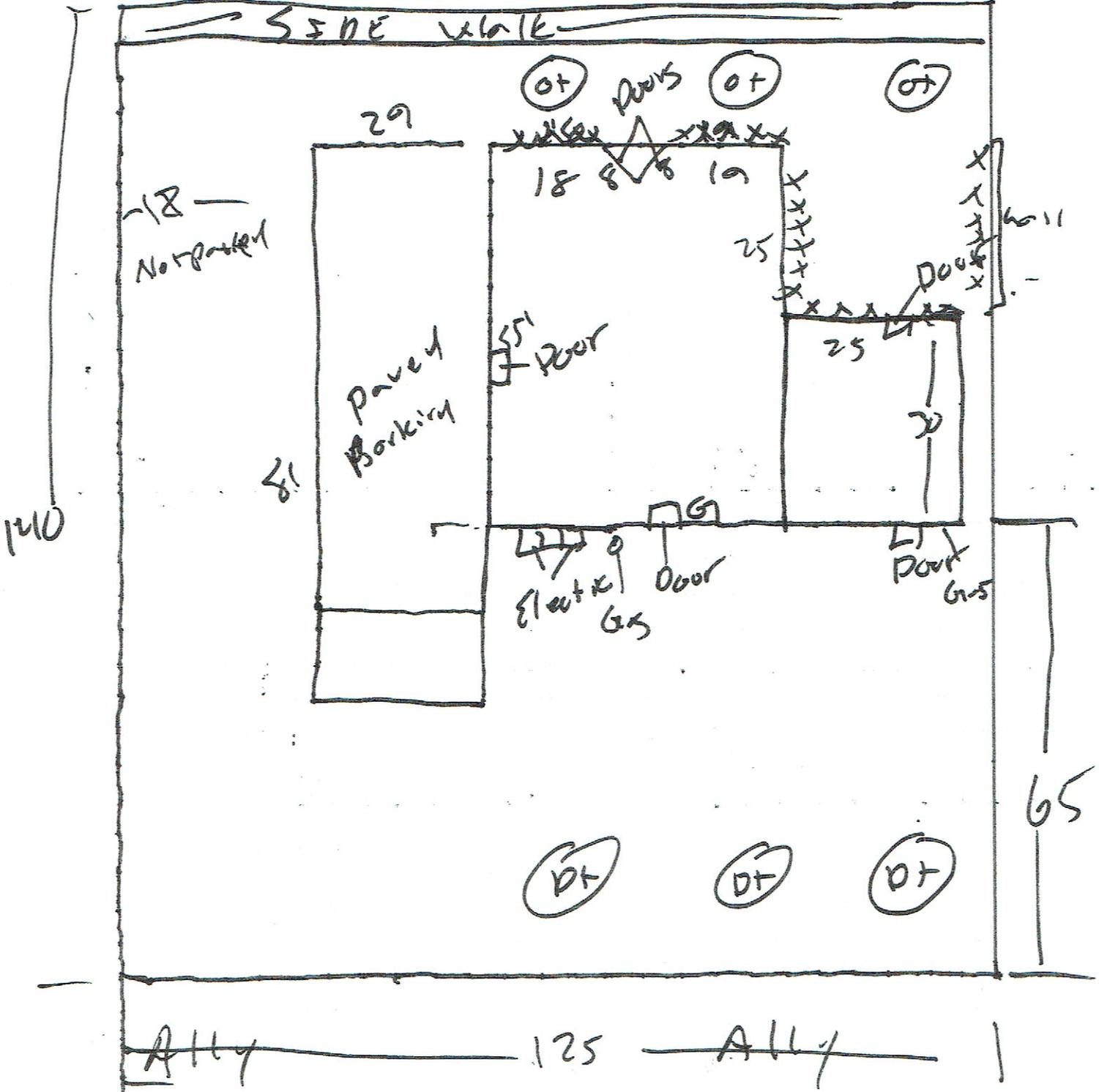
5' N

Legal Description Eccles 1st Block 3, Lot 3-7, Section 18 Township 23 Range 05W

Applicant Amanda Erickson Owner of mayfield Boilertown City Street

X = Evergreen
OT Ornamental tree
OT Deciduous tree

Current ~~zoned~~ use Boilertown or retail of some sort
Prepared By Boilertown 3-9-16



Elevation

Project Address 1321 E 4th

Legal Description Eccles 1st Block 3, Lot 3-7, Section 18 Township 23

Range 05W

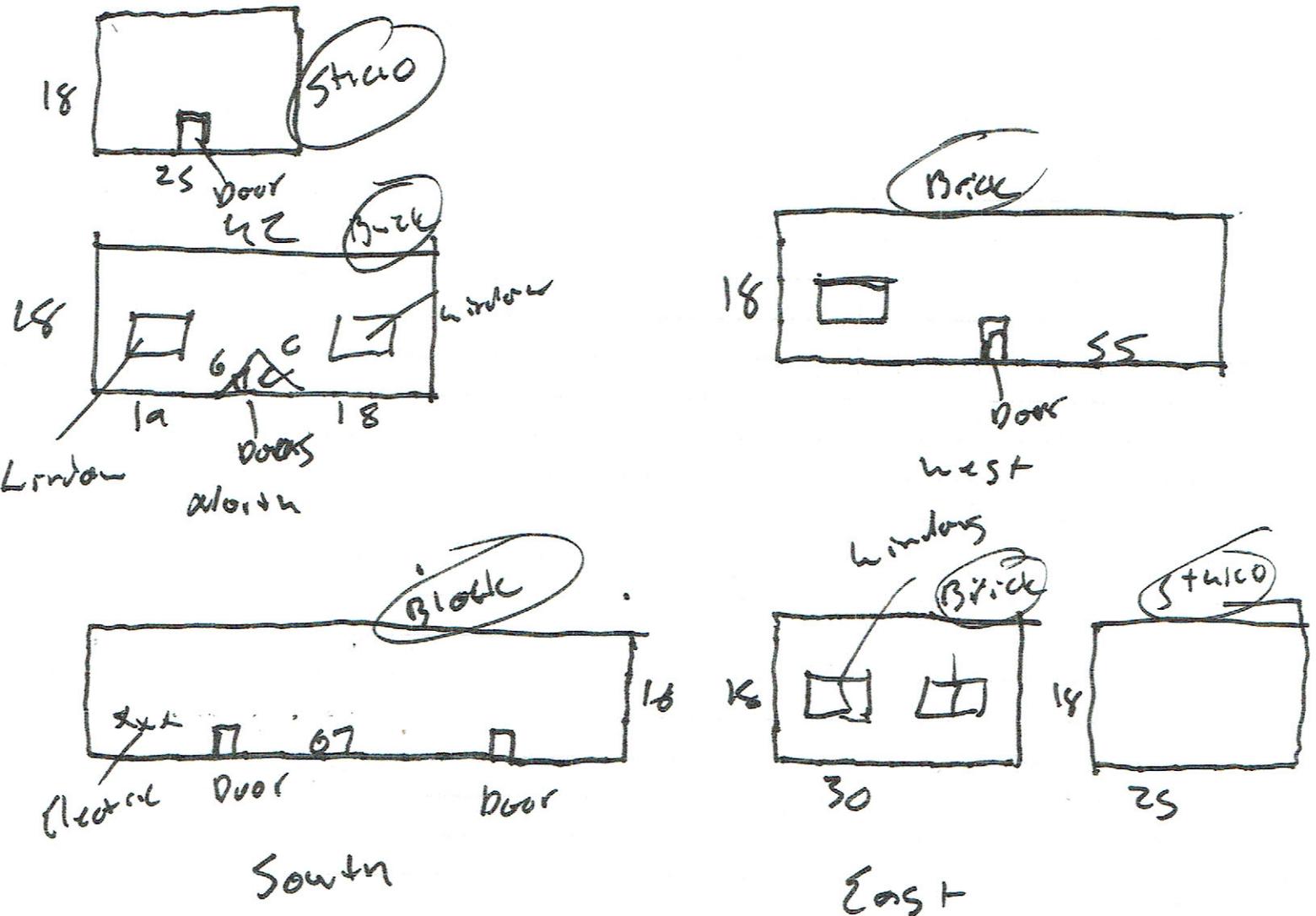
Owner PO Box 2794 67504
 Applicant Amanda Erickson Owner of Mayfield and Sons

— = 5' ft

Prepared by Bray Mayfield 3-9-16

Herents listed are existing + proposed

Exterior material is Brick + Block, Stucco
 Proposed + Existing



DEVELOPMENT REVIEW COMMITTEE COMMENTS

Project:	Erickson Bar/Tavern Request	DRC Meeting Date:	3/22/2016
Address:	1321 E 4 th Ave	Revised Plans Required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Case #:	16-SUP-04	Revised Plans Due:	4/5/16 at NOON
Planner:	Jana McCarron	BZA Meeting Date:	4/19/16

Planning staff and the Development Review Committee have reviewed the site plan received on March 10, 2016, for the above-referenced project and have the following comments:

1. General

- a. Construction shall conform to the approved site plan. Changes to the approved site plan shall be submitted to the Planning and Development Department for approval prior to making the changes in the field.
- b. Revised plans are required. **Please provide 4 full-size, 1 reduced and 1 PDF of all changed plan sheets no later than April 5, 2016 at NOON in order to be considered for the April 19, 2016 Board of Zoning Appeals meeting.**
- c. Property is located in the **Neighborhood Revitalization Plan (NRP)** area and has the potential to be eligible for property tax rebates. Please see the attached application and brochure. Applicant **MUST** submit the NRP application at the time of Building Permit application in order to be eligible for the rebate program. **Late submittals will not be accepted.**
- d. Nonconforming use. Based upon a review of the site plan provided by the applicant, as well as from physical inspection of the property, the development of the property is non-conforming because "...the existing development does not conform to the provisions of these regulations" (27-317). Specifically, the following nonconformities were noted:
 - **Parking.** Paving does not meet non-residential development standards. All driving and parking surfaces are required to be paved with concrete or asphalt and striping of parking spaces is required. (§27-701.D & §27-701.O)
 - **Landscaping.** Landscaping does not appear to meet the minimum standards of the parking regulations. (Absent a landscape spreadsheet, staff cannot make a final determination on this nonconformity) (§27-908, et seq)
 - **Loading.** The lot does not contain an approved loading space. (§27-701.H)

Section 27-317.B.1. of the Zoning Regulations provides: "If a nonconforming use of a building or land is discontinued or abandoned or remains idle or unused for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land or building shall comply with these regulations."

The property has been unoccupied for an indeterminate number of years (definitely more than the 12 consecutive months allowed under the Zoning Regulations). The owner indicates the property was used for storage, which use was not approved by the City. A Bar/tavern use requires special use permit approval by the Board of Zoning Appeals in the C-4, Special Commercial District. Further, under the provisions of §27-502.A.3, special use permit approval is required.

Retail use, as listed on the application form as potential use for the property, is a permitted use in the C-4 Zoning District, however, because the development of the property is nonconforming, the property would need to be brought into conformance prior to commencement of a retail use on the site. The comments below pertain to a tavern/bar use only.

2. Special Use Permit Comments

a. Section 27-502.B. of the Zoning Regulations contains the application procedure and submittal requirements for special use permits. The sketch plan provided with the application is insufficient and cannot be approved by the Board of Zoning Appeals, as the following items are missing or are inaccurate from the drawing:

- Parking area is shown but spaces are not delineated
- Parcel boundaries are not shown

Revised plans containing all of the submittal requirements are needed prior to consideration of this request by the Board of Zoning Appeals. Staff suggests the applicant enlist the services of a design professional to assist with drawing preparation. The deadline for submittal of a revised drawing that meets the above requirements of the City's regulations is: **April 5, 2016 at NOON.**

3. Site Plan / Landscaping Plans

Submitted plan does not meet the minimum requirements of the *Hutchinson Zoning Regulations*, as follows:

- a. **Parking Spaces, Driveways and Drive Aisles.** Parking requirements are based upon the occupant load and use of the building. The paved area identified for the parking is not wide enough to allow for two-way circulation of traffic and striping of spaces is not shown. All parking spaces are required to be striped, with a minimum size of 9'x18' (parallel spaces are required to be 9'x23'). All driving and parking surfaces are required to be paved with asphalt or concrete. Staff estimates approximately 9 spaces could be provided, if all spaces and driving surfaces were paved. Additional spaces might be available. Revised plans are needed showing the location and dimensions of each parking space proposed, as well as all driveways/drive aisles. (§27-701.D & §27-701.O)
- b. **Required Parking.** Section 27-702 of the Zoning Regulations provides off-street parking and loading requirements. The standard for a bar/tavern use is one space for every four occupants (1 for 4). Until such time as the occupant load of the building is established, the parking needs for the use cannot be calculated. The Chief Building Official has agreed to meet with the applicant to establish the occupant load. Any occupant load larger 36 (associated with 9 paved parking spaces) would:
- 1) Require placing a condition of approval of the special use permit that restricts the occupancy of the building;
 - 2) Provision of additional, paved spaces; or
 - 3) Approval by the Board of Zoning Appeals of a Variance from the minimum number of parking spaces required (see attached application) and discussion in e below.

Occupant load needs to be established and applicant needs to pick which option of the above to pursue.

- c. **Timing of Paving.** All paving shall be installed prior to the commencement of use unless an extension on this time is approved by the Board of Zoning Appeals. The maximum time extension authority granted to the Board of Zoning Appeals is 12 months. **Failure to install the paving within the extension period (if any) shall result in revocation of the Special Use Permit.** If the applicant is requesting an extension on the paving requirement, please submit a written request either via separate correspondence or on the revised plans.
- d. **Variance for Paving Surface.** Since the City adopted its current regulations in February 2011, a variance request for surfacing materials associated with commercial parking areas has not been submitted or granted. Staff would not support a request for a variance from the surfacing requirements.
- e. **Variance for Number of Required Parking Spaces.** Because this is an infill property and the total number of off-street parking spaces that can be provided is limited to the size and configuration of the lot, the applicant may request a variance from the number of parking spaces required to meet the building occupant load. Typically, variances are granted for minor deviations from requirements. If the applicant chooses to apply for a variance, a separate variance application is needed. Staff will hold the special use permit application until such time as the variance request and special use permit request can be placed on the same Board of Zoning Appeals meeting agenda.
- f. **Disabled Parking Space.** One, paved van accessible disabled parking space is needed. The space is required to be a minimum of 18' long and 8' wide with an 8' accessible area striped (parallel parking spaces need to be 23' long). This space should be located as close to the doorway as possible along an accessible route. This item cannot be varied. Revised plans showing the dimensioned disabled parking space are required.
- g. **Trash Enclosure.** No trash bin is shown. If a dumpster will be used, this must be screened unless placed along the alley. If polycarts are used, no screening is required. Show dumpster and/or polycart location on the plans and screening, if needed.
- h. **Signage.** All signs shall meet the requirements of the *Hutchinson Zoning Regulations* (see 27-801) and a sign permit shall be obtained prior to installation. Existing signs need to be shown. Provide the size and location of existing and proposed signage on the revised plans.
- i. **Loading.** Section 27-701.H. of the *Hutchinson Zoning Regulations* requires one loading space for the intended use. The loading space must be a minimum of 35 feet long, 12 feet wide, have 14 feet of vertical clearance, be located 20' from the right of way and 10' from a property line. Loading areas are not allowed in the front yard. Required parking areas cannot be used for loading (overflow ones can if they meet the other code requirements). It appears that a loading area could be placed at the rear of the building. This needs to be labeled on the plans. All loading areas are required to be paved with asphalt or concrete. Show the loading area on revised plans.
- j. **Landscaping.** The City of Hutchinson's landscaping requirements are contained in 27-908. The developed area of the property is approximately 10,300 square feet, which equates to 52 points of landscaping required. Additional points are required based upon the number of provided parking spaces (2 points for each required parking space). Points are allocated depending upon

the size and type of planting. At a minimum, the applicant needs to provide the type, caliper and height (evergreen) of all plantings so an accurate calculation can be made. A spreadsheet is attached for your use. Missing information.

- k. **Exterior Lighting.** Exterior lighting shall meet the requirements of Sec. 27-909 of the *Hutchinson Zoning Regulations*.
- l. **Bicycle Parking.** Section 27-701 of the zoning regulations recommends 1 bicycle space for the proposed use.
- m. **Screening of Mechanical Equipment.** Mechanical equipment, including transformer pads, must be screened in accordance with the requirements of 27-908.E.8 of the *Hutchinson Zoning Regulations*.
- n. **Alley Access.** Any use of the existing alley for access to the adjacent property for parking shall require paving of the alley with asphalt or concrete.
- o. **Fencing.** Show existing fencing on the site plan. If this is intended to remain, note as such.

4. Comments from Other Staff:

Jeff Peterson, Interim Engineering Director

No comment.

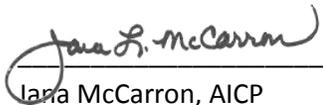
Barry Becker, Public Works

No comment.

Meryl Dye, Assistant City Manager

No comment.

Reviewed by:



Jana McCarron, AICP
Planning & Development Director

Date:

March 22, 2016