



AGENDA
BOARD OF ZONING APPEALS
 Tuesday, May 17, 2016 – 5:00 PM
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 19, 2016.

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

4. PUBLIC HEARINGS (ITEMS TABLED 4/19/2016)

- a. **16-BZA-02: Variance from City Standards for Parking and Loading** (1221 E 4th Ave)
 Request for a Variance from the *City of Hutchinson Zoning Regulations* requirements for number of off-street parking spaces and number of loading spaces on property owned by Amanda Erickson (Barry Mayfield-Agent)
(Staff Representative: Jana McCarron, Planning & Development Director)

- b. **16-BZA-03: Variance from City Standards for Parking and Parking Lot Landscaping** (1321 E 4th Ave)
 Request for a Variance from the *City of Hutchinson Zoning Regulations* requirements for number of off-street parking spaces and parking lot landscaping on property owned by Amanda Erickson (Barry Mayfield-Agent)
(Staff Representative: Jana McCarron, Planning & Development Director)

5. UNFINISHED BUSINESS (TABLED 4/19/2016)

- 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)

6. UPCOMING CASES

None for the Board of Zoning Appeals for 6/7/2016.

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

8. 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
 BOARD OF ZONING APPEALS
 TUESDAY, APRIL 19, 2016
 CITY COUNCIL CHAMBERS
 125 E. AVENUE B

1. The meeting was called to order at 6:00 p.m. with the following members present: Terry Bisbee, Tom Hornbeck, Todd Carr, Darryl Peterson and Ken Peirce. Harley Macklin, Mark Woleslagel, Janet Hamilton and Robert Obermite were absent. Jana McCarron, Planning and Development Director, Casey Jones, Senior Planner; and Stephanie Stewart, Planning Technician were also present.
2. The minutes from the April 15, 2016, meeting were approved on a motion by Carr, seconded by Bisbee, passed unanimously.
3. A motion to accept correspondence and staff reports into the official record was made by Carr, seconded by Hornbeck, passed unanimously.
4. PUBLIC HEARINGS
 - 4a. 16-SUP-03: 1221 E 4th Ave
 Request for a Special Use Permit for a change of use to a tavern/bar. The applicant is planning on asking for a parking variance and would like to table this case to be presented with the variance on May 17, 2016.

Peirce asked for a motion.

Motion by Carr, seconded by Hornbeck to table this request for a special use permit.

The motion passed with the following vote: Yes –Bisbee, Carr, Hornbeck, Peirce, Peterson.

- 4b. 16-SUP-04: 1321 E 4th Ave
 Request for a Special Use Permit for a change of use to a tavern/bar. The applicant is planning on asking for a parking variance and would like to table this case to be presented with the variance on May 17, 2016.

Peirce asked for a motion.

Motion by Bisbee, seconded by Carr to table this request for a special use permit.

The motion passed with the following vote: Yes –Bisbee, Carr, Hornbeck, Peirce, Peterson.

5. UPCOMING CASES – None.

6. OPEN COMMENTS FROM THE AUDIENCE

McCarron updated the Commission on the recruitment status stating they have had a couple more applicants. She added that there is a nationwide shortage of planners and that the schools have seen a drop in enrollment. She hopes to find the right candidate that will add to the staff’s mission on “Building a better Hutch”.

7. ADJOURNMENT – The meeting adjourned at 6:10 p.m.

Respectfully Submitted,
Stephanie Stewart, Planning Technician

Approved this _____ day of _____

Attest: _____



125 E Avenue B | Hutchinson KS 67501
620.694.2639

Staff Report

Board of Zoning Appeals

BZA Agenda Item #: _____

Planning & Development Department

Case: 16-BZA-02

May 6, 2016

Hearing Date: May 17, 2016

REQUEST:

Variance, off-street parking & loading

Subject Property: 1221 E 4th Ave



STAFF RECOMMENDATION: APPROVAL

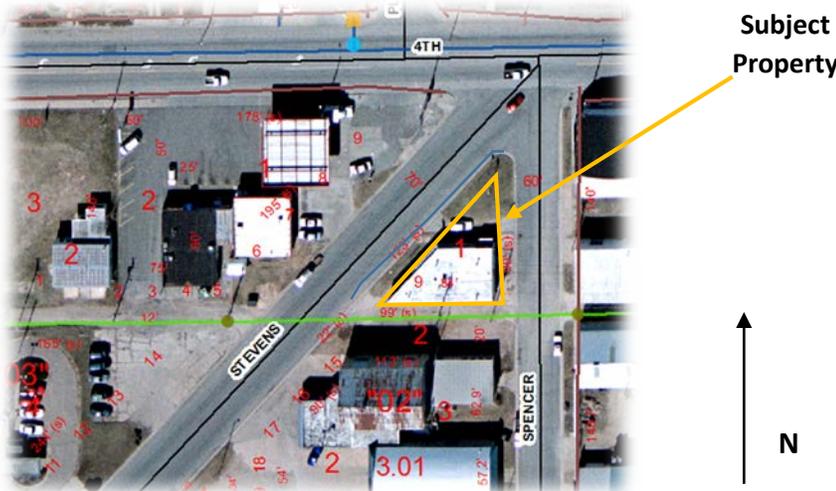
MOTION:

Approve/deny Variance request number 16-BZA-02 from the requirements of §27-702, Parking and Loading Requirements, of the *City of Hutchinson Zoning Regulations* for property located at 1221 E 4th Avenue, based upon due consideration of the findings of fact required for approval of Variance requests and a determination that said findings are met/not met.

PROJECT SUMMARY:

Variance to reduce the number of required parking spaces from 21 to 9 (7 off-street and 2 on-street) and to reduce the number of required loading spaces from 1 to 0.

LOCATION MAP:



Staff

Staff Representative:

Jana McCarron, AICP
Planning & Development Director

Application Information

Applicant:

Amanda Erickson
Mayfield and Sons
PO Box 2794
Hutchinson KS 67504-2794

Property Owner:

Same as Applicant

Engineer/Surveyor/Architect:

Same as Applicant

Application Materials:

[Link](#)

Concurrent Applications:

16-SUP-03

Zoning

Zoning:

C-4 Special Commercial District

Comprehensive Plan Designation:

Commercial

Subdivision:

Eccles 1st Addition

Notice & Review

Development Review:

4/26/16 (Exhibit A)

Public Hearing Notice Published:

4/26/16 (*Hutchinson News*)

Property Owner Notice:

17 owners, 19 properties |
4/15/16

Next Steps:

Special Use Permit (16-SUP-03)

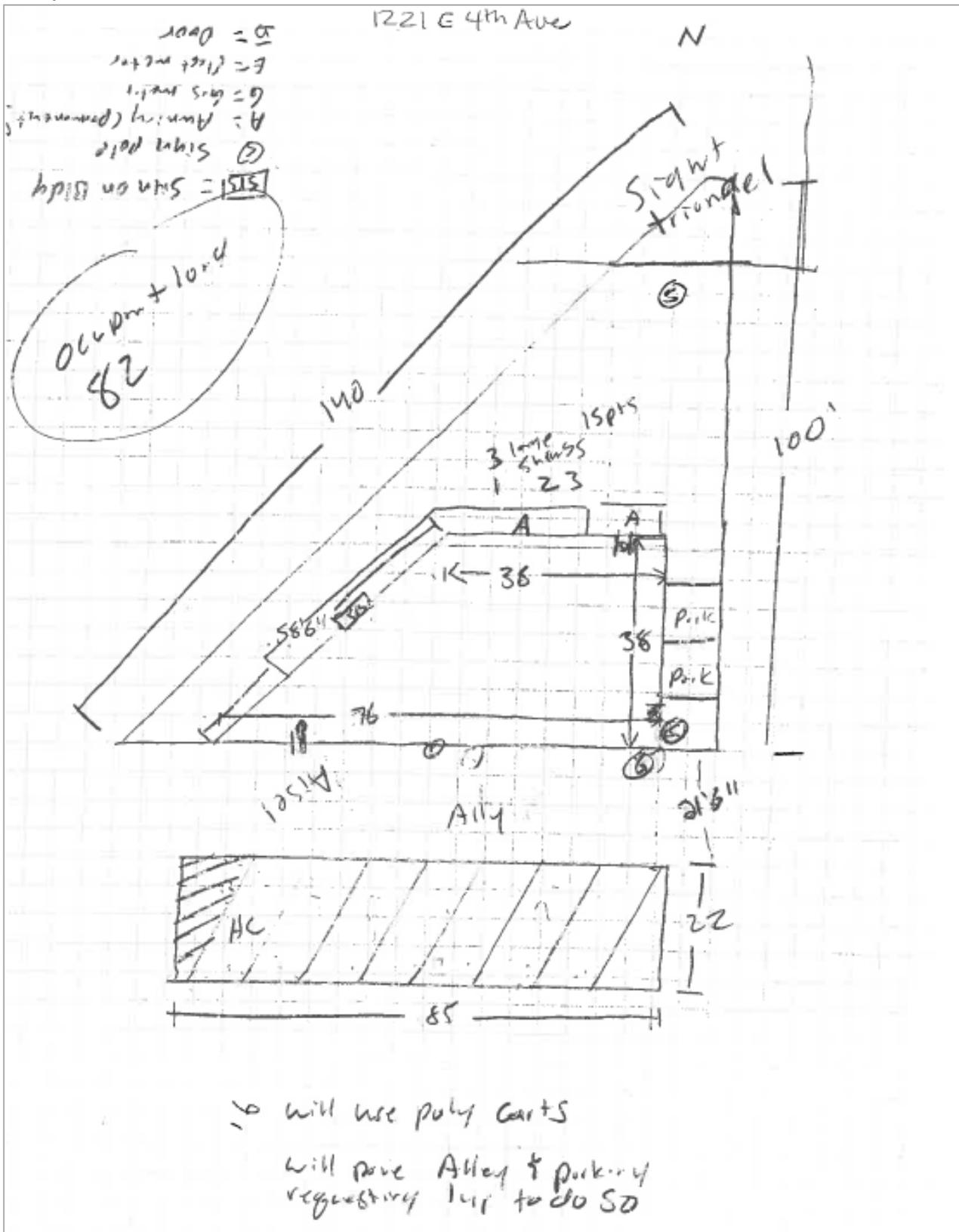
ANALYSIS OF FINDINGS OF APPROVAL REQUIRED FOR VARIANCE REQUESTS:

Finding	Analysis	Met Not Met
<p>1. The request for a variance must arise from a condition which is unique to the property in question, is not commonly found on other parcels in the same zone or district, and is not created by an action or actions of the property owner or applicant.</p>	<p><u>Parking</u> The Subject Property is one of the most unique lots in the City, being triangular in shape and surrounded by streets on the east, north and west sides. An alley is located on the south. The existing structure was built in 1951. Most other lots in the district have at least some room for parking, but this lot was developed without provision for parking.</p> <p><u>Loading</u> The Subject Property lacks room for a loading space. While loading could be accomplished on the north side of the building, this would require removing vegetation and would result in blocking the view of motorists driving in the area.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>2. Granting of the variance must not adversely affect the rights of adjacent property owners or residents.</p>	<p><u>Parking & Loading</u> The property has historically been used as a bar/tavern and is the proposed use. No comments were received from surrounding property owners regarding this variance request.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>3. Strict application of the zoning regulations must cause an unnecessary hardship for the property owner. The variance must not merely serve as a convenience to the applicant but must alleviate some demonstrable or unusual hardship or difficulty.</p>	<p><u>Parking</u> Without the variance, uses of the property will be extremely limited, as there is not room onsite or in the vicinity for parking to occur. The applicant is proposing to pave an off-site lot on the south side of the alley to provide 7 off-street spaces.</p> <p><u>Loading</u> The Subject Property does not contain room for a loading space and would not be usable if the variance were not granted.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>4. Granting of the variance must not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p>	<p><u>Parking & Loading</u> Historically, this property has been used for the proposed use (bar/tavern) with the existing parking and loading. The applicant is willing to pave additional off-street parking spaces to reduce impacts of the use on the surrounding street infrastructure. No additional adverse affects are anticipated.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>5. Granting of the variance must not be contrary to the general spirit and intent of the Zoning Regulations.</p>	<p><u>Parking</u> The Zoning Regulations contain minimum standards for parking for bars/taverns based upon the maximum occupancy of the building. The maximum occupant load is 82, which would require 21 parking spaces. The intent of the regulations is to provide for adequate parking and reduce impacts on the surrounding streets/neighborhood associated with parking. While the requested variance represents slightly less than half the required spaces, staff believes this will be adequate for the site.</p> <p><u>Loading</u> The Zoning Regulations contain loading requirements for some uses, including bars/taverns. The intent is to reduce impacts on the street and surrounding property associated with stocking of materials. The Subject Property contains an alley to the south and the applicant owns a strip of land on the south side of the alley. Loading is proposed for the alley area, which will not impact other properties.</p>	<p><input checked="" type="checkbox"/> Met</p>

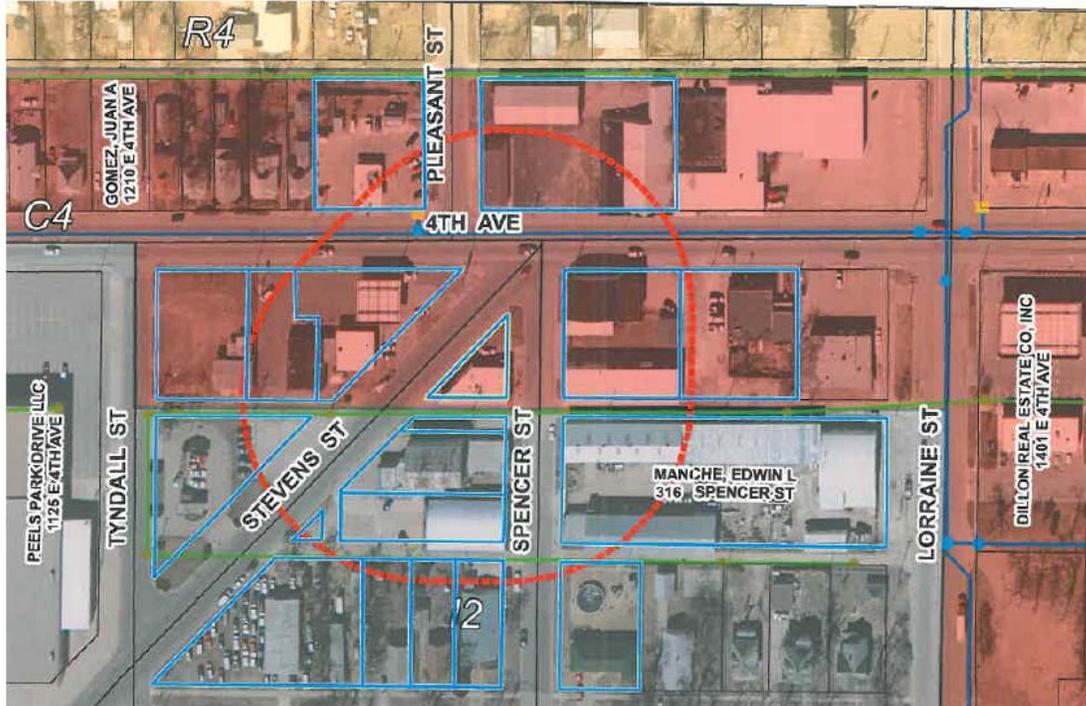
SITE PLAN REVIEW:

Item	Standard	Provided	Determination
Front yard setback	0 feet	68+/- feet	<input checked="" type="checkbox"/> Met
Side and rear yard setback	Rear-10 feet; Side-0 feet	Rear-0 feet; Side-10'+/- & 0' (existing structure)	<input checked="" type="checkbox"/> Not Met
Building Height	35 feet (maximum)	< 35' (existing structure)	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	55.8%	<input checked="" type="checkbox"/> Met
Driveway Surfacing	Asphalt or Concrete	None. Applicant proposes to use asphalt to pave alley & additional parking spaces	<input checked="" type="checkbox"/> Met
Driveway Width	Two-way w/60° angle: 20 feet	Two way: 21.5 feet (when paved)	<input checked="" type="checkbox"/> Met
Parking	1 space/4 occupants [21 required]	7 off-street/2 on-street	<input checked="" type="checkbox"/> Not Met
Planting Plan & Screening	Required between commercial and residential use	Not required for this site	<input checked="" type="checkbox"/> Met
Mechanical Equipment Screening	New equipment must be screened	No unscreened equipment noted	<input checked="" type="checkbox"/> Met
Trash Bin Screening	Required for dumpsters and large trash bins	Applicant will use polycarts	<input checked="" type="checkbox"/> Met
Exterior Lighting	Shaded from residential uses	No new lighting is proposed	<input checked="" type="checkbox"/> Met
Access	Direct access or indirect access secured with private access easements	Property has adequate access	<input checked="" type="checkbox"/> Met
Fencing	Must meet requirements	No fencing is proposed	<input checked="" type="checkbox"/> Met

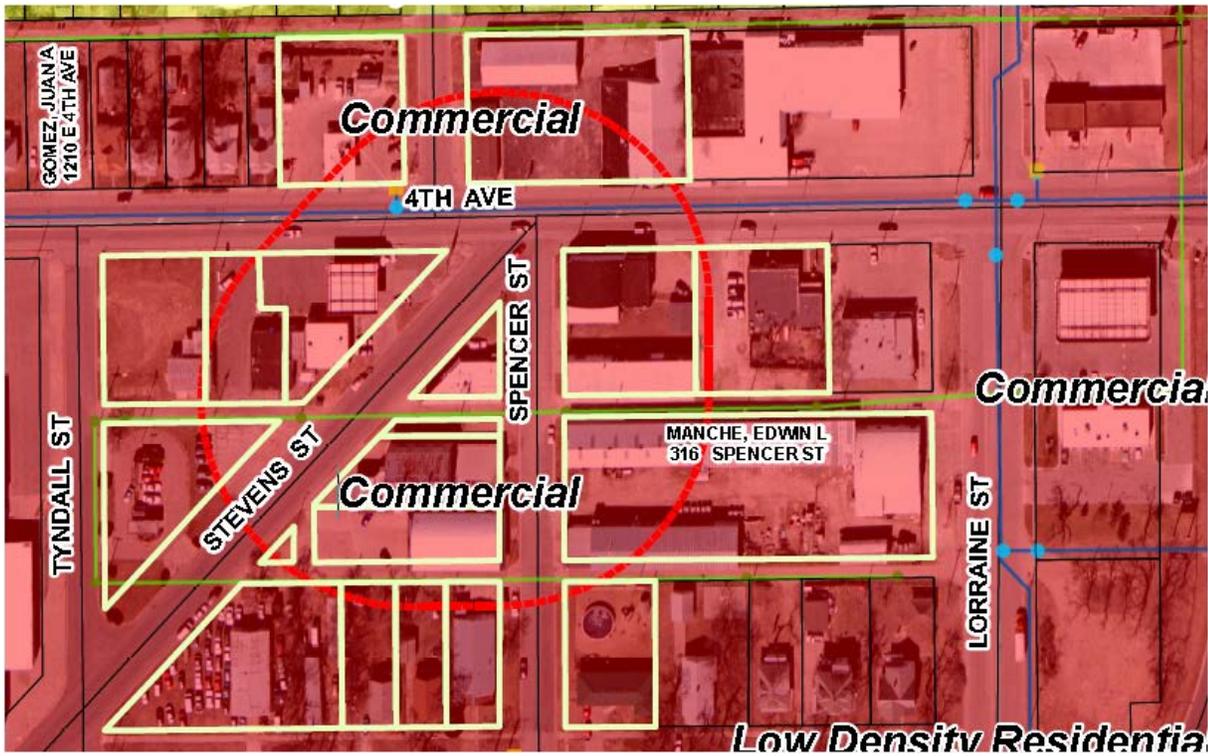
SITE PLAN/SURVEY:



ZONING MAP:



COMPREHENSIVE PLAN MAP:



VIEW FROM THE NORTHEAST



VIEW FROM THE SOUTHEAST



VIEW FROM THE ALLEY (SOUTH SIDE OF BUILDING)



VIEW FROM THE SOUTHWEST



EXHIBITS:

A. Development Review Committee Comments

COMMENTS – REVISED PLANS RECEIVED APRIL 14, 2016

Project:	Erickson Bar/Tavern Request	DRC Meeting Date:	3/22/16; 4/26/16
Address:	1221 E 4 th Ave Hutchinson KS 67501	BZA Meeting Date:	4/19/16- tabled to 5/17/16 Meeting
Case #:	16-SUP-03; 16-BZA-02	Planner:	Jana McCarron

Planning staff and the Development Review Committee have reviewed the revised site plan received on April 14, 2016, for the above-referenced project. Comments are as follows:

1. General

See Development Review Committee comments dated 3/22/2016. Variance requests have been made for parking and loading.

2. Site Plan / Landscaping Plans

Submitted plan does not meet the minimum requirements of the *Hutchinson Zoning Regulations*, as follows. Approval of the Special Use Permit is contingent upon obtaining the necessary variances and extensions, as noted below.

Item	Standard	Provided	Determination
Parking Space, Driveway & Drive Aisles (§27-701.D & §27-701.O)	Parking spaces measuring 9'x18' (9'x23' parallel) are required to be delineated, as are driveways and drive aisles.	9'x18'; driveways are delineated and meet standards. Parking is located on an adjacent lot to the south side of the alley.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Required Parking (§27-702)	One space per each 4 occupants. Occupant load is 82; 21 spaces are required.	7 off-street and 2 on-street spaces are provided [see 16-BZA-02]	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Timing of Paving	Parking spaces, drive aisles, driveways and loading areas are required to be paved with asphalt or concrete prior to issuance of the occupancy permit for the proposed use.	Applicant has requested 12 months from the date of occupancy permit to add alley paving with asphalt or concrete, which would be used as the drive aisle for the adjacent parking to the south.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Van Accessible Parking	One van accessible space 8' wide with an 8' access area is required.	Space provided is slightly smaller than 16' total. Staff will make this a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Trash Enclosure	Screened trash enclosure is required unless polycarts will be used.	Applicant has noted polycarts will be used	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Signage (§27-801)	All signs shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> and a sign permit shall be obtained prior to installation.	Existing sign location is shown	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Loading (§27-701.H.)	One loading space 35 feet long, 12 feet wide, with 14 foot of vertical clearance is required.	Applicant has requested a variance from this requirement. [16-BZA-02].	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met

Item	Standard	Provided	Determination
Landscaping (§27-908)	Staff estimates 11 points (disturbed area) are needed. Turf can count toward 3 points of total landscaping.	Site plan includes a note stating there will be 3 large additional shrubs for a total of 15 points. The minimum sizes and timing of installation should be made conditions of approval of the permit.	<input checked="" type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Exterior Lighting (§27-909)	Exterior lighting shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> .		<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Bicycle Parking	1 bicycle parking space is recommended.	No spaces are shown, but this is not required.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Mechanical Equipment Screening (§27-908.E.8)	Mechanical equipment, including transformer pads, must be screened.	It appears this item is met.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Alley Access	Any use of the ally for access to the adjacent property for parking shall require paving of the alley to City specifications.	Applicant has requested an extension for a period of one year from the date of Occupancy to comply with this requirement. Engineering Department: Provide engineering drawings for proposed alley paving for review and approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Curb Guards	Curb guards required for parking areas that abut the property line.	None shown. Staff will make this a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met



125 E Avenue B | Hutchinson KS
67501
620.694.2639

Staff Report

Board of Zoning Appeals

BZA Agenda Item #: _____
Planning & Development Department

Case: 16-BZA-03

May 10, 2016

Hearing Date: May 17, 2016

REQUEST:
Variance, off-street parking & parking lot landscaping

Subject Property: 1321 E 4th Ave



STAFF RECOMMENDATION: APPROVAL

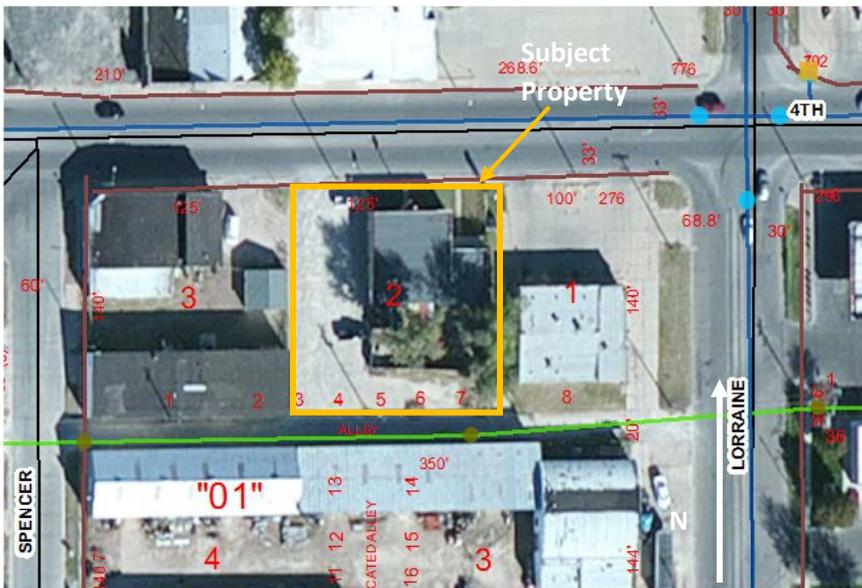
MOTION:

Approve/deny Variance request number 16-BZA-03 from the requirements of §27-702, Parking and Loading Requirements, and from §27-908, Landscaping Requirements, of the *City of Hutchinson Zoning Regulations* for property located at 1321 E 4th Avenue, based upon due consideration of the findings of fact required for approval of Variance requests and a determination that said findings are met/not met.

PROJECT SUMMARY:

Variance to reduce the number of required parking spaces from 37 to 15 and to remove the requirement for parking lot landscaping for an existing, developed site.

LOCATION MAP:



Staff

Staff Representative:

Jana McCarron, AICP
Planning & Development Director

Application Information

Applicant:

Amanda Erickson
Mayfield and Sons
PO Box 2794
Hutchinson KS 67504-2794

Property Owner:

Same as Applicant

Engineer/Surveyor/Architect:

Same as Applicant

Application Materials:

[Link](#)

Concurrent Applications:

16-SUP-04

Zoning

Zoning:

C-4 Special Commercial District

Comprehensive Plan Designation:

Commercial

Subdivision:

Eccles 1st Addition

Notice & Review

Development Review:

4/26/16 (Exhibit A)

Public Hearing Notice Published:

4/26/16 (*Hutchinson News*)

Property Owner Notice:

12 owners, 15 properties | 4/15/16

Next Steps:

Special Use Permit (16-SUP-04)

ANALYSIS OF FINDINGS OF APPROVAL REQUIRED FOR VARIANCE REQUESTS:

Finding	Analysis	Met Not Met
<p>1. The request for a variance must arise from a condition which is unique to the property in question, is not commonly found on other parcels in the same zone or district, and is not created by an action or actions of the property owner or applicant.</p>	<p><u>Parking</u> The Subject Property is an infill lot located in the vicinity of Lorraine and E 4th Avenue. Commercial properties in this area were developed with little or substandard parking areas. While the lot does have a parking area, it is substandard.</p> <p><u>Landscaping</u> There is no parking lot landscaping included for properties in this area. While the applicant is willing to pave additional parking, the total number of spaces would be reduced by the requirement for parking lot landscaping.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>2. Granting of the variance must not adversely affect the rights of adjacent property owners or residents.</p>	<p><u>Parking & Landscaping</u> The property has historically been used as a bar/tavern and this is the proposed use. No comments were received from surrounding property owners regarding this variance request.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>3. Strict application of the zoning regulations must cause an unnecessary hardship for the property owner. The variance must not merely serve as a convenience to the applicant but must alleviate some demonstrable or unusual hardship or difficulty.</p>	<p><u>Parking</u> Without the variance, uses of the property will be limited. The applicant is proposing to provide 15 spaces (7 initially and 8 within one year of the date of approval). This is slightly fewer than half of the required 37 spaces.</p> <p><u>Landscaping</u> The Subject Property does not contain room for parking lot landscaping. The installation of parking lot landscaping would decrease the total number of parking spaces the applicant could provide and would represent a hardship.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>4. Granting of the variance must not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p>	<p><u>Parking & Landscaping</u> Historically, this property has been used for the proposed use (bar/tavern) with the existing parking and landscaping. The applicant is willing to pave additional off-street parking spaces to reduce impacts of the use. No additional adverse impacts are anticipated.</p>	<p><input checked="" type="checkbox"/> Met</p>
<p>5. Granting of the variance must not be contrary to the general spirit and intent of the Zoning Regulations.</p>	<p><u>Parking</u> The Zoning Regulations contain minimum standards for parking for bars/taverns based upon the maximum occupancy of the building. The maximum occupant load is 146, which would require 37 parking spaces. The intent of the regulations is to provide for adequate parking and reduce impacts on the surrounding streets/neighborhood associated with parking. While the requested variance represents slightly less than half the required spaces, staff believes this will be adequate for the site.</p> <p><u>Landscaping</u> This is an infill site. The applicant is willing to install landscaping in areas other than the parking lot. Installation of parking lot landscaping would reduce the number of parking spaces that could be provided. Staff believes the greater need is for parking rather than for parking lot landscaping on this lot.</p>	<p><input checked="" type="checkbox"/> Met</p>

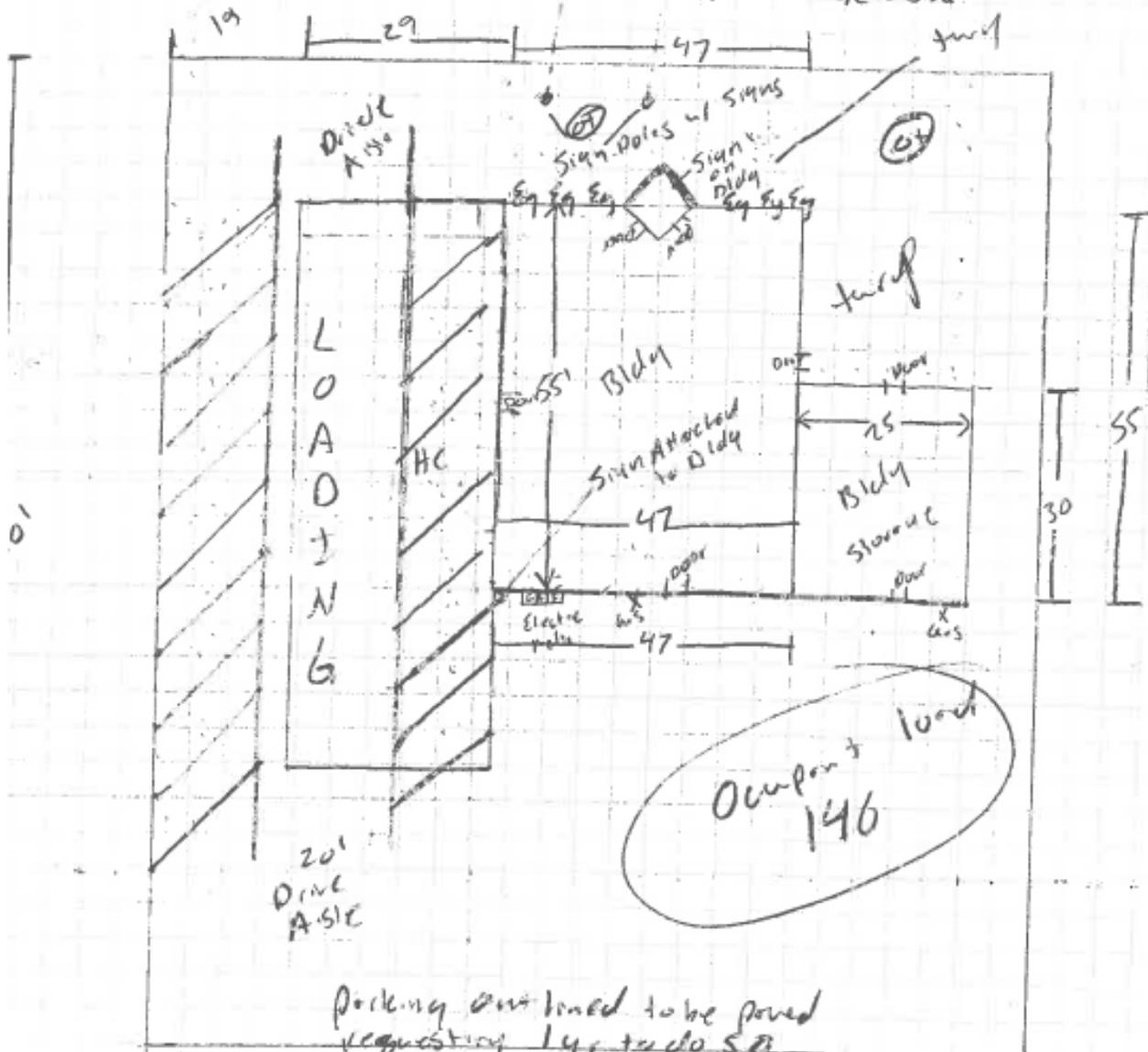
SITE PLAN REVIEW:

Item	Standard	Provided	Determination
Front yard setback	0 feet	18+/- feet	<input checked="" type="checkbox"/> Met
Side and rear yard setback	10 feet	Rear-70 feet; Side-(W) 54'+/- & (E) 0' (existing structure)	<input checked="" type="checkbox"/> Not Met
Building Height	35 feet (maximum)	< 35' (existing structure)	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	19.4%	<input checked="" type="checkbox"/> Met
Driveway Surfacing	Asphalt or Concrete	None. Applicant proposes to use asphalt to pave additional parking spaces	<input checked="" type="checkbox"/> Met
Driveway Width	Two-way w/60° angle: 20 feet	Two way: 37 feet	<input checked="" type="checkbox"/> Met
Parking	1 space/4 occupants [37required]	15 provided, once all spaces are paved	<input checked="" type="checkbox"/> Not Met
Planting Plan & Screening	Required between commercial and residential use	Not required for this site	<input checked="" type="checkbox"/> Met
Mechanical Equipment Screening	New equipment must be screened	No unscreened equipment noted	<input checked="" type="checkbox"/> Met
Trash Bin Screening	Required for dumpsters and large trash bins	Applicant will use polycarts	<input checked="" type="checkbox"/> Met
Exterior Lighting	Shaded from residential uses	No new lighting is proposed	<input checked="" type="checkbox"/> Met
Access	Direct access or indirect access secured with private access easements	Property has adequate access	<input checked="" type="checkbox"/> Met
Fencing	Must meet requirements	No fencing is proposed	<input checked="" type="checkbox"/> Met
Parking Lot Landscaping	No space shall be > 75 feet from a landscaped area	No landscaping is proposed as part of the parking areas in order to maximize the number of spaces that can be provided.	<input checked="" type="checkbox"/> Not Met

SITE PLAN/SURVEY:

1321 E 4th Ave
 Applicant: Amanda Erickson (owner)
 prepared by Barry Mayfield 4-11-16
 proposed use: Retail, Deli/Tavern
 Legal Dist.: Eccles 1st, Block 3, Lots 3-7, Section 18
 Township 23 Range 05W

146
 24



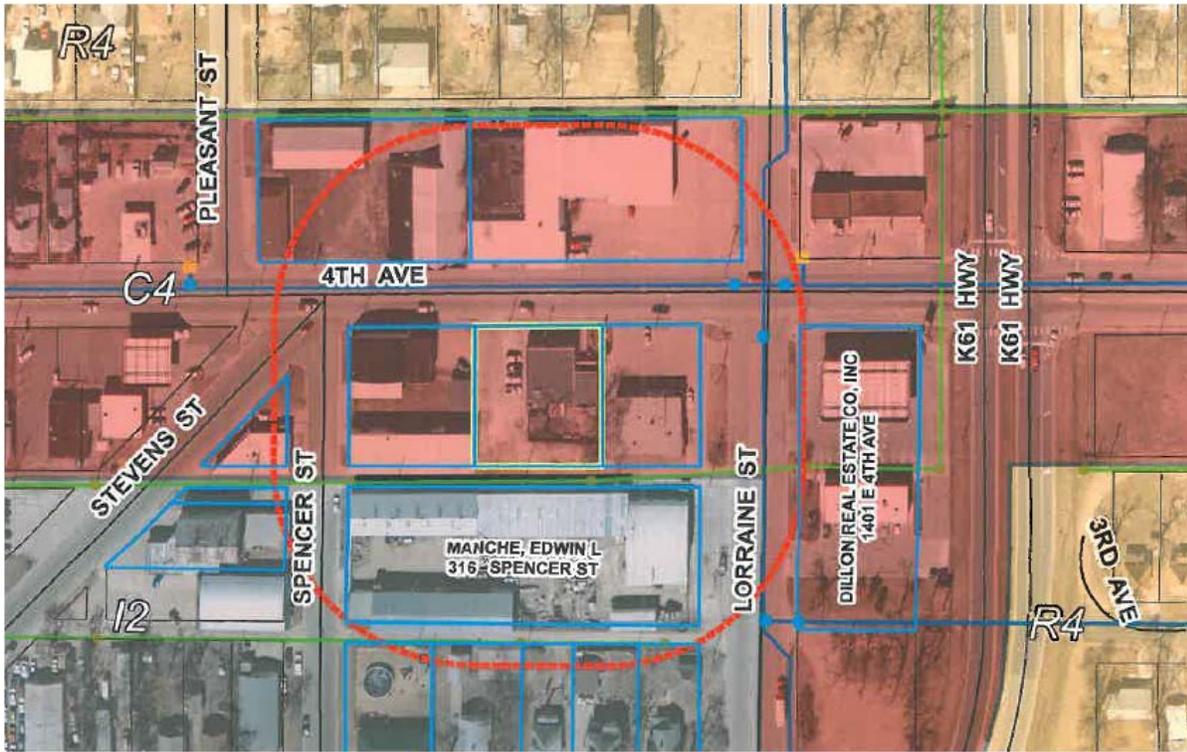
Parking outlined to be paved
 requesting 14' to do S/S
 request fill, soil for landscape

will use poly curbs

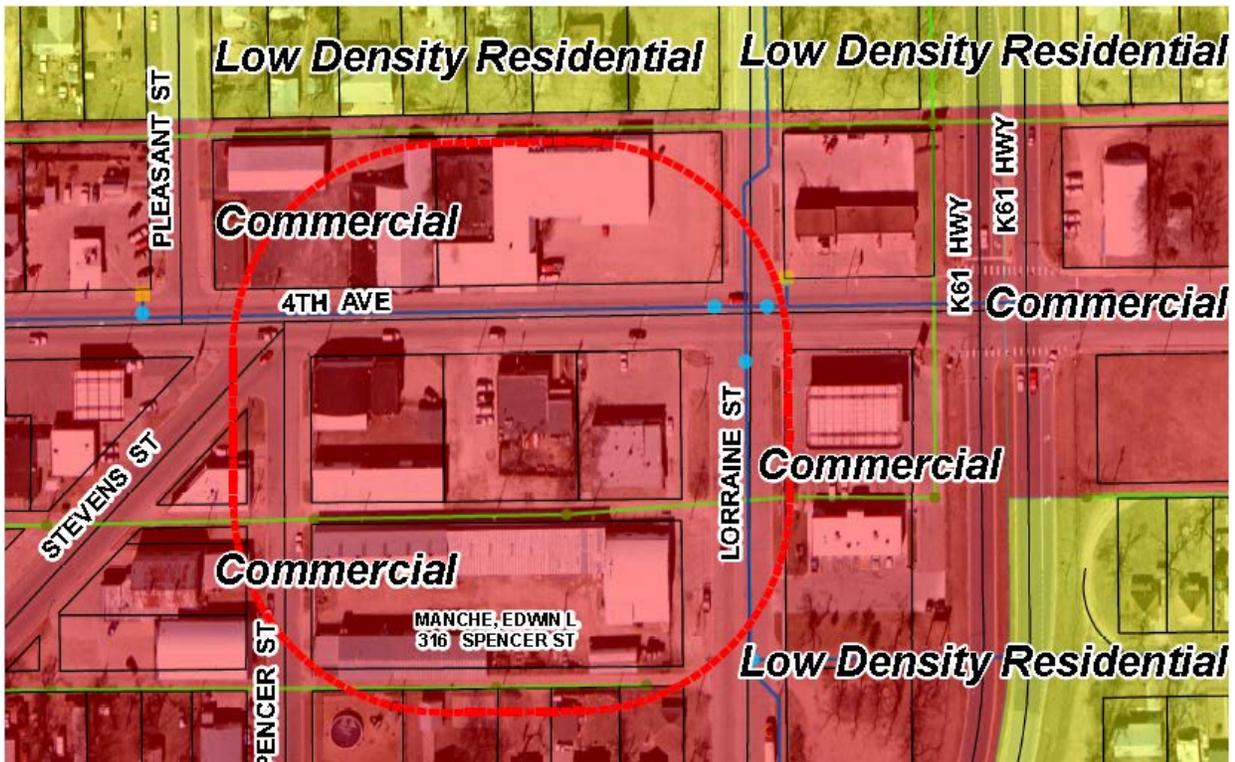
- > = Sign on Bldg
- o = pole
- x = bus
- ⊠ = Electric meter
- ▭ = window

125'

ZONING MAP:



COMPREHENSIVE PLAN MAP:



VIEW FROM THE NORTHEAST



VIEW FROM THE NORTHWEST



VIEW FROM THE SOUTH (EXISTING PARKING AREA)



VIEW OF EXISTING PARKING AREA



CLOSE UP OF EXISTING PARKING AREA



VIEW OF REAR YARD



EXHIBITS:

A. Development Review Committee Comments

COMMENTS – REVISED PLANS RECEIVED APRIL 14, 2016

Project:	Erickson Bar/Tavern Request	DRC Meeting Date:	3/22/16; 4/26/16
Address:	1321 E 4 th Ave Hutchinson KS 67501	BZA Meeting Date:	4/19/16- tabled to 5/17/16 Meeting
Case #:	16-SUP-04; 16-BZA-03	Planner:	Jana McCarron

Planning staff and the Development Review Committee have reviewed the revised site plan received on April 14, 2016, for the above-referenced project. Comments are as follows:

1. General

See Development Review Committee comments dated 3/22/2016. Loading comment has been addressed. Variance requests have been made for parking and landscaping.

2. Site Plan / Landscaping Plans

Submitted plan does not meet the minimum requirements of the *Hutchinson Zoning Regulations*, as follows. Approval of the Special Use Permit is contingent upon obtaining the necessary variances and extensions, as noted below.

Item	Standard	Provided	Determination
Parking Space, Driveway & Drive Aisles (§27-701.D & §27-701.O)	Parking spaces measuring 9'x18' (9'x23' parallel) are required to be delineated, as are driveways and drive aisles.	9'x18'; driveways are delineated and meet standards	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Required Parking (§27-702)	One space per each 4 occupants. Occupant load is 146; 37 spaces are required.	15 spaces are provided [see 16-BZA-03]	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Timing of Paving	Parking spaces, drive aisles, driveways and loading areas are required to be paved with asphalt or concrete prior to issuance of the occupancy permit for the proposed use.	Applicant has requested 12 months from the date of occupancy permit to install asphalt or concrete paving. All drive aisles, driveways and parking areas shall be paved with asphalt or concrete.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Van Accessible Parking	One van accessible space 8' wide with an 8' access area is required.	Space provided is slightly smaller than 16' total. Staff will make this a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Trash Enclosure	Screened trash enclosure is required unless polycarts will be used.	Applicant has noted polycarts will be used	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Signage (§27-801)	All signs shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> and a sign permit shall be obtained prior to installation.	Existing sign locations are shown	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Loading (§27-701.H.)	One loading space 35 feet long, 12 feet wide, with 14 foot of vertical clearance is required.	Loading space is shown	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met

Item	Standard	Provided	Determination
Landscaping (§27-908)	Staff estimates 52 points (disturbed area) plus 30 points (parking) are needed. All parking lot spaces are required to be no more than 75 feet from an intervening landscaped area.	Site plan contains 6 evergreen trees and 2 ornamental trees. Small evergreen trees 5-6 feet in height are 9 points each. Ornamental trees 5-6 feet in height are 9 points each. This totals 72 points. The property also contains existing turf area which will likely add up to the remaining 10 points. The minimum sizes and timing of installation should be made conditions of approval of the permit. No landscaping has been included in the parking lot areas. [16-BZA-03]	<input checked="" type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Exterior Lighting (§27-909)	Exterior lighting shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> .		<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Bicycle Parking	1 bicycle parking space is recommended.	No spaces are shown, but this is not required.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Mechanical Equipment Screening (§27-908.E.8)	Mechanical equipment, including transformer pads, must be screened.	It appears this item is met.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Alley Access	Alley access requires paving.	The applicant is not proposing alley access and the alley shall not be used for circulation unless it is paved to the standards of the City Engineer.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Curb Guards	Curb guards are required for parking areas the abut the property line.	None shown. Staff will recommend curb guards be a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
End Bay Width	Minimum end bay width without an overhang is 19'.	End bay width appears to be 15', though space length is 21'. Without a survey, it is difficult to determine if the applicant has sufficient room for the proposed parking layout. <u>A certified survey along with parking diagram shall be provided prior to installation of the required additional parking. If the 8 spaces shown on the western side of the lot cannot meet the City's standards, parking will be required to be located south of the building.</u>	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met



125 E Avenue B | Hutchinson KS 67501
620.694.2639

Staff Report

Board of Zoning Appeals

May 6, 2016

BZA Agenda Item #: _____

Planning & Development Department

Case: 16-SUP-03

Hearing Date: May 17, 2016

REQUEST:
Special Use Permit, bar/tavern

Subject Property: 1221 E 4th Ave



STAFF RECOMMENDATION: APPROVAL-WITH CONDITIONS

- Variance #16-BZA-02 is approved by the BZA.
- Staff-Recommended Conditions (**Exhibit B**)

MOTION:

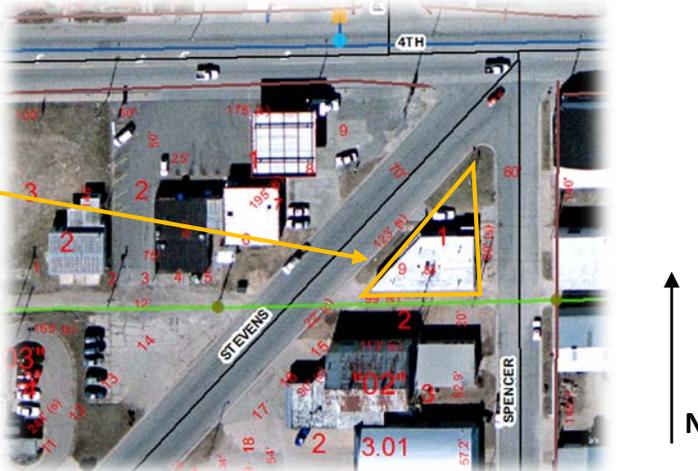
Approve/deny Special Use Permit number 16-SUP-03 for a bar/tavern use to be located at 1221 E 4th Ave based upon due consideration of the standard factors required for approval of a special use permit and a finding that said factors are met/not met and subject to the staff recommended conditions.

PROJECT SUMMARY:

Special use permit to conduct a bar/tavern use in the *C-4 Special Commercial District* in an existing structure on an already-developed site.

LOCATION MAP:

Subject Property



Staff

Staff Representative:
Jana McCarron, AICP
Planning & Development Director

Application Information

Applicant:
Amanda Erickson
Mayfield and Sons
PO Box 2794
Hutchinson KS 67504-2794

Property Owner:
Same as Applicant

Engineer/Surveyor/Architect:
Same as Applicant

Application Materials:
[Link](#)

Concurrent Applications:
16-BZA-02

Zoning

Zoning:
C-4 Special Commercial District

Comprehensive Plan Designation:
Commercial

Subdivision:
Eccles 1st Addition

Notice & Review

Development Review:
3/22/16 (**Exhibit A**)

Public Hearing Notice Published:
3/21/16 (*Hutchinson News*)

Property Owner Notice:
17 owners, 19 properties |
3/14/16

Previous BZA/PC Action:
Tabled: 4/19/2016 pending
variance application

Next Steps:
Occupancy Permit
Paving of Alley & Parking within
One Year

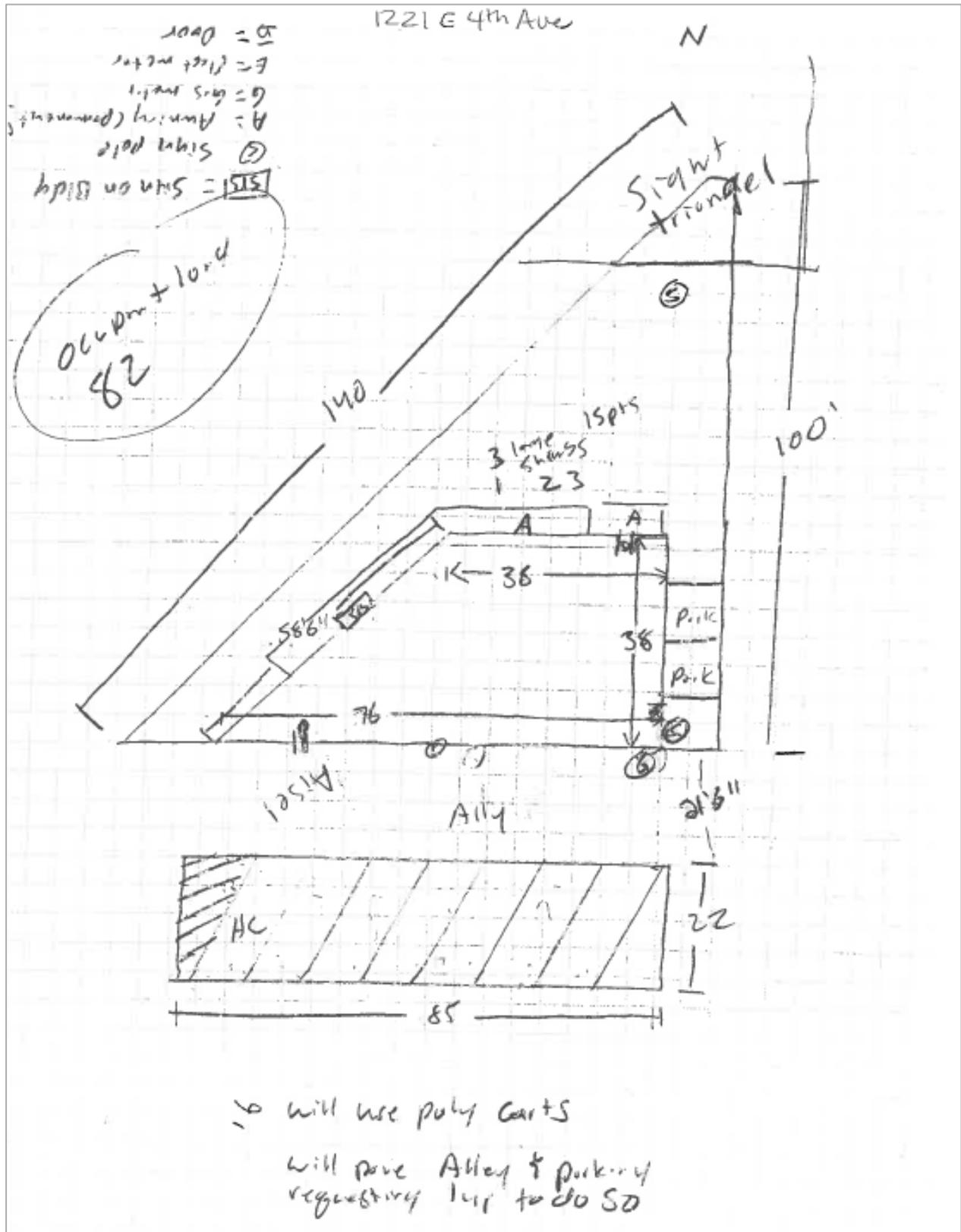
ANALYSIS OF STANDARD FACTORS OF APPROVAL FOR SPECIAL USE PERMITS:

Factor	Discussion	Determination																		
1. Character of the neighborhood	The property was originally developed as a bar/tavern. The surrounding neighborhood is commercial in nature. This use is compatible.	<input checked="" type="checkbox"/> Met																		
2. Current zoning and uses of nearby property	<p>The property is surrounded by commercial and industrial properties that are primarily vacant.</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Zoning</th> <th>Use</th> </tr> </thead> <tbody> <tr> <td>Subject Property</td> <td>C-4</td> <td>Vacant, most recent use was for storage</td> </tr> <tr> <td>North</td> <td>C-4</td> <td>E 4th Ave Trucking Office</td> </tr> <tr> <td>South</td> <td>I-2</td> <td>Alley Undeveloped & Vacant</td> </tr> <tr> <td>East</td> <td>C-4</td> <td>Vacant</td> </tr> <tr> <td>West</td> <td>C-4</td> <td>Phillips 66 Gas Station</td> </tr> </tbody> </table>	Location	Zoning	Use	Subject Property	C-4	Vacant, most recent use was for storage	North	C-4	E 4 th Ave Trucking Office	South	I-2	Alley Undeveloped & Vacant	East	C-4	Vacant	West	C-4	Phillips 66 Gas Station	<input checked="" type="checkbox"/> Met
Location	Zoning	Use																		
Subject Property	C-4	Vacant, most recent use was for storage																		
North	C-4	E 4 th Ave Trucking Office																		
South	I-2	Alley Undeveloped & Vacant																		
East	C-4	Vacant																		
West	C-4	Phillips 66 Gas Station																		
3. Suitability of the property for the proposed use as presently zoned	Bar/tavern uses are permitted in the C-4 District with a special use permit. The property was previously used as a bar/tavern but has been vacant for a number of years and no longer has grandfathered status.	<input checked="" type="checkbox"/> Met																		
4. Extent of detrimental effects to nearby properties if the application were approved	The Subject property is surrounded by developed commercial and industrial sites. Use of the property for a bar/tavern is not expected to have detrimental impacts to surrounding properties as long as the property owner makes some provision for off-street parking.	<input checked="" type="checkbox"/> Mixed																		
5. Length of time the property has remained vacant	The property has been vacant since January 2013. Due to the size of the structure and available parking, there are limited uses for this building.	<input checked="" type="checkbox"/> Met																		
6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied	<p><u>Health, safety, and welfare:</u> The proposed use will have no known additional negative impacts on the public health, safety and welfare, as it was previously used for the proposed use.</p> <p><u>Landowner hardship:</u> If the special use permit is not granted, the landowner might be able to re-use the site for a permitted C-4 use, but would have to pave the alley and adjacent property prior to being able to generate income from the property. The owner has requested the paving requirement be deferred for one year, which is only possible via granting of a special use permit by the Board of Zoning Appeals</p>	<input checked="" type="checkbox"/> Met																		
7. Conformance of this request to the Comprehensive Plan	This request conforms with the Comprehensive Plan, which calls for commercial uses on the property.	<input checked="" type="checkbox"/> Met																		
8. Impact on public facilities and utilities	This is an existing, developed site. Water, sewer, storm drainage, electrical, gas, streets and other utilities are already in place. The Engineering Department expressed concerns about the impacts of the proposed use if no additional parking is provided. Staff is recommending approval with the provision that the alley and 7 additional off-street parking spaces be paved within one year of the date of special use permit approval.	<input checked="" type="checkbox"/> Mixed																		

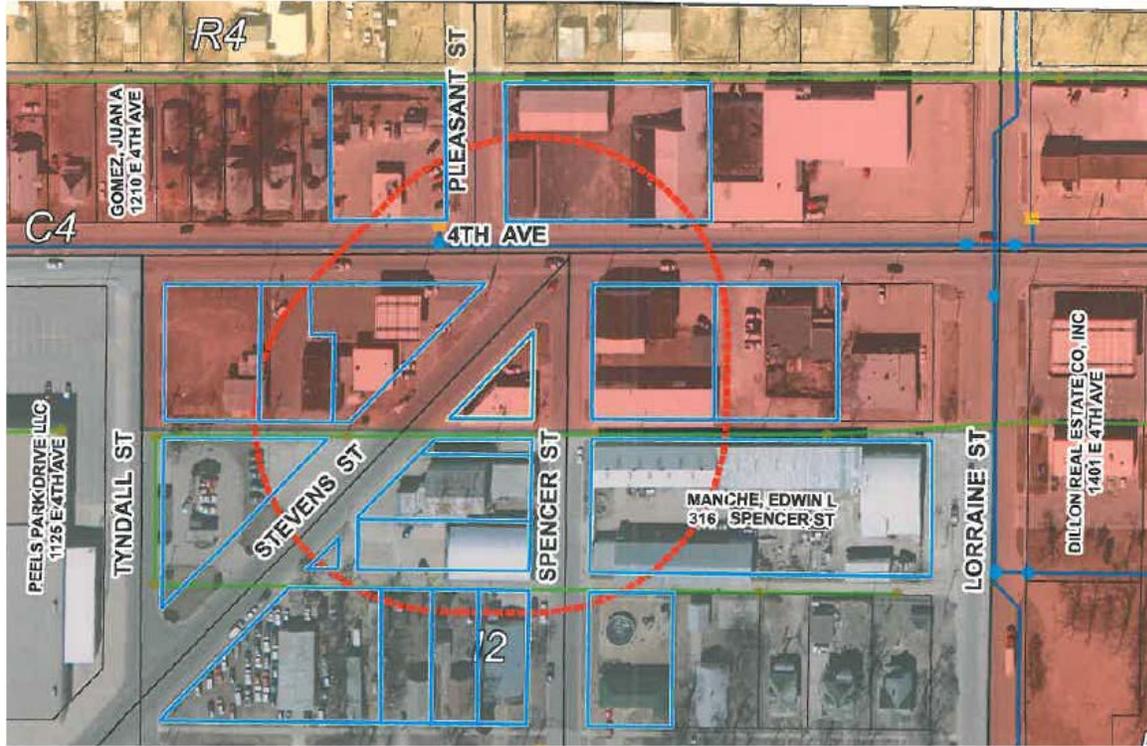
SITE PLAN REVIEW:

Item	Standard	Provided	Determination
Front yard setback	0 feet	68+/- feet	<input checked="" type="checkbox"/> Met
Side and rear yard setback	Rear-10 feet; Side-0 feet	Rear-0 feet; Side-10' +/- & 0' (existing structure)	<input checked="" type="checkbox"/> Not Met
Building Height	35 feet (maximum)	< 35' (existing structure)	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	55.8%	<input checked="" type="checkbox"/> Met
Driveway Surfacing	Asphalt or Concrete	None. Applicant proposes to pave alley & 7 off-site parking spaces with asphalt w/in 1 year of SUP	<input checked="" type="checkbox"/> Met
Driveway Width	Two-way w/60° angle: 20 feet	Two way: 21.5 feet (when paved)	<input checked="" type="checkbox"/> Met
Parking	1 space/4 occupants [21 required]	7 off-street/2 on-street. See 16-BZA-02	<input checked="" type="checkbox"/> Not Met
Planting Plan & Screening	Required between commercial and residential use	Not required for this site	<input checked="" type="checkbox"/> Met
Mechanical Equipment Screening	New equipment must be screened	No unscreened equipment noted	<input checked="" type="checkbox"/> Met
Trash Bin Screening	Required for dumpsters and large trash bins	Applicant will use polycarts	<input checked="" type="checkbox"/> Met
Exterior Lighting	Shaded from residential uses	No new lighting is proposed	<input checked="" type="checkbox"/> Met
Access	Direct access or indirect access secured with private access easements	Property has adequate access	<input checked="" type="checkbox"/> Met
Fencing	Must meet requirements	No fencing is proposed	<input checked="" type="checkbox"/> Met
Loading	1 loading space	None. See 16-BZA-02	<input checked="" type="checkbox"/> Not Met

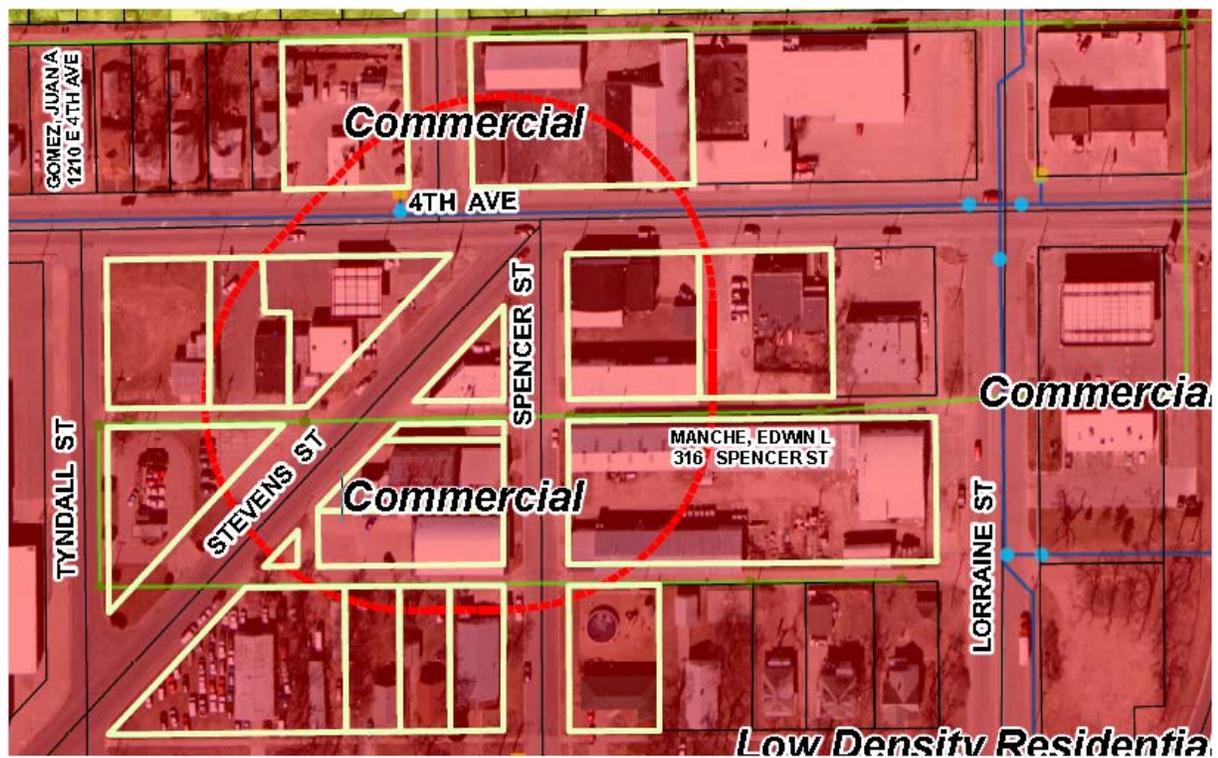
SITE PLAN/SURVEY:



ZONING MAP:



COMPREHENSIVE PLAN MAP:



VIEW FROM THE NORTHEAST



VIEW FROM THE SOUTHEAST



VIEW FROM THE ALLEY (SOUTH SIDE OF BUILDING)



VIEW FROM THE SOUTHWEST



EXHIBITS:

- A. Development Review Committee Comments
- B. Staff-Recommended Conditions of Approval

COMMENTS – REVISED PLANS RECEIVED APRIL 14, 2016

Project:	Erickson Bar/Tavern Request	DRC Meeting Date:	3/22/16; 4/26/16
Address:	1221 E 4 th Ave Hutchinson KS 67501	BZA Meeting Date:	4/19/16- tabled to 5/17/16 Meeting
Case #:	16-SUP-03; 16-BZA-02	Planner:	Jana McCarron

Planning staff and the Development Review Committee have reviewed the revised site plan received on April 14, 2016, for the above-referenced project. Comments are as follows:

1. General

See Development Review Committee comments dated 3/22/2016. Variance requests have been made for parking and loading.

2. Site Plan / Landscaping Plans

Submitted plan does not meet the minimum requirements of the *Hutchinson Zoning Regulations*, as follows. Approval of the Special Use Permit is contingent upon obtaining the necessary variances and extensions, as noted below.

Item	Standard	Provided	Determination
Parking Space, Driveway & Drive Aisles (§27-701.D & §27-701.O)	Parking spaces measuring 9'x18' (9'x23' parallel) are required to be delineated, as are driveways and drive aisles.	9'x18'; driveways are delineated and meet standards. Parking is located on an adjacent lot to the south side of the alley.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Required Parking (§27-702)	One space per each 4 occupants. Occupant load is 82; 21 spaces are required.	7 off-street and 2 on-street spaces are provided [see 16-BZA-02]	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Timing of Paving	Parking spaces, drive aisles, driveways and loading areas are required to be paved with asphalt or concrete prior to issuance of the occupancy permit for the proposed use.	Applicant has requested 12 months from the date of occupancy permit to add alley paving with asphalt or concrete, which would be used as the drive aisle for the adjacent parking to the south.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Van Accessible Parking	One van accessible space 8' wide with an 8' access area is required.	Space provided is slightly smaller than 16' total. Staff will make this a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Trash Enclosure	Screened trash enclosure is required unless polycarts will be used.	Applicant has noted polycarts will be used	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Signage (§27-801)	All signs shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> and a sign permit shall be obtained prior to installation.	Existing sign location is shown	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Loading (§27-701.H.)	One loading space 35 feet long, 12 feet wide, with 14 foot of vertical clearance is required.	Applicant has requested a variance from this requirement. [16-BZA-02].	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met

Item	Standard	Provided	Determination
Landscaping (§27-908)	Staff estimates 11 points (disturbed area) are needed. Turf can count toward 3 points of total landscaping.	Site plan includes a note stating there will be 3 large additional shrubs for a total of 15 points. The minimum sizes and timing of installation should be made conditions of approval of the permit.	<input checked="" type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Exterior Lighting (§27-909)	Exterior lighting shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> .		<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Bicycle Parking	1 bicycle parking space is recommended.	No spaces are shown, but this is not required.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Mechanical Equipment Screening (§27-908.E.8)	Mechanical equipment, including transformer pads, must be screened.	It appears this item is met.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Alley Access	Any use of the ally for access to the adjacent property for parking shall require paving of the alley to City specifications.	Applicant has requested an extension for a period of one year from the date of Occupancy to comply with this requirement. Engineering Department: Provide engineering drawings for proposed alley paving for review and approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Curb Guards	Curb guards required for parking areas that abut the property line.	None shown. Staff will make this a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met



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

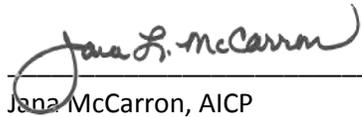
No comments (adequate parking based upon occupancy load?).

Meryl Dye, Assistant City Manager

No comments

Reviewed by:

Date:



Jana McCarron, AICP

March 23, 2016

Planning & Development Director

16-SUP-03 | 1221 E 4TH AVE | ERICKSON BAR/TAVERN USE**STAFF-RECOMMENDED CONDITIONS OF APPROVAL**Special Use Permit Conditions

1. This special use permit shall only be used for a bar/tavern in the existing structure located at 1221 E 4th Avenue;
2. An additional seven off-site parking stalls shall be installed and paved with asphalt or concrete in accordance with the approved site plan within one year of the date of approval of the special use permit;
3. The alley shall be paved with concrete and in accordance with plans submitted to and approved by the City Engineer. Paving of the alley shall be performed within one year of the date of approval of the special use permit;
4. Loading and stocking shall be from the existing alley; and
5. Landscaping shall be installed in accordance with the approved site plan prior to issuance of the final occupancy permit for the use.

Standard Conditions of Approval

1. A building permit shall be obtained prior to any construction;
2. All paved areas shall be constructed so that storm water runoff will drain according to the approved drainage plan;
3. Each standard parking space shall be 9 feet by 18 feet in size;
4. Each van-accessible parking space shall be 8 feet by 18 feet in size with an access aisle 8 feet in width;
5. Each standard accessible parking space shall be 8 feet by 18 feet in size with an access aisle 5 feet in width;
6. Each accessible parking space shall be marked with a sign at the end of the space. The bottom of the sign must be a minimum of 5 feet above the ground. A paved, wheelchair-accessible route shall be provided from each accessible space to an accessible building entrance;
7. All parking spaces shall be striped;
8. All outdoor mechanical equipment, whether attached to the building, the rooftop or the ground shall be screened from public view with a compatible architectural treatment, such as metal panels, stucco panels, a parapet wall, or similar treatment, or with landscaping as required by Section 27-908.E.8. of the Hutchinson City Code;
9. Exterior lighting must be shaded from adjacent residential properties as required by Section 27-909 of the Hutchinson City Code;
10. A sign permit shall be obtained prior to installation of any signs. No sign approval is hereby intended or conferred;
11. Applicant has indicated that a polycart will be used instead of a dumpster. No dumpster shall be installed on the site unless it is approved by staff and has a screened enclosure that meets the City's requirements;
12. A fence permit shall be obtained prior to installation of any fences; and
13. A certificate of occupancy shall be obtained prior to use.



125 E Avenue B | Hutchinson KS 67501
620.694.2639

Staff Report

Board of Zoning Appeals

BZA Agenda Item #: _____

Planning & Development Department

Case: 16-SUP-04

May 10, 2016

Hearing Date: May 17, 2016

REQUEST:
Special Use Permit, bar/tavern

Subject Property: 1321 E 4th Ave



STAFF RECOMMENDATION: APPROVAL-WITH CONDITIONS

- Variance #16-BZA-03 is approved by the BZA.
- Staff-Recommended Conditions (**Exhibit B**)

MOTION:

Approve/deny Special Use Permit number 16-SUP-04 for a bar/tavern use to be located at 1321 E 4th Ave based upon due consideration of the standard factors required for approval of a special use permit and a finding that said factors are met/not met and subject to the staff-recommended conditions.

PROJECT SUMMARY:

Special use permit to conduct a bar/tavern use in the *C-4 Special Commercial District* in an existing structure on an already-developed site.

LOCATION MAP:

Subject Property



Staff

Staff Representative:
Jana McCarron, AICP
Planning & Development Director

Application Information

Applicant:
Amanda Erickson
Mayfield and Sons
PO Box 2794
Hutchinson KS 67504-2794

Property Owner:
Same as Applicant

Engineer/Surveyor/Architect:
Same as Applicant

Application Materials:
[Link](#)

Concurrent Applications:
16-BZA-03

Zoning

Zoning:
C-4 Special Commercial District

Comprehensive Plan Designation:
Commercial

Subdivision:
Eccles 1st Addition

Notice & Review

Development Review:
3/22/16 (**Exhibit A**)

Public Hearing Notice Published:
3/21/16 (*Hutchinson News*)

Property Owner Notice:
12 owners, 15 properties |
3/14/16

Previous BZA/PC Action:
Tabled: 4/19/2016 pending
variance application

Next Steps:
Occupancy Permit
Paving of Parking within One Year

ANALYSIS OF STANDARD FACTORS OF APPROVAL FOR SPECIAL USE PERMITS:

Factor	Discussion	Determination																		
1. Character of the neighborhood	The property has been used as a bar/tavern in the past. The surrounding neighborhood is commercial in nature. This use is compatible.	<input checked="" type="checkbox"/> Met																		
2. Current zoning and uses of nearby property	The property is surrounded by commercial and industrial properties that are primarily vacant.	<input checked="" type="checkbox"/> Met																		
	<table border="1"> <thead> <tr> <th>Location</th> <th>Zoning</th> <th>Use</th> </tr> </thead> <tbody> <tr> <td>Subject Property</td> <td>C-4</td> <td>Vacant, most recent use was for storage</td> </tr> <tr> <td>North</td> <td>C-4</td> <td>E 4th Ave PayDay Loans</td> </tr> <tr> <td>South</td> <td>I-2</td> <td>Alley Vacant</td> </tr> <tr> <td>East</td> <td>C-4</td> <td>Vacant EZ Cash</td> </tr> <tr> <td>West</td> <td>C-4</td> <td>Vacant</td> </tr> </tbody> </table>		Location	Zoning	Use	Subject Property	C-4	Vacant, most recent use was for storage	North	C-4	E 4 th Ave PayDay Loans	South	I-2	Alley Vacant	East	C-4	Vacant EZ Cash	West	C-4	Vacant
	Location		Zoning	Use																
	Subject Property		C-4	Vacant, most recent use was for storage																
	North		C-4	E 4 th Ave PayDay Loans																
	South		I-2	Alley Vacant																
East	C-4	Vacant EZ Cash																		
West	C-4	Vacant																		
3. Suitability of the property for the proposed use as presently zoned	Bar/tavern uses are permitted in the C-4 District with a special use permit. The property was previously used as a bar/tavern but has been vacant for a number of years and no longer has grandfathered status.	<input checked="" type="checkbox"/> Met																		
4. Extent of detrimental effects to nearby properties if the application were approved	The Subject property is surrounded by developed commercial and industrial sites. Use of the property for a bar/tavern is not expected to have detrimental impacts to surrounding properties as long as the property owner provides for additional off-street parking spaces.	<input checked="" type="checkbox"/> Mixed																		
5. Length of time the property has remained vacant	The property has been vacant since 2011. Most of the surrounding properties are vacant, as well. Having a use for this property is better than having it remain vacant.	<input checked="" type="checkbox"/> Met																		
6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied	<p><u>Health, safety, and welfare:</u> The proposed use will have no known additional negative impacts on the public health, safety and welfare, as it was previously used for the proposed use.</p> <p><u>Landowner hardship:</u> If the special use permit is not granted, the landowner might be able to re-use the site for a permitted C-4 use, but would have to pave a drive aisle and additional parking spaces prior to being able to generate income from the property. The owner has requested the paving requirement be deferred for one year, which is only possible via granting of a special use permit by the Board of Zoning Appeals</p>	<input checked="" type="checkbox"/> Met																		
7. Conformance of this request to the Comprehensive Plan	This request conforms with the Comprehensive Plan, which calls for commercial uses on the property.	<input checked="" type="checkbox"/> Met																		
8. Impact on public facilities and utilities	This is an existing, developed site. Water, sewer, storm drainage, electrical, gas, streets and other utilities are already in place. Staff is recommending approval with the provision that the drive aisle and additional 8 off-street parking spaces be paved within one year of the date of special use permit approval. Further, staff has concerns about the ability of the property to contain the proposed parking, as configured. Staff will recommend that a survey be required prior to paving of the parking area to ensure adequate space is available.	<input checked="" type="checkbox"/> Mixed																		

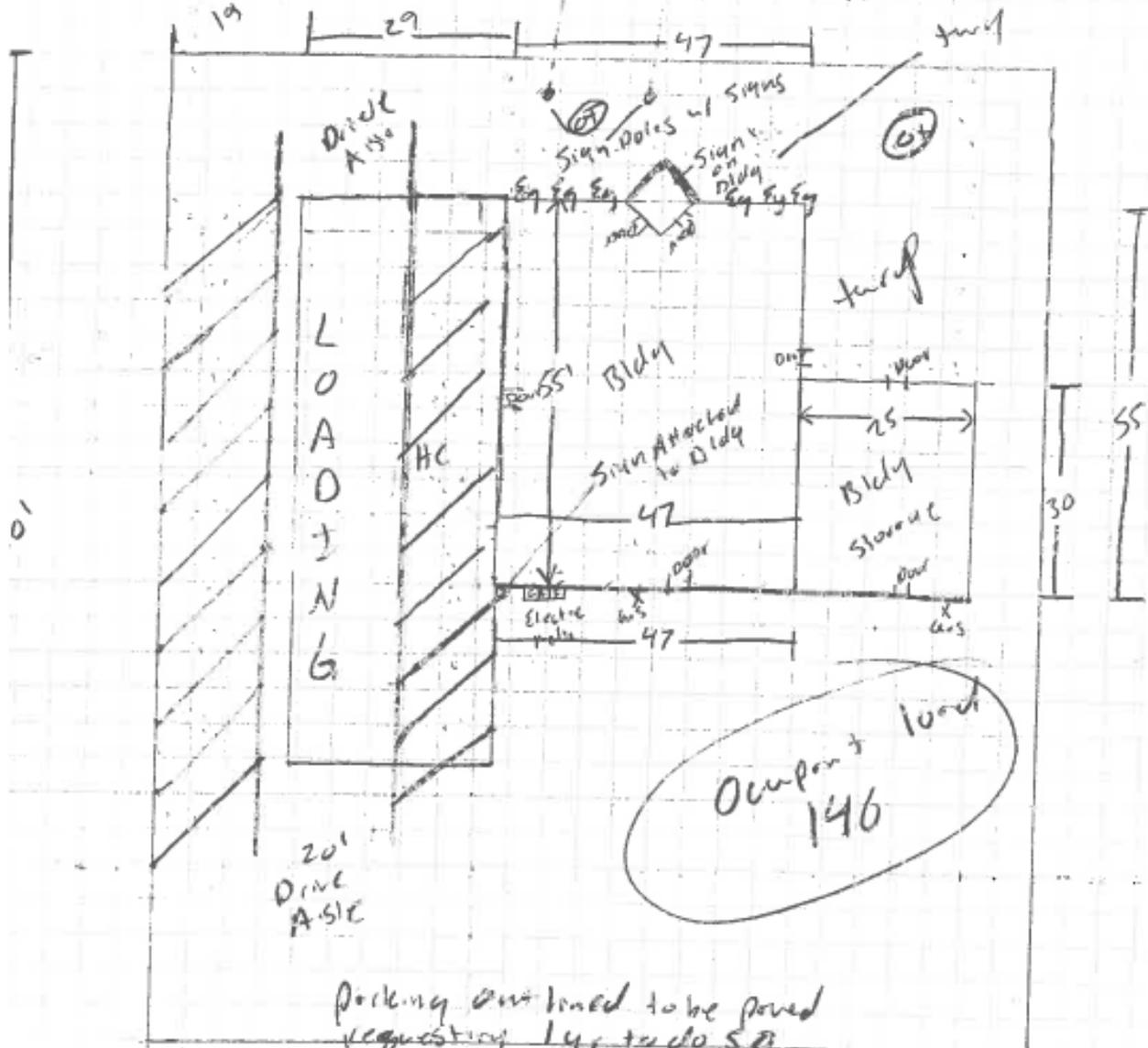
SITE PLAN REVIEW:

Item	Standard	Provided	Determination
Front yard setback	0 feet	18+/- feet	<input checked="" type="checkbox"/> Met
Side and rear yard setback	10 feet	Rear-70 feet; Side-(W) 54'+/- & (E) 0' (existing structure)	<input checked="" type="checkbox"/> Not Met
Building Height	35 feet (maximum)	< 35' (existing structure)	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	19.4%	<input checked="" type="checkbox"/> Met
Driveway Surfacing	Asphalt or Concrete	None. Applicant proposes to use asphalt to pave additional parking spaces	<input checked="" type="checkbox"/> Met
Driveway Width	Two-way w/60° angle: 20 feet	Two way: 37 feet	<input checked="" type="checkbox"/> Met
Parking	1 space/4 occupants [37required]	15 provided, once all spaces are paved [See 16-BZA-03]	<input checked="" type="checkbox"/> Not Met
Planting Plan & Screening	Required between commercial and residential use	Not required for this site	<input checked="" type="checkbox"/> Met
Mechanical Equipment Screening	New equipment must be screened	No unscreened equipment noted	<input checked="" type="checkbox"/> Met
Trash Bin Screening	Required for dumpsters and large trash bins	Applicant will use polycarts	<input checked="" type="checkbox"/> Met
Exterior Lighting	Shaded from residential uses	No new lighting is proposed	<input checked="" type="checkbox"/> Met
Access	Direct access or indirect access secured with private access easements	Property has adequate access	<input checked="" type="checkbox"/> Met
Fencing	Must meet requirements	No fencing is proposed	<input checked="" type="checkbox"/> Met
Parking Lot Landscaping	No space shall be > 75 feet from a landscaped area	No landscaping is proposed as part of the parking areas in order to maximize the number of spaces that can be provided [See 16-BZA-03]	<input checked="" type="checkbox"/> Not Met

SITE PLAN/SURVEY:

1321 E 4th Ave
 Applicant: Amanda Erickson (owner)
 prepared by Barry Mayfield 4-11-16
 proposed use: Retail, Bar/Tavern
 Legal Dist.: Eccles 1st, Block 3, Lots 3-7, Section 18
 Township 23 Range 05W

146
 24



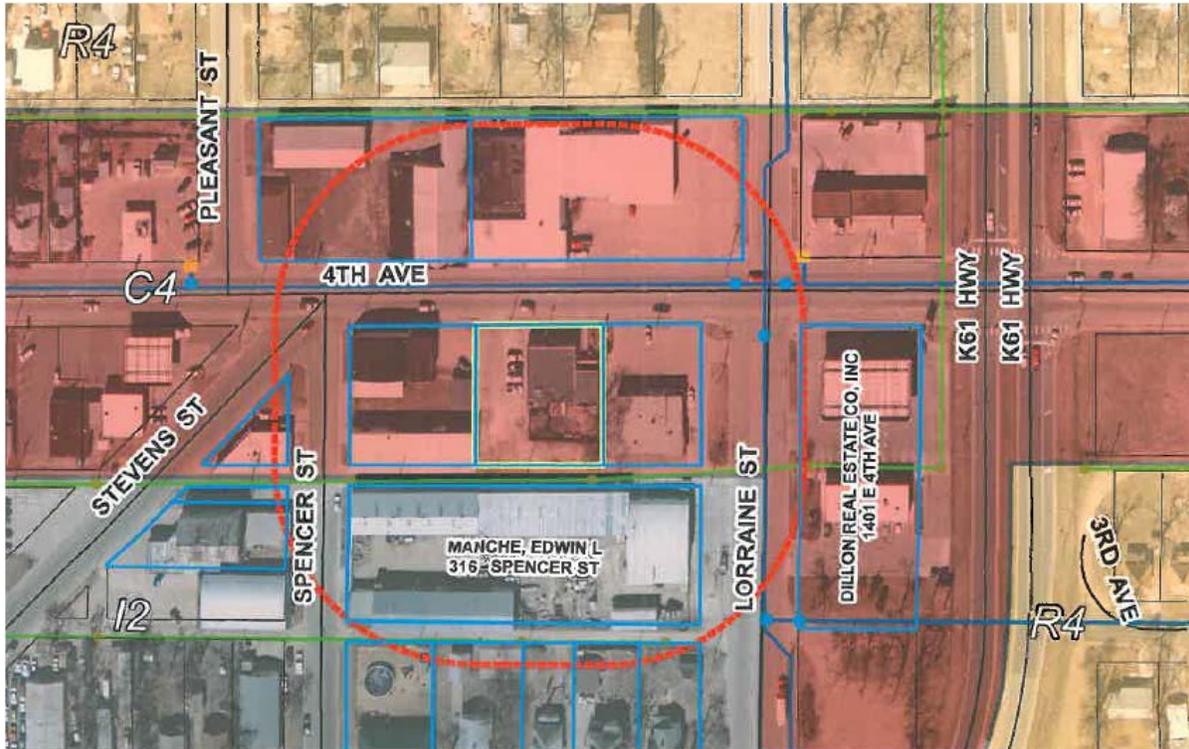
Parking area lined to be paved
 requesting 1 yr to do so
 request till fall for landscape

will use poly curbs

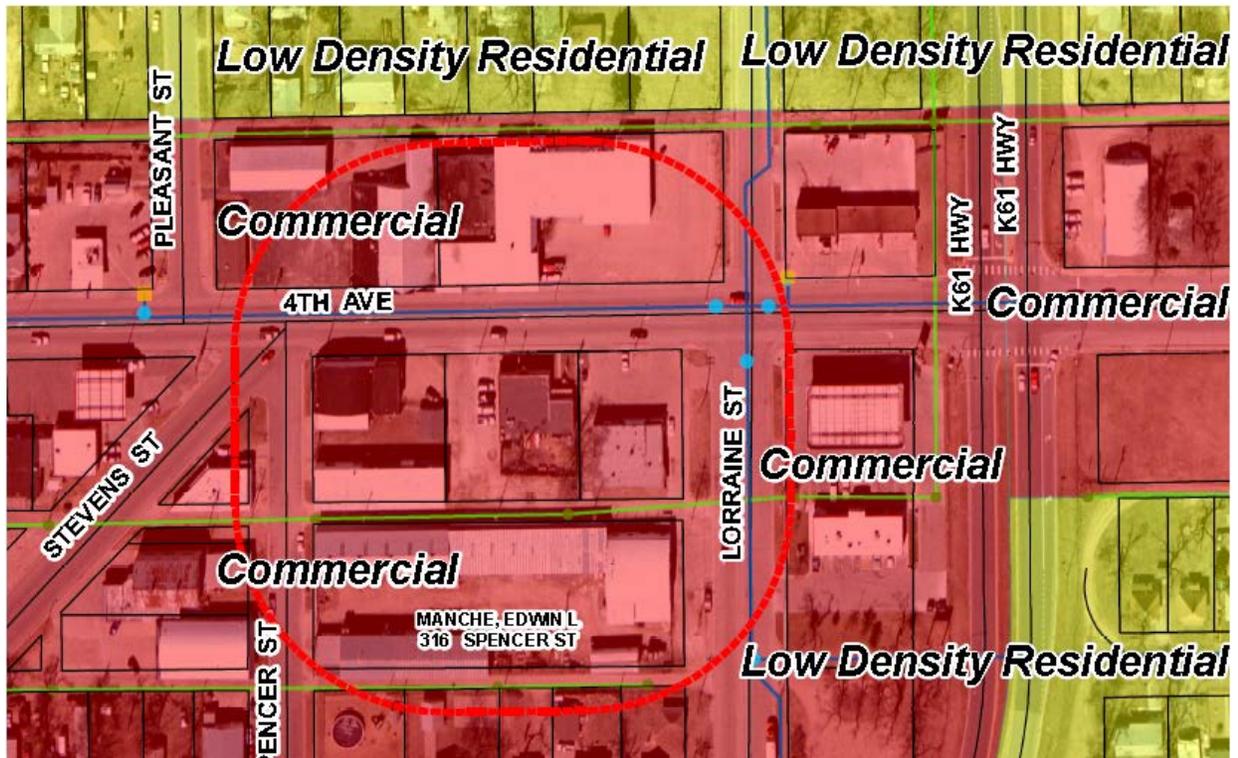
- > = Sign on Bldg
- o = pole
- X = Gas
- = Electric meter
- ⊞ = door

125'

ZONING MAP:



COMPREHENSIVE PLAN MAP:



VIEW FROM THE NORTHEAST



VIEW FROM THE NORTHWEST



VIEW FROM THE SOUTH (EXISTING PARKING AREA)



VIEW OF EXISTING PARKING AREA



CLOSE UP OF EXISTING PARKING AREA



VIEW OF REAR YARD



EXHIBITS:

- A. Development Review Committee Comments
- B. Staff-Recommended Conditions of Approval

COMMENTS – REVISED PLANS RECEIVED APRIL 14, 2016

Project:	Erickson Bar/Tavern Request	DRC Meeting Date:	3/22/16; 4/26/16
Address:	1321 E 4 th Ave Hutchinson KS 67501	BZA Meeting Date:	4/19/16- tabled to 5/17/16 Meeting
Case #:	16-SUP-04; 16-BZA-03	Planner:	Jana McCarron

Planning staff and the Development Review Committee have reviewed the revised site plan received on April 14, 2016, for the above-referenced project. Comments are as follows:

1. General

See Development Review Committee comments dated 3/22/2016. Loading comment has been addressed. Variance requests have been made for parking and landscaping.

2. Site Plan / Landscaping Plans

Submitted plan does not meet the minimum requirements of the *Hutchinson Zoning Regulations*, as follows. Approval of the Special Use Permit is contingent upon obtaining the necessary variances and extensions, as noted below.

Item	Standard	Provided	Determination
Parking Space, Driveway & Drive Aisles (§27-701.D & §27-701.O)	Parking spaces measuring 9'x18' (9'x23' parallel) are required to be delineated, as are driveways and drive aisles.	9'x18'; driveways are delineated and meet standards	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Required Parking (§27-702)	One space per each 4 occupants. Occupant load is 146; 37 spaces are required.	15 spaces are provided [see 16-BZA-03]	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Timing of Paving	Parking spaces, drive aisles, driveways and loading areas are required to be paved with asphalt or concrete prior to issuance of the occupancy permit for the proposed use.	Applicant has requested 12 months from the date of occupancy permit to install asphalt or concrete paving. All drive aisles, driveways and parking areas shall be paved with asphalt or concrete.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Van Accessible Parking	One van accessible space 8' wide with an 8' access area is required.	Space provided is slightly smaller than 16' total. Staff will make this a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Trash Enclosure	Screened trash enclosure is required unless polycarts will be used.	Applicant has noted polycarts will be used	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Signage (§27-801)	All signs shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> and a sign permit shall be obtained prior to installation.	Existing sign locations are shown	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Loading (§27-701.H.)	One loading space 35 feet long, 12 feet wide, with 14 foot of vertical clearance is required.	Loading space is shown	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met

Item	Standard	Provided	Determination
Landscaping (§27-908)	Staff estimates 52 points (disturbed area) plus 30 points (parking) are needed. All parking lot spaces are required to be no more than 75 feet from an intervening landscaped area.	Site plan contains 6 evergreen trees and 2 ornamental trees. Small evergreen trees 5-6 feet in height are 9 points each. Ornamental trees 5-6 feet in height are 9 points each. This totals 72 points. The property also contains existing turf area which will likely add up to the remaining 10 points. The minimum sizes and timing of installation should be made conditions of approval of the permit. No landscaping has been included in the parking lot areas. [16-BZA-03]	<input checked="" type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
Exterior Lighting (§27-909)	Exterior lighting shall meet the requirements of the <i>Hutchinson Zoning Regulations</i> .		<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Bicycle Parking	1 bicycle parking space is recommended.	No spaces are shown, but this is not required.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Mechanical Equipment Screening (§27-908.E.8)	Mechanical equipment, including transformer pads, must be screened.	It appears this item is met.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Alley Access	Alley access requires paving.	The applicant is not proposing alley access and the alley shall not be used for circulation unless it is paved to the standards of the City Engineer.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met
Curb Guards	Curb guards are required for parking areas the abut the property line.	None shown. Staff will recommend curb guards be a condition of approval.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met
End Bay Width	Minimum end bay width without an overhang is 19’.	End bay width appears to be 15’, though space length is 21’. Without a survey, it is difficult to determine if the applicant has sufficient room for the proposed parking layout. <u>A certified survey along with parking diagram shall be provided prior to installation of the required additional parking. If the 8 spaces shown on the western side of the lot cannot meet the City’s standards, parking will be required to be located south of the building.</u>	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met

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

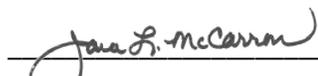
No comment.

Meryl Dye, Assistant City Manager

No comment.

Reviewed by:

Date:



Jana McCarron, AICP
Planning & Development Director

16-SUP-04 | 1321 E 4TH AVE | ERICKSON BAR/TAVERN USE

STAFF-RECOMMENDED CONDITIONS OF APPROVAL

Special Use Permit Conditions

1. This special use permit shall only be used for a bar/tavern in the existing structure located at 1321 E 4th Avenue;
2. An additional eight off-site parking stalls and full drive aisle shall be installed and paved with asphalt or concrete in accordance with the approved site plan within one year of the date of approval of the special use permit;
3. A certified survey shall be provided prior to paving the additional stalls and drive aisle to ensure adequate room exists for the proposed paving and parking areas; and
4. Landscaping shall be installed in accordance with the approved site plan prior to issuance of the final occupancy permit for the use.

Standard Conditions of Approval

1. A building permit shall be obtained prior to any construction;
2. All paved areas shall be constructed so that storm water runoff will drain according to the approved drainage plan;
3. Each standard parking space shall be 9 feet by 18 feet in size;
4. Each van-accessible parking space shall be 8 feet by 18 feet in size with an access aisle 8 feet in width;
5. Each standard accessible parking space shall be 8 feet by 18 feet in size with an access aisle 5 feet in width;
6. Each accessible parking space shall be marked with a sign at the end of the space. The bottom of the sign must be a minimum of 5 feet above the ground. A paved, wheelchair-accessible route shall be provided from each accessible space to an accessible building entrance;
7. All parking spaces shall be striped;
8. All outdoor mechanical equipment, whether attached to the building, the rooftop or the ground shall be screened from public view with a compatible architectural treatment, such as metal panels, stucco panels, a parapet wall, or similar treatment, or with landscaping as required by Section 27-908.E.8. of the Hutchinson City Code;
9. Exterior lighting must be shaded from adjacent residential properties as required by Section 27-909 of the Hutchinson City Code;
10. A sign permit shall be obtained prior to installation of any signs. No sign approval is hereby intended or conferred;
11. Applicant has indicated that polycarts shall be used rather than a dumpster. No dumpster shall be permitted on the site unless a screened trash enclosure meeting the City's requirements is approved and installed;
12. A fence permit shall be obtained prior to installation of any fences; and
13. A certificate of occupancy shall be obtained prior to use.