



AGENDA
PLANNING COMMISSION
 Tuesday, August 16, 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 July 19, 2016.

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

4. NEW BUSINESS

- a. **16-CTY-02:** Hutchinson Area of Influence (Designated Notification Area)
Action: Recommendation for County Area of Influence Notification

- b. **Study Session**
16-ZA-07: Proposed Wireless Communication Facility Ordinance
 The public hearing will be September 6, 2016.

- c. **2016 Planning Commissioner Training**
 - 1) Module 4: Conflict of Interest
 - 2) Module 10: Subdivisions

5. UPCOMING CASES

- a. **16-ZA-08** – Rezone from C-4 Special Commercial District and TA Transitional Ag Rural District to I-2 Industrial District by Keith Bauer, for Sun Valley, Inc. Truck Shop for equipment, outside repairs and parking.

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	Aaron Barlow	620-259-4198

1. **ROLL CALL**

The Planning Commission meeting was called to order at 5 PM with the following members present: Ken Peirce, Tom Hornbeck, Terry Bisbee, Darryl Peterson, Todd Carr and Mark Woleslagel. Harley Macklin, Janet Hamilton and Robert Obermite were absent. Staff present were Jana McCarron, Director of Planning and Development; Casey Jones, Senior Planner; Aaron Barlow, Associate Planner and Stephanie Stewart, Planning Technician.

2. **APPROVAL OF MINUTES**

The minutes of the June 21, 2016, meeting were approved on a motion by Peterson, seconded by Woleslagel, passed unanimously.

3. **CORRESPONDENCE & STAFF REPORTS**

The documents and staff reports were accepted into the official record on a motion by Bisbee, seconded by Hornbeck, passed unanimously.

4. **NEW BUSINESS**

4a. **16-CP-01: Review the 2017-2021 Capital Improvement Program for Conformance with the Comprehensive Plan.**

Jones explained the Planning Commission's role in reviewing the Capital Improvement Program (CIP) for conformance with the adopted Comprehensive Plan prior to City Council's adoption of the budget and CIP. The City has a 5-year CIP which is reviewed annually. He indicated he reviewed the projects and completed an analysis of how the projects fit with the existing Comprehensive Plan strategies. Jones asked the Commission to review the projects and asked if they had any questions. John Deardoff, City Manager; Justin Combs, Director of Parks and Facilities; Bruce Colle, Director of Engineering; and Nancy Soldner, City Council Member were available for questions. Discussion ensued.

A Finding that the 2017-2021 Capital Improvement Program is in conformance with the Comprehensive Plan was made on a motion by Hornbeck, seconded by Carr, passed unanimously.

4b. **2016 Planning Commissioner Training**

- 1) Module 5: Public Hearing Process/ Open Meetings (16-PLN-12c) - complete
- 2) Module 9: Variances & Appeals (16-PLN-12e) complete
- 3) Module 10: Subdivisions (16-PLN-12e) - moved to next training meeting

5. **UPCOMING CASES**

5a. **16-CTY-02: Hutchinson Designated Notification Area (August 2, 2016)**

McCarron explained that the County authorized establishing an area of influence surrounding cities. Within the influence area, the City may make comments on County zoning amendment and conditional use permit cases.

6. **ANNOUNCEMENTS**

6a. **Welcome Aaron Barlow, Associate Planner**

McCarron introduced Aaron Barlow, who graduated with a master's degree in planning from the University of Utah.

6b. **2017-2037 Comprehensive Plan Kickoff Meeting- July 28, 2016- Atrium**

McCarron invited the commissioners to the meeting, and asked them to let Barlow know if they plan to attend. Staff will introduce the members and have them help answer questions at the kickoff. She encouraged the commission to invite friends and family and indicated that food will be provided.

7. **OPEN COMMENTS FROM THE AUDIENCE** – None.

8. **ADJOURNMENT** – The meeting adjourned at 5:57 PM.

Respectfully Submitted,
Stephanie Stewart, Planning Technician

Approved this _____ day of _____, 2016

Attest: _____



125 E Avenue B | Hutchinson KS 67501
620.694.2639

Staff Report

Planning Commission

PC Agenda Item #: **4a**

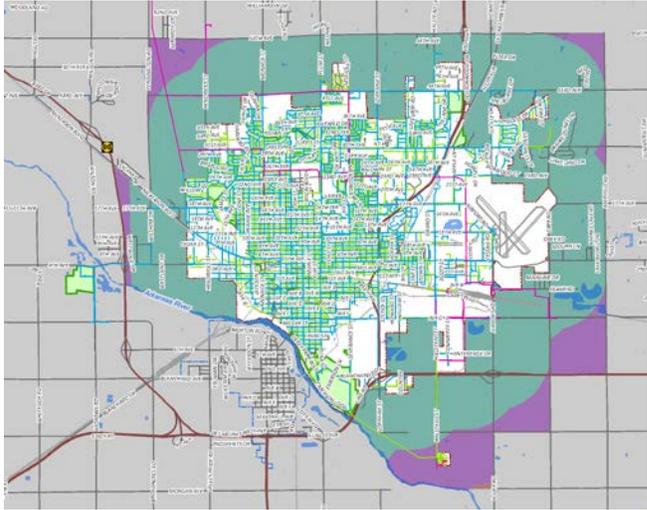
Planning & Development Department

Case: 16-CTY-02

August 10, 2016

Meeting Date: August 16, 2016

REQUEST: City Area of Influence (Notification Area)



Staff

Staff Representative:
Jana McCarron, AICP
Planning & Development Director

Application Information

Applicant:
Staff
Application Materials:
None
Concurrent Applications:
None

STAFF RECOMMENDATION: APPROVAL

MOTION:

Recommend (approval / modification and approval / denial) to City Council of a map establishing a City of Hutchinson Area of Influence (Notification Area) in portions of Reno County located near the City, as identified on **Exhibit A**.

PROJECT SUMMARY:

Request to establish a City of Hutchinson Area of Influence (Notification Area) for City review of Zoning Amendments and Conditional Use Permits on properties located in Reno County.

Zoning

Zoning:
County Zoning
Comprehensive Plan Designation:
N/A
Subdivision:
Various

BACKGROUND:

In Spring 2016 Reno County adopted new Zoning Regulations. Section 20-103 of those regulations contains a provision allowing local jurisdictions (cities) to identify a notification area (or area of influence) within the unincorporated area of the County outside of the City Limits. Please see **Exhibit B**. Once an area of influence is established, the County will notify the City of all rezone and conditional use permit applications filed within that area. The City would then have the opportunity to comment on these applications prior to approval by the County Commission. This differs from extraterritorial jurisdiction in that the City is not the final approving authority. The City is, however, afforded the opportunity to comment and make recommendation on applications.

Notice & Review

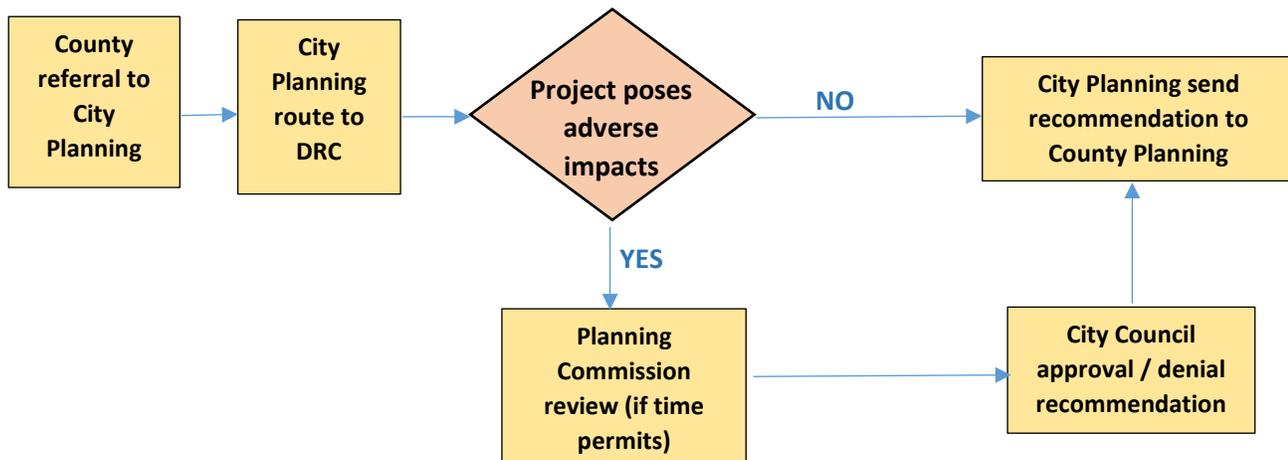
Development Review:
June 17, 2016
Next Steps:
City Council – 9/6/2016

DRC MEETING:

A Development Review Committee meeting was held to discuss the proposed area of influence with Staff. Priority has been given to areas that are located within one mile of the City Limits and which contain City facilities. These areas were selected due to their future development potential and/or the desire to protect City facilities. **Exhibit A** shows the proposed Area of Influence Map (Notification Area).

ANALYSIS:

Staff recommends the review process be as follows:



As noted previously, the County’s regulations allow for comments to be made by the City for rezonings and conditional use permits within the area of influence. These comments may be made in writing or in person. In addition, the City may elect to make no comments on some projects. The City’s comments serve as a recommendation to the County. If the City recommends denial, the project can only be approved by the County upon a three-fourths vote of the County Commission. Staff recommends that denial recommendations be formally authorized by the City Council with review by the Planning Commission, where possible.

COUNTY CONCURRENCE:

The area of influence (notification area) must be approved by Reno County. Staff sent draft maps to the County on July 21, 2016 for comments. Based upon those comments, a revised map was developed and sent to the County on August 9, 2016. County staff believes the revised map (**Exhibit A**) will be supported by the County Commission. If revisions are needed, staff will return to the Planning Commission and City Council for approval.

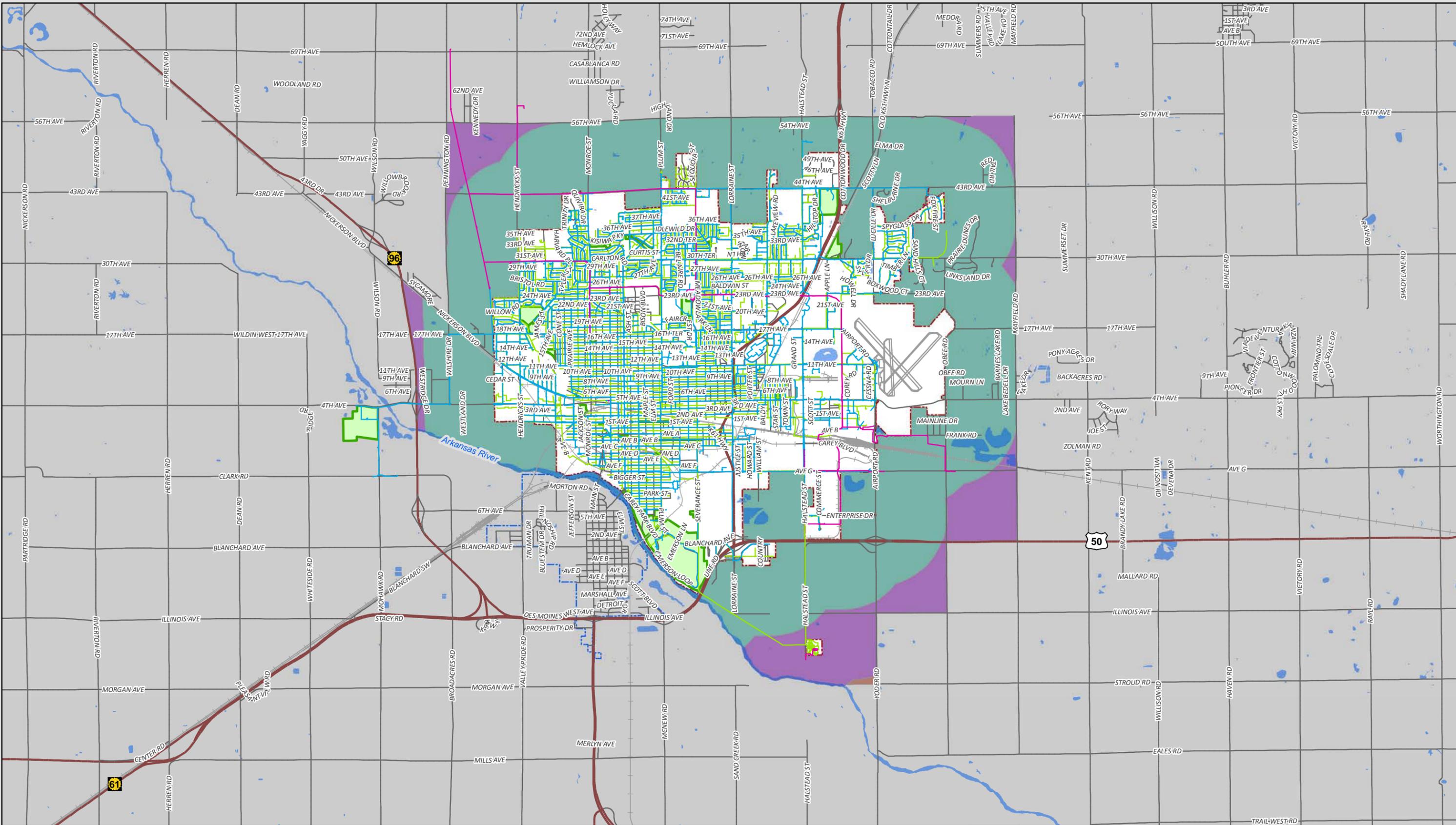
EXHIBITS:

- A. Proposed Area of Influence (Notification Area)
- B. County Notification Area Regulations

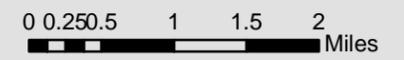
Areas of Influence - Alternate Proposal

EXHIBIT A

CITY OF HUTCHINSON



- | | | | |
|----------------|-------------|------------------------|---------|
| Sewer Pipe | Highways | City Parks/Greenspaces | 1 Mile |
| Raw Water Pipe | Other Roads | Hutchinson City Limits | 2 Miles |
| Water Pipe | Railroads | South Hutchinson | 3 Miles |



20-103 Referral of Amendments to Cities: In order to protect the area around all incorporated cities within Reno County from untimely, premature, or inappropriate development, all proposed changes in a zoning district (rezonings) or requests for a Conditional Use Permit within the unincorporated portion of Reno County and within the designated notification area of all cities within Reno County shall be submitted to said city for official review and recommendation. The notification area for each city shall be described by complete and accurate legal description prepared by the city and shall be mutually agreed upon by said city and Reno County. Such area shall not exceed that area a city would be able to include within its Zoning Ordinance as outlined in Kansas statutes; however, it shall be limited in scope to what can be reasonably serviced by an extension of the city water and/or sewer services. The notification area may be revised by mutual agreement at any time.

The Zoning Administrator shall submit the application, along with all supporting documentation and any development plans, to the appropriate city once the application has been determined to be complete. The application shall be set for public hearing by the Planning Commission in the same manner as any other application.

The Governing Body of said city may review such proposed rezoning or Conditional Use request may submit a written recommendation regarding said application to the Governing Body; may appear before the Governing Body and present its recommendation in person; or may elect to make no comments regarding said request.

Notwithstanding any other provision of these Regulations or of state law; and in addition to all other rights granted to the applicant and to adjoining landowners; in the event a city recommends that a rezoning or Conditional Use proposed within said notification area be denied; then a resolution of approval of such request shall not be passed except by three-fourths majority vote of the Governing Body of Reno County.

20-104 Factors to be Considered:

1. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:
 - A. Whether the change in classification would be consistent with the intent and purpose of these Regulations;
 - B. The character and condition of the surrounding neighborhood and its effect on the proposed change;
 - C. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
 - D. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
 - E. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
 - F. The suitability of the applicant's property for the uses to which it has been restricted;

Item 4b

Case #16-ZA-07: Wireless Communication Facilities Ordinance

Sec. 27-921 Wireless Communication Facilities.

A. Definitions.

1. The following terms as used in this section shall be defined as set forth in K.S.A. [INSERT STATUTE REFERENCE HERE] as may be amended from time to time:

Accessory Equipment; Antenna; Application; Base Station; Collocation; Distributed Antenna System; Existing Structure; Public Lands, Buildings and Facilities; Public Right-of-Way; Replacement; Search Ring; Small Cell Facility; Small Cell Network; Substantial Modification; Transmission Equipment; Wireless Facility; Wireless Services; Wireless Infrastructure Provider; Wireless Support Structure; Utility Pole; Water Tower; Wireless Services Provider.

2. The following terms as used in this section shall be defined as follows:

Authority shall mean the City of Hutchinson, the governing body, the Landmarks Commission, or other body or official having authority for land use decisions within the City of Hutchinson zoning jurisdiction.

Height shall mean the measurement of vertical distance between the base of any wireless communication facility at ground level to its highest point, inclusive of all antennae and appurtenances.

B. Applicability.

1. These regulations shall apply to all **new wireless communication facilities, replacement wireless communication facilities and modifications to wireless communication facilities** now located or proposed to be located in the City of Hutchinson zoning jurisdiction, **except** in the following instances:

a. These regulations shall not apply to **wireless communication facilities** located in a public right-of-way that has been dedicated to or acquired by the City of Hutchinson; provided, however, that all **wireless communication facilities** located in the public right-of-way in a designated historic district shall be subject to historic review.

b. These regulations shall not apply to any **small cell facility** or **distributed antennae system** located in an interior structure or upon the site of any campus, stadium or athletic facility.

C. Historic Review, Where Required.

All **wireless communication facilities** located in or upon a designated historic landmark property or landmark district, whether in the public right-of-way or otherwise, shall be subject to historic review.

Facilities located on a designated local historic landmark property or within a designated local historic landmark district shall be reviewed according to the standards and procedures set forth in Sec. 4-101 et seq. of the Hutchinson City Code.

Facilities located on a designated state or national historic landmark property or within a designated state or national historic district shall be reviewed according to the standards and procedures set forth by established agreement between the Kansas State Historic Preservation Officer and the City of Hutchinson pursuant to subsection (e) of K.S.A. 75-2724, as amended, or as set forth by the Kansas State Historic Preservation Officer if no such agreement has been established.

D. Permit Application Requirements.

1. All **new and replacement wireless communication facilities and modifications to existing wireless communication facilities** not located in a public right-of-way shall require the submittal of a “wireless communication facilities permit” application on forms provided and approved by the Zoning Administrator. Said permit shall be approved prior to commencement of construction, installation or modification of the wireless communication facility.
2. Applications shall include all of the following:
 - a. A site plan or survey drawn to scale showing the property boundaries, **wireless communication facility**, guy wire anchors and other appurtenances, existing and proposed structures, existing and proposed utilities, proposed equipment shelters, accessory uses, vehicular access location, access driveway surface material, existing and proposed parking areas, fences, location and content of warning signs, exterior lighting specifications, any proposed landscaping and screening, land elevation contours, drainage plan, and existing land uses adjacent to the site. If an equipment shelter or other accessory building is proposed, details of the building, including architectural construction plans, foundation plans, elevation renderings and proposed use of the building, shall be submitted with the application.
 - b. Architectural elevation drawings or renderings of the proposed **wireless communication facility** and any accessory uses or appurtenances.
 - c. Stamped electrical drawings prepared and signed by a professional engineer licensed to practice in the State of Kansas.
 - d. Stamped construction plans prepared and signed by a professional engineer licensed to practice in the State of Kansas.
 - e. A structural analysis prepared and signed by a professional engineer licensed to practice in the State of Kansas.

- f. Documentation that the proposed location has been approved by the FCC and FAA, or, if such approval is not necessary, then a copy of the regulations that exempt the proposed **wireless communication facility** shall be submitted.

E. Application Review Procedure.

1. Applications for **new wireless communication facilities** shall be reviewed by the Development Review Committee and be approved by the City prior to the issuance of a permit.
2. Applications for **replacement wireless communication facilities and modifications to existing wireless communication facilities** shall be reviewed and approved by the Zoning Administrator prior to the issuance of a permit. The Zoning Administrator shall be authorized to refer permit applications to the Development Review Committee for review and approval prior to the issuance of a permit.
3. Small Cell Networks. An applicant for a small cell network involving no greater than 25 individual small cell facilities of a substantially similar design shall be permitted to file a consolidated application and receive a single permit for the installation, construction, maintenance and repair of a small cell network instead of filing separate applications for each individual small cell facility, except that the City may require a separate application for any small cell facilities that are not of a substantially similar design.

F. Application Review Timeframe.

1. Applications for **small cell facilities** shall be reviewed and a written decision shall be furnished to the applicant no later than 60 days after the submission of an application, or the application shall be deemed approved.
2. Applications for **new wireless support structures** shall be reviewed and a written decision shall be furnished to the applicant no later than 150 days after the submission of an application, or the application shall be deemed approved.
3. Applications for **substantial modification to an existing wireless support structure or base station, or any other application for placement, installation or construction of transmission equipment that does not constitute an eligible facilities request as defined by 47 U.S.C. Section 1455(a)** shall be reviewed and a written decision shall be furnished to the applicant no later than 90 days after the submission of an application, or the application shall be deemed approved.
4. Tolling. The time period for approval of any application shall begin when the application is submitted and may be tolled within the first 30 days after the submission of the application if the City notifies the applicant that such application is incomplete, identifies all missing information and specifies the code provision, ordinance, application instruction or otherwise publicly stated procedures that require the information to be submitted. The time period for approval of applications shall begin running

again when the applicant provides the necessary supplemental information. Additionally, the time period for approval of applications may be tolled by the express agreement in writing by both the applicant and the City.

G. Permit Expiration. A **wireless communication facility** permit shall be valid for one year from the date of permit issuance. If construction of an approved **wireless communication facility** has not commenced within one year of the date of permit issuance, the permit shall become null and void. Once construction of a **wireless communication facility** has commenced pursuant to a permit, the **facility** shall be permitted to remain indefinitely so long as the facility is not abandoned.

H. Height Limitations.

1. **Wireless communication facilities** shall be exempt from the maximum height restrictions of the zoning districts in which they are located.
2. Ground-mounted **wireless communication facilities** in non-residential districts shall be limited to a maximum height of 200 feet.
3. Ground-mounted **wireless communication facilities** in residential districts shall be limited to a maximum height of 50 feet.
4. Building-mounted **wireless communication facilities** shall not extend more than 50 feet above the point of elevation where mounted.
5. **Wireless support structures** and **base stations** located in the Airport Hazard Overlay District shall not exceed the maximum height permitted by the Airport Hazard Overlay District regulations or the maximum height imposed by the FAA, whichever is more restrictive.

I. Setbacks.

1. Ground mounted **wireless communication facilities** must be set back from the nearest property line or building a distance that is at least equal to the height of the facility from the center of the point where it is mounted. A ground mounted **wireless communication facility** may be set back less than the facility height to the nearest property line or building if documentation from a Kansas licensed engineer is submitted certifying that in the event of a **wireless communication facility** failure or collapse, the facility is designed to fall within the proposed setback area. All guy wires, similar support devices and other apparatus shall comply with the front, side and rear yard setbacks required in the applicable zoning district where located.

J. Presentation and Appearance.

All **wireless communication facilities** and accessory facilities shall be sited to have the least adverse visual effect as is practical on the environment. Monopole **wireless communication facilities** shall be preferable to guyed **wireless communication facilities**.

K. Abandoned **Wireless Communication Facilities**.

Any **wireless communication facility** owner granted a permit under these regulations shall provide the Zoning Administrator with a copy of the notice to the FCC of intent to cease operations and shall have 180 days from the date of cessation of operations to remove the **wireless communication facility**, all appurtenances and accessory structures. If the owner fails to remove the facility, all appurtenances and accessory structures within the allotted time, the City may remove them and collect the cost thereof pursuant to K.S.A. 12-6a(17).

DRAFT