



AGENDA
BOARD OF ZONING APPEALS
 Tuesday, October 18, 2016 – 5:00 p.m.
City Council Chambers
 125 East Avenue B, Hutchinson, Kansas

1. ROLL CALL

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

2. APPROVAL OF MINUTES – Meeting of May 17, 2016.

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

4. PUBLIC HEARINGS

a. 16-SUP-05, Kenny’s Special Use Permit

Request for a Special Use Permit to open a bar/tavern at 1723 E 4th Avenue
(Staff Representative: Casey Jones, Senior Planner)

Motion: Motion to TABLE 16-SUP-05 -pursuant to submittal of outstanding documents

b. 16-BZA-04, Sun Valley Paving Variance Request

Request for a paving Variance to allow for unpaved (gravel) parking areas for employee parking for property located at 00000 E Blanchard Ave
(Staff Representative: Jana McCarron, Planning & Development Director)

Motion: Motion to (APPROVE / DENY) 16-BZA-04 for unpaved employee parking areas based upon a finding that the factors required for approval (are / are not) met.

5. UPCOMING CASES

- a. 16-BZA-05 – Variance for fence height, 3908 N Monroe St [November 1, 2016]

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

7. ADJOURNMENT

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

MINUTES
 BOARD OF ZONING APPEALS
 TUESDAY, MAY 17, 2016
 CITY COUNCIL CHAMBERS
 125 E. AVENUE B

1. The meeting was called to order at 5:00 p.m. with the following members present: Terry Bisbee, Tom Hornbeck, Todd Carr, Darryl Peterson, Ken Peirce, Mark Woleslagel, Janet Hamilton and Robert Obermite. Harley Macklin was absent. Jana McCarron, Director of Planning and Development; Casey Jones, Senior Planner; and Stephanie Stewart, Planning Technician, were also present.
2. The minutes from the April 19, 2016, meeting was approved on a motion by Bisbee, seconded by Obermite, passed unanimously.
3. A motion to accept correspondence and staff reports into the official record was made by Hamilton, seconded by Peterson, passed unanimously.
4. PUBLIC HEARINGS

There were no outside contacts or conflicts from any board member.

Peirce asked if the applicant was present and whether the address of one of the applicant's properties is 1321 or 1323 East 4th Avenue. Barry Mayfield, applicant, was present and said there are three addresses used for this property and that the Reno County Parcel Search has it listed as 1321 East 4th Avenue.

- 4a. 16-BZA-02: 1221 E 4th Ave
 Request for a variance from the City of Hutchinson Zoning Regulations (Sec. 27-702) requirements for number of off-street parking spaces and number of loading spaces on the property.

McCarron went over the application and the five factors. She stated that the building has been there/developed since 1951. Staff received no comments from surrounding property owners. Staff recommends approval.

Barry Mayfield, 5005 N. Tobacco Rd., Hutchinson, said he purchased property at an auction with plans to rent it. He is prepared to meet the zoning regulations and improve the building for use. Peirce asked about the request for a year extension to install the required pavement. Mayfield is waiting on estimates and explained the cost of concrete is holding him back. He has a party interested in renting. Hamilton asked about vacating the alley. McCarron said the City would ask for a utility easement if he plans to vacate the alley.

Peirce asked for a motion.

Motion by Hornbeck to approve 16-BZA-02 per staff's recommendations, seconded by Woleslagel.

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

4b. 16-BZA-03: 1321 E 4th Ave

Request for a variance from the City of Hutchinson Zoning Regulations (Sec. 27-702) requirement for number of off-street parking spaces and parking lot landscaping on the property.

There were no outside contacts or conflicts from any board member.

McCarron stated the same owner is requesting a variance from minimum required parking spaces and parking lot landscaping. She added that landscaping the parking lot would reduce the number of parking spaces. The applicant will add landscaping to other areas of the property. Staff received no comments from surrounding property owners. Staff recommends approval.

Mayfield said it is the same situation; he wants to improve the building and create revenue.

Peirce asked for a motion.

Motion by Carr to approve 16-BZA-03 per staff's recommendations, seconded by Bisbee.

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

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

There were no outside contacts or conflicts from any board member.

Hamilton motioned to remove the tabled items from the table, seconded by Woleslagel, approved unanimously.

5a. 16-SUP-03: 1221 E 4th Ave

Request for a special use permit for a change of use to a tavern/bar in the C-4 Special Commercial District.

McCarron went over the eight factors. Staff recommended conditions are that the special use permit shall only be for a bar/tavern, an additional seven off-site parking stalls shall be installed and paved within one year of the final occupancy permit (BZA suggested change), the alley shall be paved in accordance with the plans approved by the City Engineer,

loading and stocking shall be in the alley, and landscaping shall be installed. The commission added that if applicant does not comply within one year, then the BZA may revoke the special use permit.

Mayfield agreed to the conditions and had questions concerning whether he would be restricted to only having a bar/tavern on the property. Discussion ensued and his questions were clarified.

Peirce asked for a motion.

Motion by Hornbeck to approve 16-SUP-03 per staff's recommendations and the changes requested by the BZA, seconded by Carr.

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

- 5b. 16-SUP-04: 1321 E 4th Ave
Request for a special use permit for a change of use to a tavern/bar in the C-4 Special Commercial District.

There were no outside contacts or conflicts from any board member.

McCarron went over the eight factors. Staff recommended conditions are that the Special Use Permit shall only be for a bar/tavern, an additional seven off-site parking stalls shall be installed and paved within one year of issuance of the final occupancy permit (BZA suggested change), a certified survey of the property shall be done, and landscaping shall be installed. The commission added that if the applicant does not comply within one year, then the BZA may revoke the special use permit.

Mayfield agreed to the conditions and had questions concerning a certified survey being done. Discussion ensued and he agreed that the expense of a survey outweighs the potential expense of having to redo the parking.

Peirce asked for a motion.

Motion by Carr to approve 16-SUP-04 per staff's recommendations and the changes requested by the BZA, seconded by Wolesslagel.

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

6. UPCOMING CASES - None.

Peirce motioned for Bisbee to be acting chair for the June 7, 2016, Planning Commission and Board of Zoning Appeals meeting due to Hamilton and himself being absent. Approved by all. McCarron opened discussion on how to improve the zoning ordinance to

help businesses open. The Board asked staff to research other City's ordinances and look into opportunities to improve our ordinances.

- 7. OPEN COMMENTS FROM THE AUDIENCE
- 8. ADJOURNMENT – The meeting adjourned at 6:30 p.m.

Respectfully Submitted,
Stephanie Stewart, Planning Technician

Approved this _____ day of _____

Attest: _____

Staff Report

Board of Zoning Appeals

BZA Agenda Item #: 4a

Planning & Development Department

Case: 16-SUP-05

October 6, 2016

Hearing Date: October 18, 2016

REQUEST:
Special Use Permit for a Bar/Tavern

Staff

Staff Representative:
Casey Jones, AICP, CFM
Senior Planner

Subject Property: 1723 E 4th Ave



Application Information

Owner:
R. Queen
PO Box 2321
Hutchinson KS 67504

Applicant/Potential Occupant:
Kenneth Bolin
1310 E Avenue B
Hutchinson KS 67501

Surveyor:
N/A

Architect/Engineer:
N/A

Application Materials:
[Link to Materials](#)

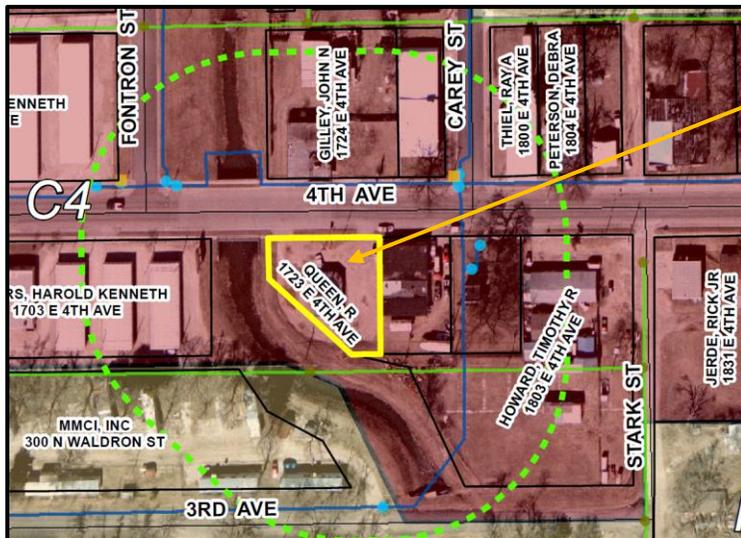
Concurrent Applications:
N/A

STAFF RECOMMENDATION: TABLE TO NOVEMBER 1, 2016

MOTION:
Table Special Use Permit request number 16-CUP-05 for a bar/tavern at 1723 E 4th Ave to the November 1, 2016, Board of Zoning Appeals meeting to allow the applicant time to submit required information to the City.

PROJECT SUMMARY:
Request for special use permit approval to establish a bar/tavern use on property located at 1723 E 4th Ave.

LOCATION MAP:



Subject Property



Zoning

Zoning:
C-4, Special Commercial District
Comprehensive Plan Designation:
Commercial
Subdivision:
Lots 10, 11, 12 and 13, Block I, Junction Addition, except that part beginning at a point 40 South of the NW Corner of Lot 13; thence SE to the SE Corner of Lot 11; thence West to the SW Corner of Lot 13; thence NW to the point of beginning.

Notice & Review

Previous PC/BZA Actions:
N/A

Development Review:
9/27/2016

Legal Notice Published:
9/19/2016

Property Owner Notice:
8 owners, 9 properties, 9/14/2016

Staff Report

Board of Zoning Appeals

Case: 16-BZA-04

October 11, 2016

Hearing Date: October 18, 2016

REQUEST:
Variance, gravel surfacing for required parking spaces (trucking)

Staff Representative:
Jana McCarron, AICP
Planning & Development
Director

Subject Property: 00000 E Blanchard Ave



Applicant/Owner:
Keith Bauer
KB Enterprises of Hutchinson KS
LLC
PO Box 1942
Hutchinson KS 67501-1942

Surveyor:
Raymond Bretton
Alpha Land Surveys, Inc
216 W 2nd Ave
Hutchinson KS 67501

STAFF RECOMMENDATION: DENIAL

Architect/Engineer:
Mann & Company, P.A.
1703 Landon St, Ste B
Hutchinson KS 67502

MOTION:
Approve/deny Variance request number 16-BZA-04 from the requirements of §27-701, Off-Street Parking, of the *City of Hutchinson Zoning Regulations* for property located at 00000 E Blanchard Avenue (Lot 1, Sun Valley), 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.

Application Materials:
[Link to Materials](#)

PROJECT SUMMARY:
Variance to allow for a portion (20) of the required number of parking spaces associated with a truck repair/truck and trailer storage facility to be surfaced with gravel rather than paved with asphalt or concrete.

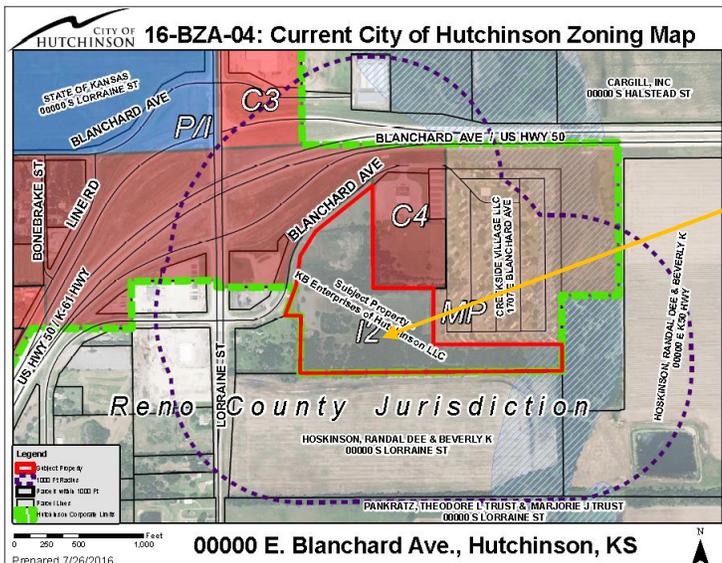
Concurrent Applications:
16-SDP-07, Sun Valley Prelim Plat
16-SDP-06, Sun Valley Final Plat
16-CUP-03, Conditional Use Permit

LOCATION MAP:

Zoning:
I-2 Industrial District

Comprehensive Plan Designation:
Commercial / Manufactured Homes

Subdivision:
Sun Valley (not yet approved by City Council)



Subject Property

Previous PC/BZA Actions:
16-ZA-08 approved 9/6/2016
16-SDP-07 approved 10/4/2016
16-SDF-06 approved 10/4/2016

Development Review:
9/27/2016

Legal Ad Published:
9/26/2016

Property Owner Notice:
14 owners, 18 properties,
9/19/2016

Staff

Application Information

Zoning

Notice & Review

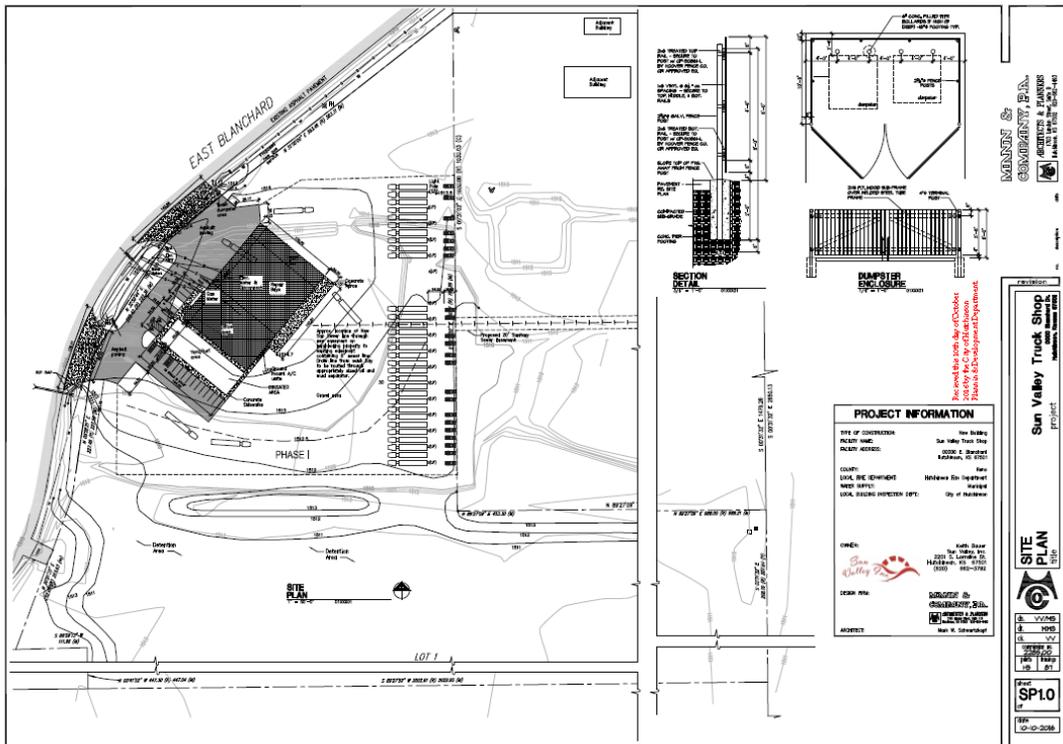
ANALYSIS OF STANDARD FACTORS OF APPROVAL REQUIRED FOR CONDITIONAL USE PERMIT REQUESTS:

Factor	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>The property is unique in that it involves a large amount of tractor-trailer parking. The City has typically allowed fleet parking on gravel surfaces. Parking spaces associated with the standards established in §27-702 of the Zoning Regulations have been required to be paved for new development, including development in Industrial Zones.</p>	<p><input checked="" type="checkbox"/> Not Met</p>
<p>2. Granting of the variance must not adversely affect the rights of adjacent property owners or residents.</p>	<p>There is a potential for negative impacts associated with dust and proximity of employee parking to the lot line for the property located immediately to the east of this lot. Other impacts are not anticipated.</p>	<p><input checked="" type="checkbox"/> Met <input checked="" type="checkbox"/> Not 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>The Zoning Regulations allow for fleet vehicles (trucks) to be parked on gravel, however, employee parking is required to be paved. This will result in an additional expense to the applicant, but this is the same requirement that has been placed upon other new industrial developments.</p>	<p><input checked="" type="checkbox"/> Not 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>Employee parking is typically located on paved surfaces for new development, regardless of the type of use. This request could establish a new baseline and open the door for future requests to have unpaved employee parking areas, which could represent an adverse impact on the general welfare, order and prosperity of the community.</p>	<p><input checked="" type="checkbox"/> Not Met</p>
<p>5. Granting of the variance must not be contrary to the general spirit and intent of the Zoning Regulations.</p>	<p>While §27-701 of the Zoning Regulations does not contain an intent statement, the overall purpose and intent statements of the regulations (§27-102) include:</p> <ul style="list-style-type: none"> • Promote the health and general welfare of the citizens • Facilitate adequate provisions for transportation water, wastewater, schools, parks and other public requirements • Protect property values <p>The proposal does not appear to be consistent with these and the overall standards established in the regulations.</p>	<p><input checked="" type="checkbox"/> Not Met</p>

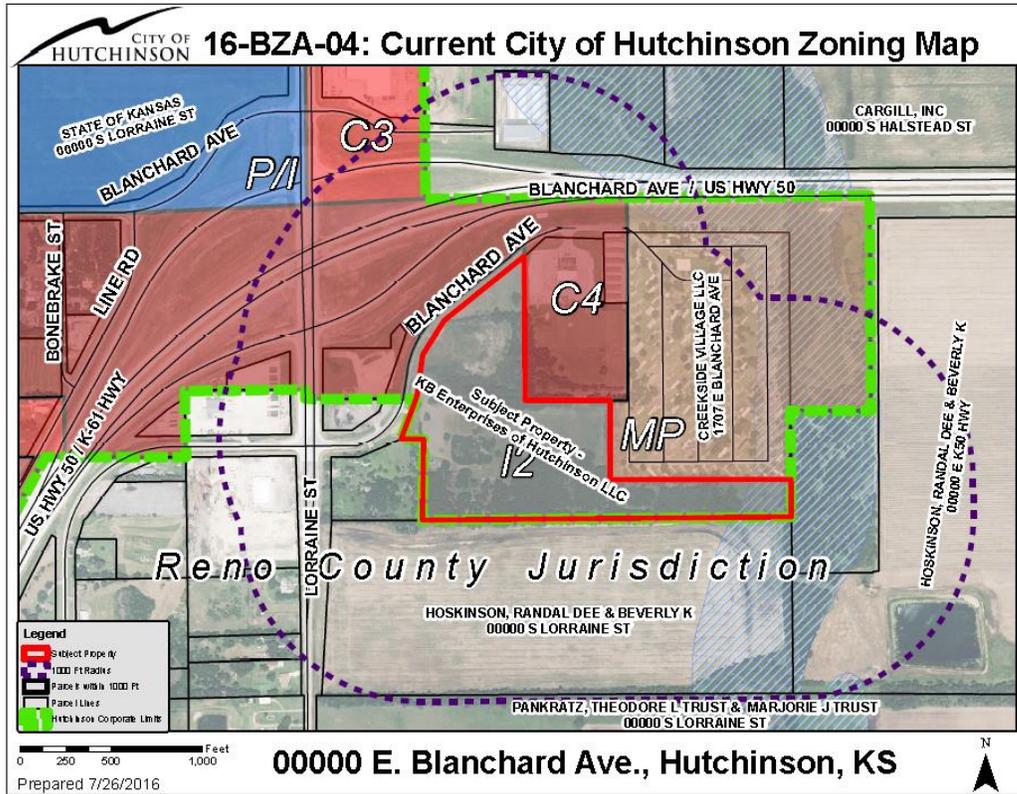
SITE PLAN REVIEW:

Item	Standard	Provided	Met Not Met
Front yard setback	0 feet	>80 feet	<input checked="" type="checkbox"/> Met
Side and rear yard setback	5 feet	>5 feet	<input checked="" type="checkbox"/> Met
Building Height	None	24' (approximate)	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	2% (approximate)	<input checked="" type="checkbox"/> Met
Driveway Surfacing	Asphalt or Concrete	Asphalt – Variance request is for unpaved (gravel) required parking associated with the trucking use	<input checked="" type="checkbox"/> Not Met
Driveway Width	24'	24 feet	<input checked="" type="checkbox"/> Met
Parking	15 – truck repair 30 – truck & trailer storage	25 paved spaces; 24 +/- unpaved spaces	<input checked="" type="checkbox"/> Not Met for Paving
Planting Plan & Screening	32 medium trees + 135 parking lot points	32 trees + 244 landscaping points	<input checked="" type="checkbox"/> Met
Mechanical Equipment Screening	New equipment must be screened	Not readily visible to the public	<input checked="" type="checkbox"/> Met
Trash Bin Screening	Required for dumpsters and large trash bins	The dumpster is screened	<input checked="" type="checkbox"/> Met
Exterior Lighting	Shaded from residential uses	Lighting will meet the City's requirements	<input checked="" type="checkbox"/> Met
Access	Direct access or indirect access secured with private access easements	Access has been approved by the City Engineer	<input checked="" type="checkbox"/> Met
Fencing	A fence permit is required	No fencing is proposed	<input checked="" type="checkbox"/> Met

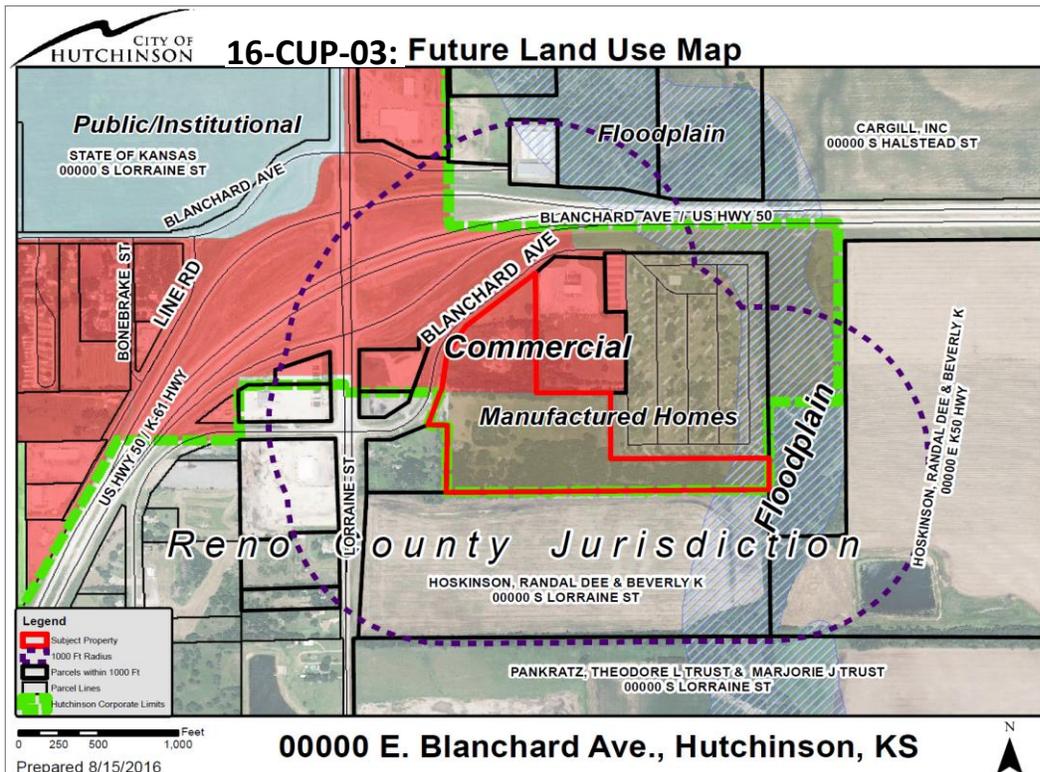
SITE PLAN:



ZONING MAP:



COMPREHENSIVE PLAN MAP:



APPLICANT'S CURRENT BUSINESS LOCATION



APPLICANT'S CURRENT BUSINESS LOCATION



1701 E BLANCHARD AVE (ADJACENT PROPERTY)



SUBJECT PROPERTY



SUBJECT PROPERTY

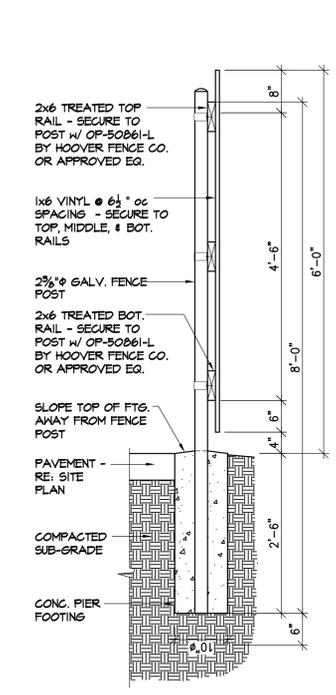
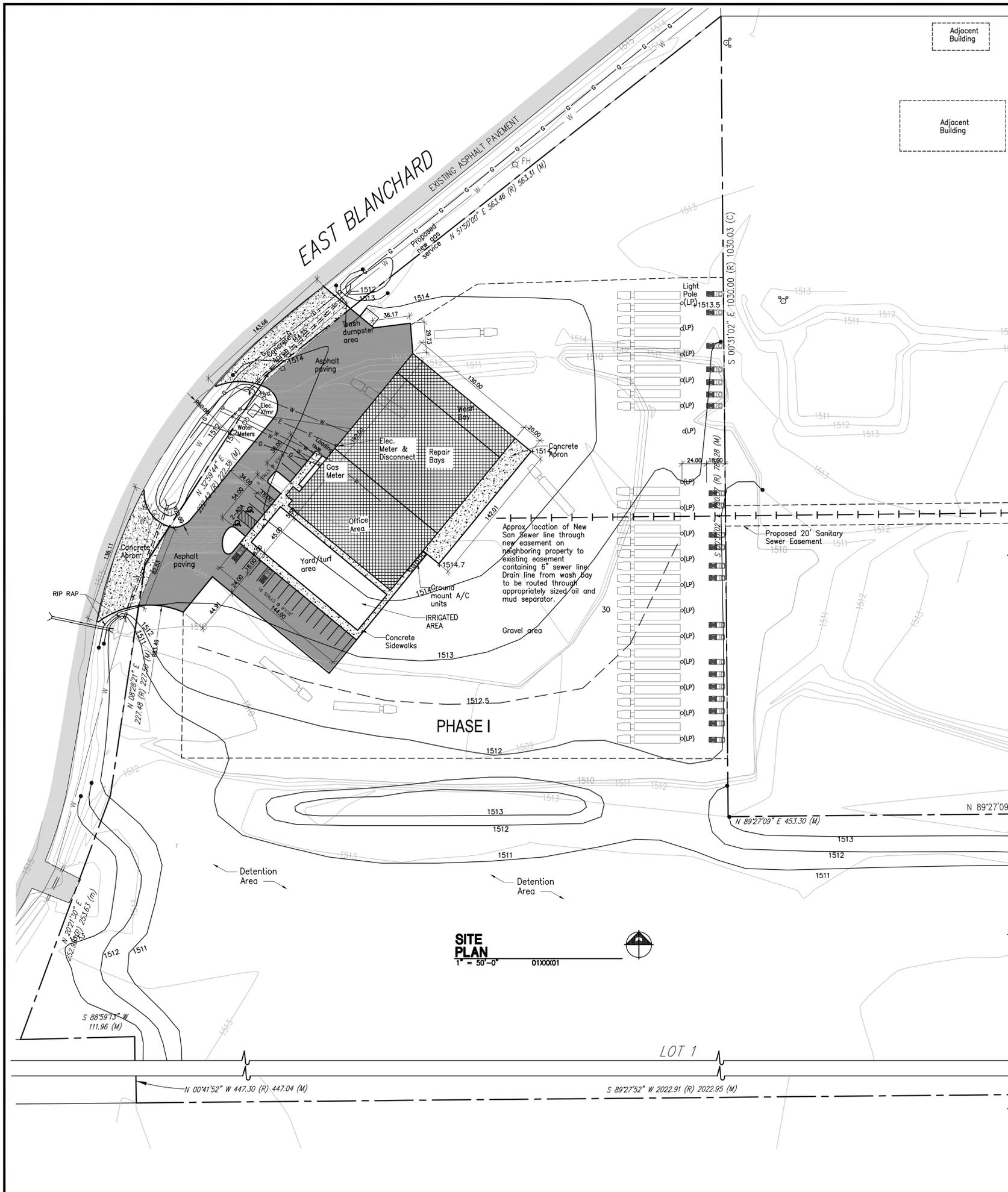


SUBJECT PROPERTY

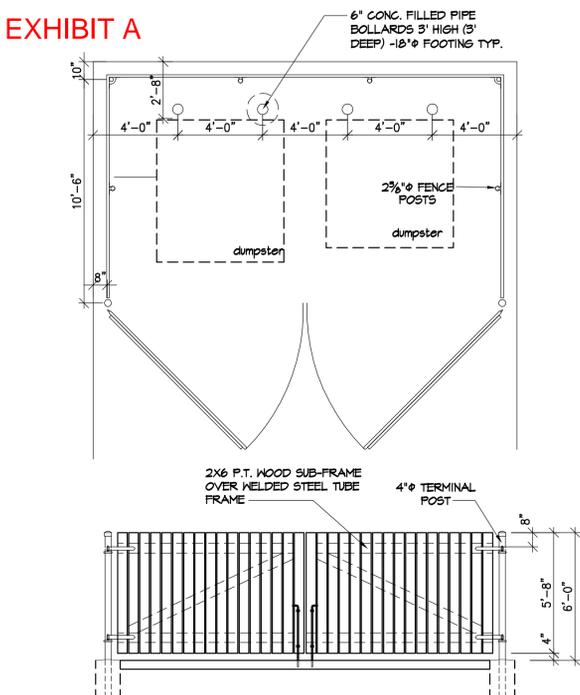


EXHIBITS:

- A. Site Plan & Landscaping Plans
- B. Architectural Elevation Drawings



SECTION DETAIL
3/4" = 1'-0" 01XXX01



DUMPSTER ENCLOSURE
1/4" = 1'-0" 01XXX01

PROJECT INFORMATION	
TYPE OF CONSTRUCTION:	New Building
FACILITY NAME:	Sun Valley Truck Shop
FACILITY ADDRESS:	00000 E. Blanchard Hutchinson, KS 67501
COUNTY:	Reno
LOCAL FIRE DEPARTMENT:	Hutchinson Fire Department
WATER SUPPLY:	Municipal
LOCAL BUILDING INSPECTION DEPT.:	City of Hutchinson
OWNER:	Keith Bauer Sun Valley, Inc. 2201 S. Lorraine St. Hutchinson, KS 67501 (620) 662-3792
DESIGN FIRM:	MANN & COMPANY, P.A. ARCHITECTS & PLANNERS 1703 London Street, Suite 110 Hutchinson, KS 67502 620-662-4493
ARCHITECT:	Mark W. Schwartzkopf

Received this 10th day of October
2016 by the City of Hutchinson
Plannin & Development Department.

MANN & COMPANY, P.A.
ARCHITECTS & PLANNERS
1703 London Street, Suite B
Hutchinson, KS 67502 620-662-4493

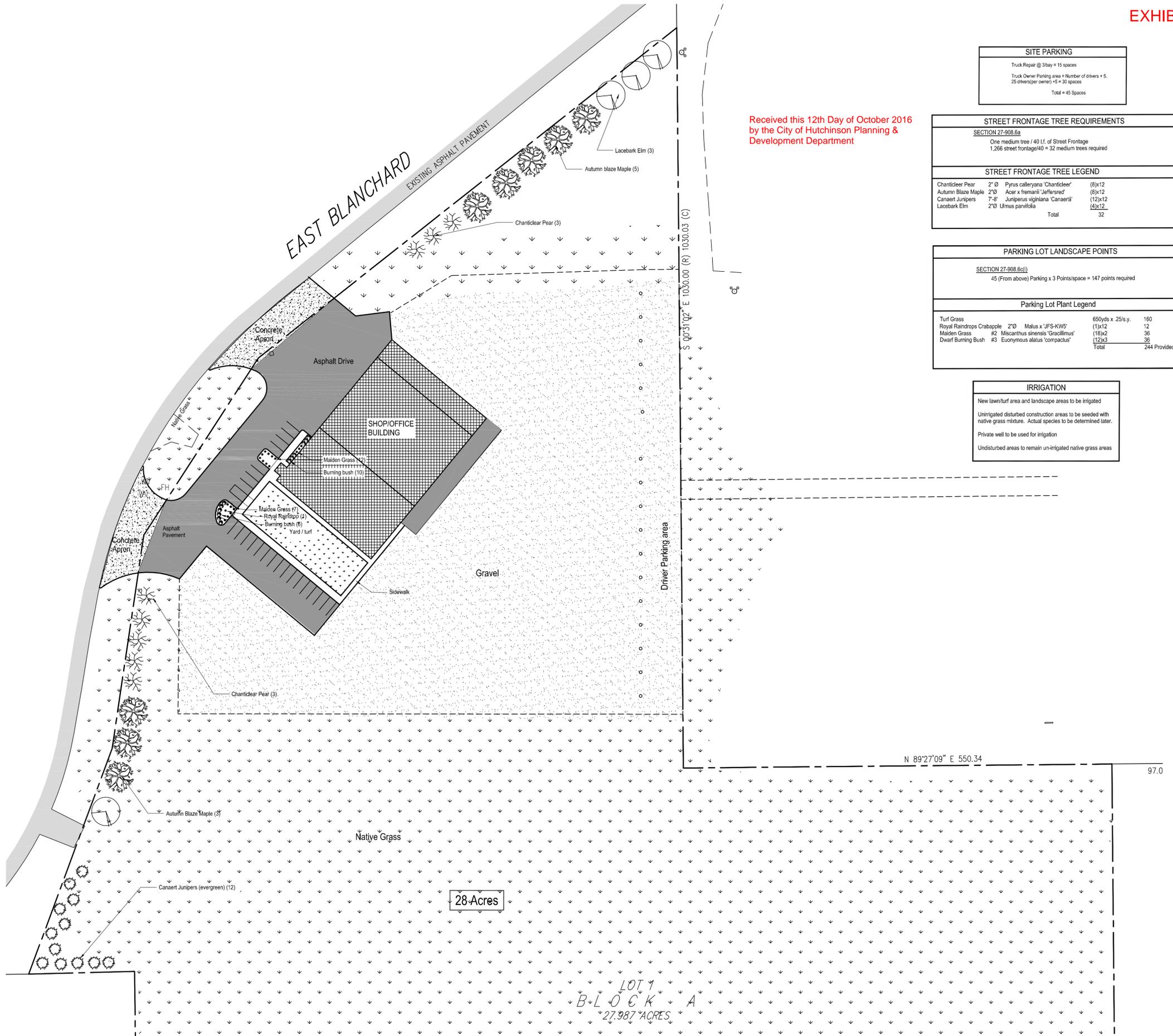
Sun Valley Truck Shop
0000 Blanchard Dr.
Hutchinson, Kansas 67501

SITE PLAN
title

ds. VVMS
dr. MNS
ck. VV
commission no. 2285.00
prints/tracings H5 87

sheet **SP1.0**
of
date 10-10-2016

Received this 12th Day of October 2016
by the City of Hutchinson Planning &
Development Department



SITE PARKING	
Truck Repair @ 3/bay	= 15 spaces
Truck Owner Parking area = Number of drivers + 5.	25 drivers/per owner + 5 = 30 spaces
Total = 45 Spaces	

STREET FRONTAGE TREE REQUIREMENTS	
SECTION 27-908.8a	
One medium tree / 40 LF of Street Frontage 1,268 street frontage/40 = 32 medium trees required	
STREET FRONTAGE TREE LEGEND	
Chanticleer Pear	2" Ø Pyrus calleryana 'Chanticleer' (8)x12
Autumn Blaze Maple	2" Ø Acer x framarilii 'Jeffersred' (8)x12
Canaert Junipers	7'-8' Juniperus virginiana 'Canaertii' (12)x12
Lacebark Elm	2" Ø Ulmus parvifolia (4)x12
Total	
32	

PARKING LOT LANDSCAPE POINTS	
SECTION 27-908.8a(1)	
45 (From above) Parking x 3 Points/space = 147 points required	
Parking Lot Plant Legend	
Turf Grass	650yds x 25/s.y. = 160
Royal Raindrops Crabapple	2"Ø Maltus x 'JFS-KWS' (1)x12 = 12
Maiden Grass	#2 Miscanthus sinensis 'Gracillimus' (18)x2 = 36
Dwarf Burning Bush	#3 Euonymus alatus 'compactus' (12)x3 = 36
Total	
244 Provided	

IRRIGATION	
New lawn/turf area and landscape areas to be irrigated	
Unirrigated disturbed construction areas to be seeded with native grass mixture. Actual species to be determined later.	
Private well to be used for irrigation	
Undisturbed areas to remain un-irrigated native grass areas	

MANN & COMPANY, P.A.
ARCHITECTS & PLANNERS
1703 London Street, Suite B
Hutchinson, KS 67502 620-682-4483

revision
Sun Valley Truck Shop
0000 Blanchard Dr.
Hutchinson, Kansas 67501
project
LANDSCAPE PLAN
title



ds.	✓
dr.	MNS
ck.	✓
commission no.	2285.00
prints	H5
tracings	B7

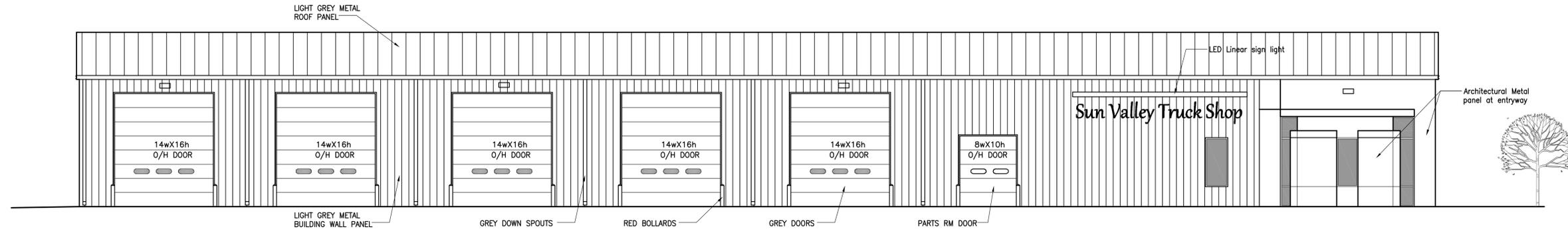
sheet
LP1.0
of

date
10-12-2016



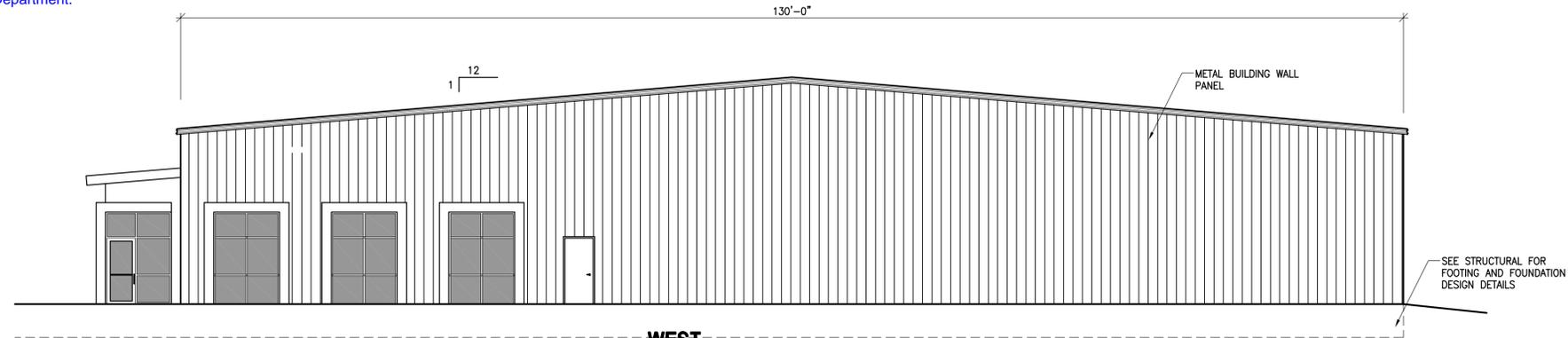
28-Acres

LOT 1
BLOCK A
27.987 ACRES

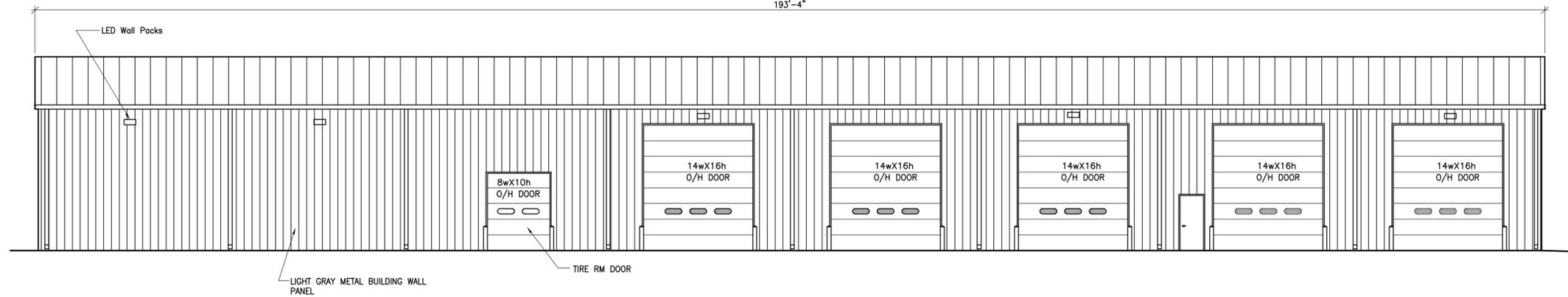


NORTH ELEVATION
1/8" = 1'-0" 01XXX01

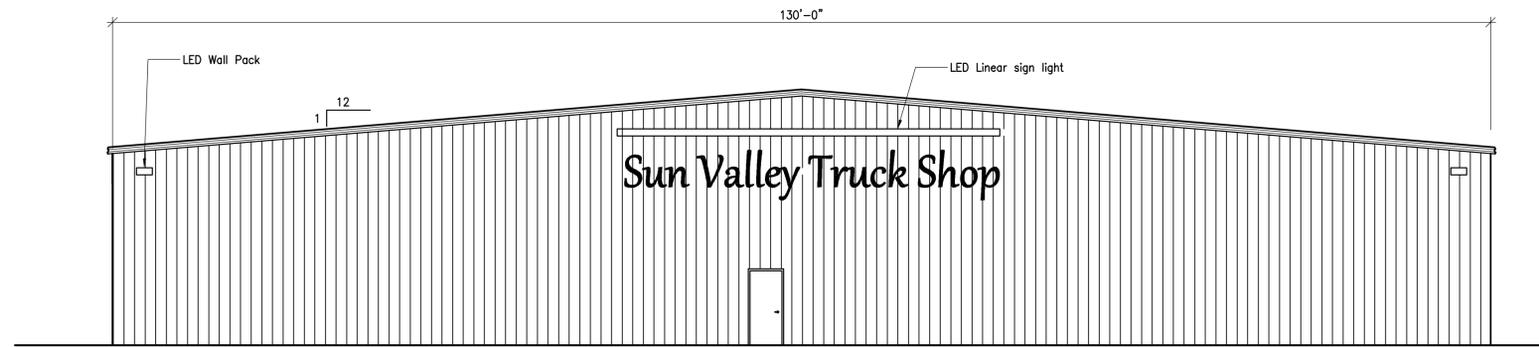
Received this 19th day of September 2016 by the City of Hutchinson Planning & Development Department.



WEST ELEVATION
1/8" = 1'-0" 01XXX01



SOUTH ELEVATION
1/8" = 1'-0" 01XXX01



EAST ELEVATION
1/8" = 1'-0" 01XXX01

MANN & COMPANY, P.A.
ARCHITECTS & PLANNERS
1703 London Street, Suite B
Hutchinson, KS 67502 620-682-4483

revision
Sun Valley Truck Shop
XXX Blanchard Dr.
Hutchinson, Kansas 67501
project
EXTERIOR ELEVATIONS
title

ds.	LWS
dr.	MNS
ck.	LWS
commission no.	2285.00
prints	tracings
H5	87
sheet	AE1.0
of	
date	08-31-2016