



AGENDA
PLANNING COMMISSION
 Tuesday July 9, 2019 – 5:30 PM
City Council Chambers
 125 E Avenue B, Hutchinson, Kansas

1. ROLL CALL

- | | | |
|--|-----------------------------------|---------------------------------------|
| <input type="checkbox"/> Richardson (Vice Chair) | <input type="checkbox"/> Vacant | <input type="checkbox"/> Bisbee |
| <input type="checkbox"/> Hamilton | <input type="checkbox"/> Wells | <input type="checkbox"/> Roberts-Ropp |
| <input type="checkbox"/> Carr (Chair) | <input type="checkbox"/> Peterson | <input type="checkbox"/> Swearer |

2. APPROVAL OF MINUTES – Meeting of April 9, 2019.

3. CORRESPONDENCE & STAFF REPORTS – Motion to accept correspondence and staff reports into the official record.

4. PUBLIC HEARINGS - None

5. NEW BUSINESS

a. Study Session: 2019 Amendments

Proposed Amendments to Article V of the Subdivision Regulations (Minor Plats, Lot Splits and Lot Line Adjustments), Sec. 27-325 Public Hearings and Notice, Sec. 27-501 Conditional Use Permits, Sec. 27-502 Special Use Permits, Sec. 27-1106 Public Hearing and Notice, Sec. 27-1202 Zoning District Amendments

6. OLD BUSINESS – None

7. UPCOMING CASES

- a.** CUP19-000001 – Hazardous Materials Manufacture and Storage Facility at 1600 N Halstead St.

8. ADMINISTRATIVE CASES

- a.** SIT19-000005 – Elliott Mortuary Office and Storage Building, 00000 E 13th Ave (Pending)
- b.** SIT19-000006 – Outdoor Activity Area for Eastwood Church, 00000 N Plum St (Approved)
- c.** PL19-000004 – Parking Lot, 1701 E 23rd Ave (Pending)
- d.** PR19-000002 & ADJ19-000002 – Faris Elementary Expansion, 300 E 9th Ave (Approved)

9. COUNCIL ACTION ON CASES - None

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

11. ANNOUNCEMENTS

12. ADJOURNMENT

Staff Contacts:	Jim Seitnater	620-694-2667	Aaron Barlow	620-259-4198
	Amy Allison	620-694-2638	Vacant	620-259-4134
	Charlene Mosier	620-259-4133		



PLANNING COMMISSION MINUTES

MEETING OF: TUESDAY, APRIL 9, 2019

MEETING LOCATION: CITY COUNCIL CHAMBERS
125 EAST AVENUE B

1. ROLL CALL

The Planning Commission meeting was called to order at 5:30 PM with the following members present:

Richardson [05/05] (Vice Chair) Hamilton [05/05] Carr [05/05] (Chair) Wells [04/05] Peterson [03/05] Bisbee [05/05] Roberts-Ropp [04/05] Swearer [05/05] Vacant [00/00]

Planning Staff present were: Jim Seitnater, Interim Director of Planning & Development; Amy Allison, Senior Planner; Aaron Barlow, Associate Planner; and Charlene Mosier, Planning Technician.

2. APPROVAL OF MINUTES

The minutes of the February 26, 2019 meeting were approved on a motion by Richardson, seconded by Bisbee, passed unanimously.

3. CORRESPONDENCE & STAFF REPORTS

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

4. PUBLIC HEARINGS

a. None

5. NEW BUSINESS

a. Study Session

Innovation in the Everyday: Avant-garde Staff Reports – Seeking Commissioners and Planners Insights. Bonnie Johnson, PhD, AICP – School of Public Affairs and Administration, University of Kansas

Bonnie Johnson, Planning Professor with the University of Kansas, said she is working on this study to better understand what Planning Commission members would like to see in staff reports. This would include content, format, tone, delivery, roles of staff and commission members, and understanding how staff reports might impact decision making. The study is to help determine how to make staff reports better. She is collecting responses from across the United States.

Johnson said she wanted something creative like a fashion runway show, Avant-garde. It can start as something outlandish, then inspire something that is usable. She asked commission members and staff what they like about current staff reports and what concerns they have. After viewing information online prior to the meeting, she asked for comments about the Avant-garde staff reports including mobile, game board, newsletter, video and e-book options. Johnson also asked how staff reports should be made available such as paper, podcast, video, online, posters, etc.

Planning Commission members said staff reports should be concise, fact based and they like the staff recommendation included. Staff reports should be easy to read with good visuals and include information such as the parcel zoning, surrounding zoning, and a clear location of the property. A short overview of the case with the pertinent information is good with extra details as an

attachment. The information should be organized, consistent, easy to understand and sent to members in a timely manner.

Videos are very popular in today's world of electronic media. A video on the process of Planning Commission meetings made available online could be helpful for the general public who is not familiar with the terms or procedures. A link to a video staff report may be helpful for some but may not be feasible based on staff time. Some like a written staff report without the entertainment factor and others enjoy a video style.

Barlow asked the question about best practices and policies and how much staff can say in a report to not sway the decision of the commission one way or another.

The question was also asked how to keep track of conditions on cases for years in the future. It needs to be clear what staff can and cannot enforce.

An option of holding two public hearings for a case was discussed. Currently a case can be tabled if additional information is needed to make a decision. Sometimes public comments can change the outcome of a case.

The City currently has a Public Information Officer and another option could be to work with her to place staff reports online or on Instagram or Facebook.

Johnson thanked the commission and staff for their participation on this project and she will report back on her findings when she has completed the study.

6. OLD BUSINESS

- a. None.

7. UPCOMING CASES

- a. Allison said there is a Special Use Permit coming in soon.

8. ADMINISTRATIVE CASES

- a. SIT19-000003 – Scooter's Coffee, 517 E 30th Avenue – This has been approved.

9. COUNCIL ACTION ON CASES

- a. None

10. OPEN COMMENTS FROM AUDIENCE

- a. None.

11. ANOUNCEMENTS

- a. Ryan Hvitlok, Planning Director, will begin May 13, 2019.
- b. **2018 Planning department Annual Report**
The Annual Report was included in the agenda packet.

12. ADJOURNMENT - The meeting adjourned at 7:00 p.m.

Respectfully Submitted

Charlene Mosier, Planning Technician
Approved this day of 2019

Attest: _____

Article V. Minor Plats, Lot Splits and Lot Line Adjustments

Sec. 9-501 Intent and Authority.

The intent of this Article is to provide an economical and efficient procedure for the division and adjustment of previously subdivided property in developed areas as well as the subdivision of land where little or no expansion of the public infrastructure is required.

Sec. 9-502 Standard Conditions.

If any of the following conditions apply to the proposed project, platting shall be required in accordance with the Subdivision Regulations, and the project shall not be approved administratively.

- A. New public improvements are needed or proposed to serve the lots or tracts in the proposed project, including but not limited to new streets, alleys, sewer or water lines, or stormwater infrastructure.
- B. The proposed project will bring lots or structures out of conformance with applicable lot and building requirements of the underlying zoning district.
- C. The proposed project will result in a lot without a recorded access to or sufficient frontage upon a public street.
- D. The proposed project will result in significant increases of service requirements or will interfere with maintaining existing service levels.
- E. Easement requirements will not be satisfied, or existing easements will have to be modified to accommodate the proposed project.
- F. The proposed project is located within a Special Flood Hazard Area.
- G. The proposed project is not consistent with the City's current Comprehensive Plan.
- H. The proposed project does not conform to the Kansas Minimum Standards for Boundary Surveys.
- I. Real estate taxes and special assessments on the subject property or properties within the proposed project are delinquent.
- J. A lot has been previously divided through an administrative process.
 - a. A lot that is zoned for industrial purposes and for which a plat has been officially recorded may be further divided administratively, provided that the requirements herein are followed.
 - b. Lot Line Adjustments are exempt from this requirement.

Sec. 9-503 Minor Plats.

The purpose of the minor plat administrative process is to allow property owners the flexibility to divide previously unplatted property where no expansion of public infrastructure is required.

- A. A Minor Plat may be submitted for the following:
 1. The division of a previously unplatted parcel into no more than five lots.
 2. The removal of existing platted building setback lines on one or more platted lots
 3. The Consolidation of up to three previously platted lots into no more than two lots.
- B. Minor Plats may be approved by the Director of Planning and Development, provided the conditions found in Section 9-502 and all the following criteria are met:
 1. No more than five lots may be created through a Minor Plat;

2. Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height size and setback requirements;
3. The applicant complies with any applicable stormwater management requirements;
4. Easements for utilities are not vacated, added, relocated, or removed;
5. Water and sewer services will not be adversely impacted;
6. Existing or proposed septic systems and wells meet all setback and area requirements;
7. No public infrastructure improvements are necessary to serve the lots;
8. The plat is consistent with the comprehensive plan; and
9. Real estate taxes and special assessments on the property to be platted are not delinquent.

Sec. 9-504 Lot Splits.

The purpose of the Lot Split administrative process is to provide the division of property into not more than two tracts. may be approved by the Director of Planning and Development, provided the conditions found in section 9-502 and all the following criteria are met:

- A. Existing lots are either platted or are exempt from platting;
- B. Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height size and setback requirements;
- C. Easements for utilities are not vacated, added, relocated, or removed;
- D. Water and sewer services will not be adversely impacted;
- E. Existing or proposed septic systems and wells meet all setback and area requirements;
- F. No public infrastructure improvements are necessary to serve the lots; and
- G. The lot or lots have not been subject to a previous split.
 - a. A lot that is zoned for industrial purposes and for which a plat has been officially recorded may be further divided administratively, provided that the requirements herein are followed.

Sec. 9-505 Lot Line Adjustments.

The lot line between any two platted lots may be moved or adjusted through an administrative Lot Line Adjustment by the director of Planning and Development, provided the conditions found in section 9-502 and all the following criteria are met:

- A. Existing lots are either platted or are exempt from platting;
- B. Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height size and setback requirements;
- C. Easements for utilities are not vacated, added, relocated, or removed;
- D. No additional lots are created; and
- E. No easements are added, relocated, or removed.

Sec. 9-506 Application Requirements.

Applications for Minor Plats, Lot Splits and Lot Line Adjustments shall be made by the owner of the property, or their representative, to the Planning and Development Department on forms provided. Said application shall be accompanied by:

- A. Scaled drawings, in paper and PDF format, prepared and sealed by a land surveyor licensed in the State of Kansas, of the land involved in the subject application containing the following information:

1. Location of the subject property as related to the nearest existing streets;
 2. Location of the existing easements and utilities;
 3. Dimensions of the divided portions of the lot;
 4. Adjoining parcels, identified by the owner of record;
 5. Location and width of driveways or accessways, existing and proposed;
 6. Dimensions of all existing structures and their locations with respect to the existing and proposed lot lines;
 7. Signature of the owner(s); and
 8. Legal description of the existing property and each of the proposed properties.
- B. Drawing and legal descriptions prepared by a licensed land surveyor in a suitable format for recording showing the new lots.
 - C. Application fee, in an amount as provided on the master fee schedule.
 - D. Recording fee.
 - E. Any other materials as deemed necessary by the Planning and Development Department.

Sec. 9-507 Administrative Approval.

- A. Upon receipt of a complete application, the Development Review Committee shall review it for compliance with the Hutchinson City Code. If, in the determination of the Development Review Committee, the application and certified survey comply with the Hutchinson City Code, the lot split shall be approved by the Planning and Development Department and signed by the Director of Planning and Development or their designee.
- B. The City shall file the approved lot split with the Reno County Register of Deeds. A recorded copy of the document will be returned to the applicant.

Sec. 27-325 Public Hearings and Notice.

A. Planning Commission Public Hearings.

Unless provided for otherwise, the notice given for legislative and advisory proceedings, including amendments to this ordinance, the Official Zoning Map, and the Comprehensive Plan, as well as all other public hearings by the Planning Commission, shall be provided as set forth below;

1. Newspaper Notice. A notice shall be published in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposed action and list the time and place of the public hearing.
2. First-Class Mail Notification. A notice of the proposed action shall be sent by first class mail by the zoning administrator at least 20 days before the public hearing to the following owners of property as shown on the Reno County tax records: (1) the property(ies) subject to the proposed action, (2) all parcels located within 200 feet of the subject property(ies), and (3) parcels within 1,000 feet in unincorporated areas if the subject property(ies) is adjacent to the city limits. Failure to receive the notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail.
3. Sign to be Posted. A sign shall be posted by the Zoning Administrator on the subject property(ies) at least 20 days before the public hearing. Such sign shall be titled *Zoning Action Pending*, Contact information for the Planning & Development Department, and a brief summary of the requested action. When multiple parcels are involved in the application, each parcel is not required to be posted, if the parcels share the same road frontage.

B. Board of Zoning Appeals Public Hearings.

Unless provided for otherwise, the notice given for quasi-judicial proceedings, including variances and exceptions, as well as all other public hearings by the Board of Zoning Appeals established in Article XI of the *Zoning Regulations for the City of Hutchinson, Kansas*, shall be provided as set forth below;

1. Newspaper Notice. A notice shall be published in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposed action and list the time and place of the public hearing.
2. First-Class Mail Notification. A notice of the proposed action shall be sent by first class mail by the zoning administrator at least 20 days before the public hearing to the following owners of property as shown on the Reno County tax records: (1) the property(ies) subject to the proposed action, (2) all parcels located within 200 feet of the subject property(ies), and (3) parcels within 1,000 feet in unincorporated areas if the subject property(ies) is adjacent to the city limits. Failure to receive the notice shall not invalidate

any subsequent action taken when the notice has been properly addressed and deposited in the mail.

3. Sign to be Posted. A sign shall be posted by the Zoning Administrator on the subject property(ies) at least 20 days before the public hearing. Such sign shall be titled *Zoning Action Pending*, Contact information for the Planning & Development Department, and a brief summary of the requested action. When multiple parcels are involved in the application, each parcel is not required to be posted, if the parcels share the same road frontage.

Sec. 27-501 Conditional Use Permits.

A. Intent.

Some types of land uses have unique characteristics or may impact the surrounding environment. Within a given zoning district, some land uses may be allowed only after a conditional use permit has been issued. Where specifically required by these regulations, conditional use permits shall be issued before:

1. New construction of any type may occur;
2. Construction of an addition may occur to an existing building where the total gross floor area of the addition totals 30 percent or more of the total gross floor area of the original building; or
3. A new land use of a different land use category than the former land use is permitted.

B. Application Procedure.

1. To obtain a conditional use permit, as provided for in these regulations, the property owner or authorized agent shall file an application. The application shall be filed with the Zoning Administrator. The application shall contain, at minimum:
 - a. A copy of the deed to the property;
 - b. The legal description of the pertinent parcel or parcels and a certified listing from either the Reno County Appraiser's Office or a title company of the names and addresses of all owners of all parcels or portions of parcels within 200 feet of the outer boundaries of the parcel or parcels within the City limits or within 1,000 feet of the outer boundaries of the parcel or parcels outside the City limits to which the application applies;
 - c. A statement of the proposed use of each parcel or parcels;
 - d. A sketch plan, drawn to scale, showing the location and exterior dimensions of all existing and proposed structures, yard improvements, landscaping, driveways, off-street parking areas, pedestrian walks and areas, storm water drainage facilities and exterior lighting fixtures in relation to parcel boundaries and adjacent street rights-of-way;

- e. A list of the height or heights of any existing and proposed structures;
 - f. A statement listing property taxes and special assessments and a declaration that all of same have been paid; and
 - g. Any other information necessary to determine compliance of the proposed use with the terms of these regulations.
2. The applicant shall submit a written statement with the pertinent application at the time such application is submitted to the Zoning Administrator. Written statements should address:
- a. How the proposed use is in keeping with the character of the neighborhood;
 - b. Whether the proposed use is consistent with the zoning and uses of nearby parcels;
 - c. The suitability of the parcel for its current zoning and use compared to the proposed use;
 - d. The extent of detrimental effects of the proposed use to nearby properties;
 - e. The length of time the property has been vacant prior to submittal of the application;
 - f. The hardship imposed upon the property owner if the application were denied;
 - g. How the proposed use helps to implement the Comprehensive Plan;
 - h. Whether public facilities and utilities are adequate to serve the proposed use;
 - i. Aspects of the proposed use which minimize impacts on the neighborhood, nearby properties, the public health, safety and welfare, and public facilities and utilities; and
 - j. Any other information that the property owner or authorized agent desires to submit including photographs, drawings, maps, statistics, legal documents, letters of support and other pertinent materials.

C. Conditional Use Permit Process.

1. Upon receipt of an application for a conditional use permit, the following procedures shall apply:
- a. The Zoning Administrator shall set the date of a Planning Commission public hearing concerning the application. The public hearing shall be held within 60 days after the submittal date. The application shall be submitted in accordance with the application deadline schedule.
 - b. ~~The Zoning Administrator shall publish a notice of the public hearing concerning the proposed conditional use permit in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposal in general terms and list the time and place of the public hearing.~~ Notice for the proposed Conditional Use Permit shall be provided by the Zoning Administrator pursuant to

Section 27.325.A of Zoning Regulations for the City of Hutchinson, Kansas.

- c. The Zoning Administrator shall prepare a staff report which may summarize the applicable sections of these regulations including:
 - (i.) The character of the neighborhood;
 - (ii.) Existing land uses on neighboring parcels;
 - (iii.) Current zoning district boundaries; examine the suitability of the property for its current zoning and use compared to the proposed use;
 - (iv.) Possible detrimental effects on neighboring property if the application were approved;
 - (v.) Length of time the property has remained vacant as presently zoned;
 - (vi.) Comparison of the public health, safety and welfare gains to the hardship imposed on the landowner if the application were denied;
 - (vii.) Examine whether the proposed use conforms to the Comprehensive Plan;
 - (viii.) The impact of the proposed use on public facilities and utilities; and
 - (ix.) Other pertinent information and evaluations.
- d. ~~Copies of the public hearing notice shall be mailed to all owners of land located within 200 feet of the area designated in the proposed conditional use permit and land within 1,000 feet in unincorporated areas if the subject property is adjacent to the city limits. The notice shall indicate the time and place of the public hearing and invite interested individuals to appear and be heard. Failure to receive the notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail. Comments may be solicited from Reno County, the City of South Hutchinson, the County Health Officer, and other affected agencies. Copies of the application, staff report and other relevant information shall be made available for the public to view.~~
- e. Prior to the public hearing, the Zoning Administrator shall notify the Planning Commission of the case, transmit copies of the application and staff report, forward copies of any associated correspondence and provide other pertinent reports and materials.
- f. The Planning Commission shall conduct the public hearing according to any adopted procedures and consistent with Kansas law. During the public hearing, the Zoning Administrator shall make recommendations. The public hearing may be adjourned from time to time.
- g. The Planning Commission shall make a recommendation to the City Council. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the conditional use permit to the City Council.

The Planning Commission may recommend approval of the conditional use permit or denial of the application.

- h. The City Council shall consider the recommendation of the Planning Commission at a regularly scheduled meeting after the public hearing. The City Council shall be provided copies of all pertinent materials and a record of the public hearing. The City Council may approve an ordinance adopting the recommendation, override the Planning Commission's recommendation by a two-thirds vote of the membership of the City Council, or return the recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.
 - i. Should the City Council return an application to the Planning Commission for reconsideration, the Planning Commission, after considering the application at its next regularly scheduled meeting, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. If the Planning Commission fails to act within this time limit, the original recommendation shall be resubmitted to the City Council. Upon receipt of the recommendation, the City Council, by a simple majority, may adopt or may revise or amend and adopt the recommendation, or it need take no further action thereon.
 - j. The conditional use permit shall become effective upon approval by the City Council.
2. The Planning Commission may recommend and the City Council may approve a conditional use permit and may impose conditions including but not limited to the following:
- a. It may be stipulated that a parcel shall be developed according to a specific site plan.
 - b. It may be stipulated that screening and landscaping are required as shown on a specific site plan.
 - c. Permitted land uses, including accessory and temporary uses, may be specified.
 - d. Off-street parking areas and parking lots including:
 - (i.) Surfacing material and landscaping;
 - (ii.) Buffering, screening, and barriers;
 - (iii.) Orientation and layout;
 - (iv.) Accessibility, entrances and exits;
 - (v.) Impervious surfaces and storm water drainage;
 - (vi.) Signage and lighting; and
 - (vii.) Maintenance and security.
 - e. The number and location of curb cuts may be specified.
 - f. Additional easements for utilities, egress and/or ingress.
 - g. Special conditions that are required to accommodate new technologies and/or design solutions.

- h. Time limits of 30 days, 60 days, 90 days, 180 days or one year may be set to meet specific conditions of a conditional use permit.
- i. The material used to cover any structure elevation may be specified as completely or some combination of metal siding, stucco, shingles, vinyl siding, wood siding, brick, stone blocks, exposed stone panels, concrete, glass blocks, plate glass, decorative tiles, or other material.
- j. In commercially zoned districts, parcels that directly abut residential districts may be subject to regulation of hours of operation for outdoor activities. Directly abut means to have a common boundary or to have a common boundary upon an intervening alley.
- k. Any other conditions necessary to mitigate the impacts of the use and make the proposed use compatible with the neighborhood and surrounding properties.

D. Matters To Be Considered.

The Planning Commission and the City Council shall consider the following factors when approving or disapproving a conditional use permit request:

- 1. The character of the neighborhood;
- 2. The zoning and uses made of nearby property;
- 3. The suitability of the parcel for its current zoning and use compared to the proposed use;
- 4. The extent of detrimental effects to nearby properties if the application were approved;
- 5. The length of time the property has remained vacant prior to submittal of the application;
- 6. The relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied;
- 7. The conformance of the application to the comprehensive plan of the City;
- 8. The impact of the proposed use on public facilities and utilities; and
- 9. The recommendations of the professional city staff and their representatives.

E. Reapplication upon a Denial.

When a conditional use permit has been denied by the City Council, said action shall be final. Reapplication for the same use shall not be accepted or processed by the City until 365 days after date when the initial permit was denied by the City Council.

Sec. 27-502 Special Use Permits.

A. Intent.

Some types of land uses have unique characteristics or a need to mitigate special impacts on the surrounding environment. Within a given zoning district, some land uses may be allowed only after a special use permit has been reviewed and

approved by the Board of Zoning Appeals. In such cases, special use permits shall be issued before:

1. New construction of any type may occur;
2. Construction of an addition may occur to an existing building where the total gross floor area of the addition totals 30 percent or more of the total gross floor area of the original building; or
3. A new land use which is of a different land use category than the former land use may occupy a parcel.

B. Application Procedure.

1. To obtain a special use permit, the property owner or authorized agent shall file an application with the Zoning Administrator. The application shall contain, at minimum:
 - a. A copy of the property deed;
 - b. The legal description of the pertinent parcel or parcels and a certified listing from either the Reno County Appraiser's Office or a title company of the names and addresses of all owners of all parcels or portions of parcels within 200 feet of the outer boundaries of the parcel or parcels within the City limits or within 1,000 feet of the outer boundaries of the parcel or parcels outside the City limits to which the application applies;
 - c. A statement of the proposed use of each parcel or parcels;
 - d. A sketch plan, drawn to scale, showing the location and exterior dimensions of all existing and proposed structures, yard improvements, landscaping, driveways, off-street parking areas, pedestrian walks and areas, storm water drainage facilities and exterior lighting fixtures in relation to parcel boundaries and adjacent street rights-of-way;
 - e. A list of the height or heights of any existing and proposed structures;
 - f. A statement listing property taxes and special assessments and a declaration that all of same have been paid; and
 - g. Any other information necessary to determine compliance of the proposed use with the terms of these regulations.
2. The applicant shall submit a statement which shall become part of and be attached to the pertinent application. Statements shall be completed in writing and submitted to the Zoning Administrator when the pertinent application is submitted. Statements should address:
 - a. How the proposed use is in keeping with the character of the neighborhood;
 - b. Whether the proposed use is consistent with the zoning and uses made of nearby parcels;
 - c. The suitability of the parcel for its current zoning and use compared to the proposed use;
 - d. The extent of detrimental effects of the proposed use to nearby properties;

- e. The length of time the property has been vacant prior to submittal of the application;
- f. The hardship imposed upon the property owner if the application is denied;
- g. How the proposed use helps to implement the Comprehensive Plan;
- h. Whether public facilities and utilities are adequate to serve the proposed use;
- i. Aspects of the proposed use which minimize impacts on the neighborhood, nearby properties, the public health, safety and welfare, and public facilities and utilities; and
- j. Any other information that the property owner or authorized agent desires to submit including photographs, drawings, maps, statistics, legal documents, letters of support and other pertinent materials.

C. Special Use Permit Process.

1. Upon receipt of an application for a special use permit, the following procedures shall apply:
 - a. The Zoning Administrator shall set the date of a Board of Zoning Appeals public hearing concerning the application. The public hearing shall be held within 60 days after the submittal date. The application shall be submitted at least 30 days prior to a scheduled Board of Zoning Appeals meeting.
 - b. ~~The Zoning Administrator shall publish a notice of the public hearing concerning the proposed special use permit in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposal in general terms and list the time and place of the public hearing.~~ Notice for the proposed Special Use Permit shall be provided by the Zoning Administrator pursuant to Section 27.325.B of Zoning Regulations for the City of Hutchinson, Kansas.
 - c. The Zoning Administrator shall prepare a staff report which may summarize the applicable sections of these regulations including:
 - (i.) the character of the neighborhood;
 - (ii.) existing land uses on neighboring parcels;
 - (iii.) current zoning district boundaries;
 - (iv.) examine the suitability of the property for its current zoning and use compared to the proposed use;
 - (v.) possible detrimental effects on neighboring property if the application were approved;
 - (vi.) length of time the property has remained vacant prior to submittal of the application;
 - (vii.) comparison of the public health, safety and welfare gains to the hardship imposed on the landowner if the application were denied;
 - (viii.) examine whether the proposed use conforms to the Comprehensive Plan;

- (ix.) the impact of the proposed use on public facilities and utilities; and
 - (x.) other pertinent information and evaluations.
 - d. ~~Copies of the public hearing notice shall be mailed to all owners of land located within 200 feet of the area designated in the proposed conditional use permit and land within 1,000 feet in unincorporated areas if the subject property is adjacent to the city limits. The notice shall indicate the time and place of the public hearing and invite interested individuals to appear and be heard. Failure to receive the notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail. Comments may be solicited from Reno County, the City of South Hutchinson, the County Health Officer, and other affected agencies. Copies of the application, staff report and other relevant information shall be made available for the public to view.~~
 - e. Prior to the public hearing, the Zoning Administrator shall notify the Board of Zoning Appeals of the case, transmit copies of the application and staff report, forward copies of any associated correspondence and provide other pertinent reports and materials.
 - f. The Board of Zoning Appeals shall conduct the public hearing according to any adopted procedures and consistent with Kansas law. During the public hearing, the Zoning Administrator shall make recommendations. The public hearing may be adjourned from time to time.
 - g. The Board of Zoning Appeals shall make a final determination. A majority of the members of the Board of Zoning Appeals present and voting at the hearing shall be required to make a determination. All decisions of the Board of Zoning Appeals shall be final.
 - h. The special use permit shall become effective upon approval by the Board of Zoning Appeals.
2. Any appeal of a determination of the Board of Zoning Appeals shall be filed with the District Court of the County within 30 days of said determination.
3. The Board of Zoning Appeals may impose conditions including but not limited to the following:
- a. Permitted land uses including accessory and temporary uses may be specified.
 - b. The number and location of curb cuts may be specified.
 - c. Additional easements for utilities, egress and/or ingress.
 - d. Special conditions that are required to accommodate new technologies and/or design solutions.
 - e. Time limits of 30 days, 60 days, 90 days, 180 days or one year may be set to meet specific conditions of a special use permit.
 - f. The material used to cover any structure elevation may be specified as completely or some combination of metal siding, stucco, shingles, vinyl siding, wood siding, brick, stone blocks, exposed stone panels, concrete, glass blocks, plate glass, decorative tiles, or other material.

- g. It may be stipulated that a parcel shall be developed according to a specific site plan.
- h. It may be stipulated that screening and landscaping are required as shown on the site plan.
- i. In commercially zoned districts, parcels that directly abut residential districts may be subject to regulation of hours of operation for outdoor activities. Directly abut means to have a common boundary or to have a common boundary upon an intervening alley.
- j. Off-street parking areas and parking lots.
- k. Any other conditions necessary to make the proposed use compatible within the area and adjacent properties.

D. Matters To Be Considered.

The Board of Zoning Appeals shall consider the following factors when approving or disapproving a special use permit request:

- 1. The character of the neighborhood;
- 2. The zoning and uses made of nearby property;
- 3. The suitability of the property for its current zoning and use compared to the proposed zoning and use;
- 4. The extent of detrimental effects to nearby properties if the application were approved;
- 5. The length of time the property has remained vacant;
- 6. The relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied;
- 7. The conformance of the application to the comprehensive plan of the City;
- 8. The impact of the proposed use on public facilities and utilities; and
- 9. The recommendations of the professional city staff and their representatives.

E. Reapplication upon a Denial.

When a special use permit has been denied by the Board of Zoning Appeals, said action shall be final. Reapplication for the same use shall not be accepted and processed by the City until 365 days after the date when the initial permit was denied by the Board of Zoning Appeals.

Sec. 27-1106 Public Hearing and Notice.

The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matters referred to it. ~~Notice of the time, place, date, and subject of such hearing shall be published once in the official newspaper at least 20 calendar days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Board of Zoning Appeals, and to all property owners within 200 feet of the subject property and 1,000 feet if the subject property is adjacent to or outside the corporate boundary of the City. Any party in interest may appear and be heard at the hearing in~~

~~person or by agent or attorney.~~ Notice for such hearing shall be provided by the Zoning Administrator pursuant to Section 27.325.B of *Zoning Regulations for the City of Hutchinson, Kansas*.

Sec. 27-1202 Zoning District Amendments.

Upon receipt of an application for a zoning district amendment, the following procedures shall apply:

- A. The zoning administrator shall set the date of a Planning Commission public hearing concerning the application. The public hearing shall be held within 60 days after the submittal date. The application shall be submitted at least 30 days prior to a scheduled Planning Commission meeting in order to schedule a public hearing at that meeting.
- B. ~~The zoning administrator shall publish a notice of the public hearing concerning the proposed zoning district amendment in the official newspaper at least 20 days before the public hearing. The notice shall describe the proposal in general terms and list the time and place of the public hearing.~~ Notice for the proposed zoning district amendment shall be provided by the Zoning Administrator pursuant to Section 27.325.A of *Zoning Regulations for the City of Hutchinson, Kansas*.
- C. The zoning administrator may post on the site a sign announcing the time and date of the public hearing. This sign will be posted at least seven days prior to the public hearing.
- D. The zoning administrator shall prepare a staff report which may summarize the applicable sections of these regulations; describe the character of the neighborhood; list existing land uses on neighboring parcels; describe current zoning district boundaries; examine the suitability of the property for its current zoning; list detrimental effects on neighboring property if the amendment were approved; examine the length of time the property has remained vacant as presently zoned; compare the public health, safety and welfare gains to the hardship imposed on the landowner if the amendment were denied; examine whether the proposed amendment conforms to the Comprehensive Plan; evaluate the impact of the proposed amendment on public facilities and utilities; and contain other pertinent information and evaluations.
- E. ~~Copies of the public hearing notice shall be distributed by mail at least 20 days prior to the public hearing to all owners of land located within 200 feet of the area designated in the proposed zoning district amendment and land within 1,000 feet in unincorporated areas if the subject property is adjacent to the city limits. The notice shall indicate the time and place of the public hearing and invite interested individuals to appear and be heard. Failure to receive the notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail.~~ Comments may be solicited from the Reno County, the City of South Hutchinson, the County Health Officer, and other affected agencies. Copies of the application, staff report and other relevant information shall be made available.

- F. Copies of the application, public hearing notice, and staff report shall be distributed prior to the public hearing by the zoning administrator to the City of South Hutchinson, Reno County and other appropriate entities.
- G. Prior to the public hearing, the zoning administrator shall notify the Planning Commission of the case, transmit copies of the application and staff report, forward copies of any associated correspondence and provide other pertinent reports and materials.
- H. The Planning Commission shall conduct the public hearing according to any adopted procedures and consistent with Kansas law. During the public hearing, the zoning administrator shall make what recommendations he/she deems appropriate. The public hearing may be adjourned from time to time.
- I. In most cases immediately following the public hearing, the Planning Commission shall make a recommendation to the City Council. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the City Council. The Planning Commission may recommend approval of the zoning district amendment or denial of the application. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval.
- J. The City Council shall consider the application at a regularly scheduled meeting not less than 14 days after the public hearing. The City Council may approve an ordinance adopting the recommendation by simple majority, override the Planning Commission's recommendation by a two-thirds vote, or return the recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.
- K. Should the City Council return an application to the Planning Commission for reconsideration, the Planning Commission, after considering the application at its next regularly scheduled meeting, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. If the Planning Commission fails to act, the original recommendation shall be resubmitted to the City Council. Upon receipt of the recommendation, the City Council, by a simple majority, may adopt or may revise or amend and adopt the recommendation by ordinance, or it need take no further action thereon.
- L. The rezoning shall become effective upon publication of the adopting ordinance.
- M. The Planning Commission may recommend and the City Council may approve an ordinance adopting a zoning district amendment which only affects a portion of the parcel or parcels described in the notice.