

1. **ROLL CALL**

The Planning Commission meeting was called to order at 5 PM with the following members present: Terry Bisbee, Harley Macklin, Tom Hornbeck, Darryl Peterson, Robert Obermite, Todd Carr, Mark Woleslagel, Janet Hamilton and Ken Peirce. Staff present were Jana McCarron, Director of Planning and Development; Casey Jones, Senior Planner; Aaron Barlow, Associate Planner and Charlene Mosier, Planning Technician. Steve Dechant, City Councilmember; Paul Brown, City Attorney; and Bruce Colle, Director of Engineering, were also in attendance.

2. **APPROVAL OF MINUTES**

The minutes of the August 16, 2016, meeting were approved on a motion by Bisbee, seconded by Macklin, passed unanimously.

3. **CORRESPONDENCE & STAFF REPORTS**

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

4. **PLANNING COMMISSION TRAINING**

4a. Conflict of Interest - Paul Brown, City Attorney

Brown said the website for information on conflict of interest is [www.kslegislature.org](http://www.kslegislature.org). A quorum for the Planning Commission is five members. The Attorney General reviews our agendas and minutes that are online for compliance with open meetings and conflict of interest requirements and will look into any complaints. Brown reviewed items that could give the appearance of impropriety, such as a spouse having 5% ownership in a business or \$5,000 of value in a business, holding office in a business entity or being party to a contract. In these situations it is best for the Planning Commission member to abstain from voting. The Planning Commission recommends approval of plats or zoning and not approval of public funds, which is a difference. He said living in a neighborhood involved in a zoning case is not a conflict. Brown said he is always available for staff and commissioners to ask questions of him.

5. **PUBLIC HEARINGS**

- a. **16-ZA-08:** Request for a change in zoning for a 27.9-acre tract, Parcel ID Number 139290001006000, located to the South and West of 1701 E Blanchard Ave from C-4 Special Commercial District and TA Transitional Agricultural Rural District to I-2 Industrial District (Owner/Applicant: Keith Bauer, KB Enterprises of Hutchinson LLC)

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

Jones reviewed the case. Keith Bauer, KB Enterprises of Hutchinson, KS LLC is the owner. Currently the property has two zoning classifications, C-4 Special Commercial District and TA Transitional Agricultural Rural District. The property consists of 27.9 acres and is located on a highway frontage street adjacent to the city limits. A truck wash and mobile home park are located to the East. The applicant proposes to establish an office with a truck repair shop on the subject property. He currently operates a truck repair shop at 2201 S Lorraine St. to the West of the subject property and due to the growth of the business, he is proposing to develop the subject property, which is more suited to industrial uses than to commercial uses. A small triangle-shaped parcel with access to Blanchard Ave. has been annexed for access to the property. A subdivision plat and a conditional use permit will also be required. Jones showed photos and maps of the area including the Future Land Use Map and reviewed the factors.

Peirce asked the applicant for his presentation.

Keith Bauer, 931 North Wheat State Road, Burrton, said his business has grown significantly from 30 trucks to 50 trucks and 125 trailers and is continuing to grow. He has five mechanics that work in the repair shop and they have outgrown that space. He has 55 employees and is also planning to build a warehouse in South Hutchinson. His company hauls for Siemens and hauls road salt to Denver. He has purchased some very large machinery that he hopes to be able to use at the new location. In the future, if his two sons need to expand the business, the trees on the proposed property could be removed to allow for expansion.

Macklin congratulated Mr. Bauer on his successful business and asked what he plans to do with the current location at 2201 S Lorraine St. Mr. Bauer said he is not sure at this point.

Peirce closed the hearing and asked for a motion.

**Motion by Carr, seconded by Macklin, to recommend approval to the City Council of Zoning Amendment request number 16-ZA-08 for a rezone of 27.987 acres of land located to the West and South of 1701 East Blanchard Avenue, from C-4 Special Commercial District and TA Transitional Agricultural Rural District to I-2 Industrial District based upon due consideration of the following factors:**

- 1. Character of the neighborhood;**
- 2. Current zoning and uses of nearby property;**
- 3. Suitability of the property for its current zoning and use;**
- 4. Extent of detrimental effects to nearby properties if the application were approved;**
- 5. Length of time the property has remained vacant;**
- 6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied;**
- 7. Impact on public facilities and utilities;**
- 8. Conformance to the Comprehensive Plan;**
- 9. Recommendation of the professional staff;**

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

- b. **16-ZA-07:** Request for amendments to the Hutchinson Zoning Regulations pertaining to wireless communication facilities.

McCarron said this is a request by Staff to withdraw the application based upon the advice of the City Attorney. At this time it is unclear if we need to amend the regulations because requirements are different on property that is right-of-way and land that is private property. Legislation may not apply to private property. If needed, a new public hearing could be held once ramifications of the changes to State Statute are better known.

**Motion by Bisbee, seconded by Hornbeck to accept Staff's recommendation to cancel the public hearing and accept the withdrawal of the application for Case Number 16-ZA-07 requesting amendments to Section 27-921 and Section 27-1207 of the Hutchinson Zoning Regulations pertaining to wireless communication facilities, passed with the following vote: Yes - Macklin, Carr, Hamilton, Woleslagel, Hornbeck, Bisbee, Obermite, Peterson, Peirce.**

6. **NEW BUSINESS**

- a. Comprehensive Plan Update

McCarron said over 800 surveys have been received so far. This is an excellent response as 600 responses is considered statistically significant. The deadline for submitting surveys to the City is September 30, 2016. Draft chapters of the Comprehensive Plan will be presented at the October 4, 2016 Planning Commission meeting. Because that meeting will have a lengthy agenda with five cases and five Comprehensive Plan chapters to review, we will have a dinner break after the public hearings and then review the draft chapters. At the October 18, 2016, meeting an additional five draft chapters will be reviewed.

7. **UPCOMING CASES**

- a. **16-SDP-06:** Preliminary Plat for the Hampton East Addition

This case will be heard at the October 4, 2016, meeting. This is a proposed residential subdivision near 43<sup>rd</sup> Avenue and Lorraine St.

- b. **16-ZA-09:** Red Barn Reflections Rezone (R-3 to TA)

This case will be heard at the October 4, 2016, meeting. The request is to use an existing barn and grounds as a private arboretum for events or occasions. It is located at 2801 Dillon Ave.

- c. The Kansas Chapter APA Conference will be held in Lawrence October 5 – 7, 2016. Staff will be attending and taking a van. Planning Commission members are invited to attend the Planning Commissioner training workshop on October 7<sup>th</sup> and their tuition will be paid. Bisbee said he would like to attend.
8. **OPEN COMMENTS FROM THE AUDIENCE** – None.
9. **ADJOURNMENT** – The meeting adjourned at 5:42 PM.

Respectfully Submitted,  
Charlene Mosier, Planning Technician

Approved this 20th day of September, 2016

Attest:   
\_\_\_\_\_  
Casey A. Jones, AICP, CFM, Senior Planner