

1. ROLL CALL

The Planning Commission meeting was called to order at 6:37 pm with the following members present: Jane Gamber (5/5), Rod Calhoun (5/5), Jon Richardson (5/5), Dave Inskeep (4/4), Logan Leuenberger (4/5), Robert Hickman (4/5) and Jackson Swearer (5/5) (Chair). Darryl Peterson (2/5) and Valerie Roberts-Ropp (1/5) were absent.

Planning Staff present were Ryan Hvitløk, Director of Planning & Development; Amy Allison, Senior Planner; and Charlene Mosier, Planning Tech.

2. APPROVAL OF MINUTES

The minutes of the March 23, 2021 meeting were approved on a motion by Leuenberger, seconded by Gamber, passed unanimously.

3. CORRESPONDENCE & STAFF REPORTS

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

4. PUBLIC HEARING

a. CUP21-000001 Conditional Use Permit for Salvage Yard

Request to operate a Salvage yard at 7 N Superior Street

Swearer asked if there were any outside contacts or conflicts of interest; Richardson said he has visited with the applicant but does not have a financial or personal conflict.

Allison provided the staff report. The applicant is requesting Conditional Use Permit approval for a Salvage Yard (Ferrous and Non-Ferrous Processing and Recycling) to be located at 7 N Superior Street. The property is designated as I-3 Heavy Industrial Zoning District. Salvage Yards are compatible with this land use designation. The property owner is Borton LLC. Gary Graber is the applicant. A Zoning Variance application was also considered and approved by the Board of Zoning Appeals. The former use of the property was a contractor's yard and contains a 21,733 sq ft warehouse and office structure and 6 ft chain link fence. The size of the parcel is 3.98 acres. Allison showed a powerpoint of maps and photos of the property.

Allison reviewed the factors of approval required for Conditional Use Permit requests. She said this request meets the required eight factors for approval. In addition, the proposed development met all development requirements with recommended conditions.

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

Factor	Analysis	Met Not Met																		
1. Character of the neighborhood	The subject property is located in a neighborhood where residential and heavy industrial are in close proximity to one another. The site is an entire city block, with roadways separating the property from other properties. The applicant has submitted a variance from §27-917.B.1., a request to waive the 300-foot use residential district separation requirement. Provided the request is approved, the proposed use shall be suitable for the property due to other heavy industrial uses, including an auto salvage use located 2 blocks to the north.	<input checked="" type="checkbox"/> Met w/ZV21-00001 Approval																		
2. Current zoning and uses of nearby property	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #fff9c4;">Location</th> <th style="background-color: #fff9c4;">Zoning</th> <th style="background-color: #fff9c4;">Use</th> </tr> </thead> <tbody> <tr> <td style="background-color: #fff9c4;">Subject Property</td> <td>I-3 Heavy Industrial</td> <td>Vacant, One building</td> </tr> <tr> <td style="background-color: #fff9c4;">North</td> <td>I-3 Heavy Industrial R-6 Residential Infill</td> <td>Single unit living</td> </tr> <tr> <td style="background-color: #fff9c4;">South</td> <td>I-3 Heavy Industrial</td> <td>Hutchinson Fertilizer LLC (agricultural storage), Archer-Daniels-Midland Company (storage)</td> </tr> <tr> <td style="background-color: #fff9c4;">East</td> <td>I-3 Heavy Industrial</td> <td>ADM Co (Grain Elevator), Vacant Building/Storage</td> </tr> <tr> <td style="background-color: #fff9c4;">West</td> <td>R-6 Residential Infill</td> <td>Single unit living</td> </tr> </tbody> </table>	Location	Zoning	Use	Subject Property	I-3 Heavy Industrial	Vacant, One building	North	I-3 Heavy Industrial R-6 Residential Infill	Single unit living	South	I-3 Heavy Industrial	Hutchinson Fertilizer LLC (agricultural storage), Archer-Daniels-Midland Company (storage)	East	I-3 Heavy Industrial	ADM Co (Grain Elevator), Vacant Building/Storage	West	R-6 Residential Infill	Single unit living	<input checked="" type="checkbox"/> Met w/ZV21-000001 Approval
Location	Zoning	Use																		
Subject Property	I-3 Heavy Industrial	Vacant, One building																		
North	I-3 Heavy Industrial R-6 Residential Infill	Single unit living																		
South	I-3 Heavy Industrial	Hutchinson Fertilizer LLC (agricultural storage), Archer-Daniels-Midland Company (storage)																		
East	I-3 Heavy Industrial	ADM Co (Grain Elevator), Vacant Building/Storage																		
West	R-6 Residential Infill	Single unit living																		
3. Suitability of the property for the proposed use as presently zoned	The property is zoned I-3 which requires a Conditional Use Permit for the proposed use. As the least restrictive zoning district in the City, the zoning is the most compatible district for a Salvage Use. The existing building and proposed storage yard will need to be upgraded to meet current fire and building codes for the proposed use. The lot is almost 4 acres, with more than enough room to accommodate the development.	<input checked="" type="checkbox"/> Met																		
4. Extent of detrimental effects to nearby properties if the application were approved	Should the above-mentioned variance be approved, staff believes that there will be no detrimental effects to adjacent nearby properties as the applicant is proposing to screen the salvage components of their business from the public and that many of the adverse impacts of industrial uses are already present in the neighborhood. Other uses that would be permitted to be located on the site, would have comparable impacts as the proposed use.	<input checked="" type="checkbox"/> Met w/ZV19-000002																		
5. Length of time the property has remained vacant	The former Borton LLC property has been vacant for at least 5 years.	<input checked="" type="checkbox"/> Met																		
6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner	<u>Health, safety, and welfare:</u> The proposed use, should the above-mentioned variance be approved and provided the applicant complies with staff's recommended conditions, will not have any higher impact to the public health, safety or welfare than uses already present in the neighborhood.	<input checked="" type="checkbox"/> Met w/ZV19-000002																		

PLANNING COMMISSION MINUTES
MEETING OF: TUESDAY, April 13, 2021

if the application were denied	<u>Landowner hardship:</u> If not approved, the landowner is unable to use the property as a Salvage Use. The property has remained vacant for some time so potential interest may be limited.	
7. Conformance of this request to the Comprehensive Plan	The Comprehensive Plan Land Use designation for this property is Industrial and the proposed use is compatible with industrial uses with conditions.	☑ Met
8. Impact on public facilities and utilities	There are no up-front impacts on public facilities and utilities, as this site is already developed with existing, water, sewer, street and other public facilities / utilities in place. Engineering has expressed concern about the condition of Superior Street and the maintenance that would be needed.	☑ Met

SITE PLAN REVIEW:

Item	Standard	Provided	Met Not Met
Front yard setback	25 feet	0 feet (existing building), 25 feet (storage yard)	☑ Met Existing
Side yard setback	12.5 feet	Building: Approx. 252 feet (north) and 0 feet (south) Storage Yard: 12.5 feet	☑ Met Existing
Rear yard setback	25 feet (Town St. frontage)	Approx. 159 ft.	☑ Met Existing
Platted Building Setbacks	N/A	-	N/A
Building Height	No minimum	Approx. 20 ft.	☑ Met Existing
Maximum Lot Coverage	Building: 60% Storage Yard: 75% of designated area	Building: 12.5% Storage Yard: 13.7%	☑ Met
Driveway Surfacing	Concrete or Asphalt	Concrete and Gravel	☑ Met (existing)
Drive Aisle Width	24 feet	Greater than 24 ft.	☑ Met
Parking	1 space per 10,000 GFA (2)	8 spaces	☑ Met (existing)
Paving Material	Concrete or Asphalt	Concrete + Gravel for overflow	☑ Met (existing)
Disabled Parking Space	1 van accessible	1 van accessible	☑ Met
Parking Space Size	9 ft x 18 ft	9 ft. x 18 ft.	☑ Met
Loading Space	Required	Meets Standards	☑ Met w/ conditions
Landscaping	10%	Less than 10%	☑ Met Existing
Storage Yard Screening	6-foot privacy fence	6-foot privacy fence	☑ Met w/ conditions
Mechanical Equipment Screening	Not Applicable	None proposed	☑ Met
Trash Bin Screening	Required for dumpsters	Noted	☑ Met w/ conditions
Exterior Lighting	Existing	Meets Standards	☑ Met w/ conditions

Alley Access	Not Applicable	Not Applicable	<input checked="" type="checkbox"/> Met
Use Requirements			
<p>Salvage Yards and Motor Vehicle Graveyards</p> <ol style="list-style-type: none"> 1. The use shall be located on a tract of land a minimum of 300 hundred feet from any residential district. 2. The use shall be conducted wholly within a noncombustible building or within an area surrounded by a solid fence or wall with a minimum height of six feet and a maximum height of 10 feet. Such fence or wall shall surround the exterior portions and screen the use on all sides. Said fence or wall shall consist of: <ol style="list-style-type: none"> a. All approved solid fence materials in Sec. 27-907 of these regulations, and any accepted fencing materials commonly used in the fencing industry b. Said fence or wall shall not include chain link, chain link with slats or other materials that do not meet the definition of a solid fence or are not specified as a n approved material in Sec. 27-907 of these regulations c. Said fence or wall shall be uniform in height, material and painted or stained a uniform neutral color, and shall be so maintained by the owner as to ensure maximum safety to the public and obscure items being stored or salvaged from view of the neighborhood d. Such fence or wall shall be constructed in accordance with all other applicable provision of these regulations, shall be erected in a safe manner and in accordance with the buildings codes and shall be maintained properly e. Said fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No salvage materials, junk, motor vehicles, appliances or scrap materials shall be piled or stacked so as to exceed the height of the enclosing fence or wall. Exterior storage of salvaged materials shall not extend or be visible above the height of the fence or wall; and 	<ol style="list-style-type: none"> 1. 35 feet from property line, approximately 230 feet from building. (see ZV21-000001) 2. Proposed 6 ft. tall wood fence and existing building. 3. Met with conditions. 4. Met with conditions. 5. Met with conditions. 	<p style="text-align: center;"><input checked="" type="checkbox"/> Met w/ ZV21-000001 & conditions</p>	

<p>f. All fence entrance gates must be solid and meet the specifications of this section. Entrance gates must be kept closed when not being used to enter or exit the salvage storage yard area.</p> <p>3. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, in the front yard or within the public right-of-way.</p> <p>4. Burning of paper, trash, junk, scrap metal or other materials shall be prohibited.</p> <p>5. All such operations shall be in compliance with all statutes and regulations of the State of Kansas and these regulations.</p>		
<p>Outdoor Storage (accessory) standards:</p> <p>1. Outdoor storage of goods, materials, equipment and supplies shall be permitted as an accessory use only</p> <p>2. Outdoor storage yards shall not exceed 75% of the total property area associated with the use</p> <p>3. Outdoor storage yards shall be screened from the public right-of-way and adjacent residential uses/districts by a six-foot screening fence</p> <p>4. Outdoor storage of equipment, materials and supplies shall be on a dust free surface, to include gravel, asphalt millings with slurry seal or other, similar surface.</p> <p>5. Outdoor storage areas shall be located in the rear or side yards only and storage shall meet the setback requirements for buildings in the underlying zoning districts</p>	<p>1. Met</p> <p>2. Met</p> <p>3. Met</p> <p>4. Met</p> <p>5. Met</p>	<p><input checked="" type="checkbox"/> Met w/ conditions</p>

DEVELOPMENT REVIEW:

A Development Review Committee meeting was held on March 23, 2021. The following comments were received:

PLANNING AND DEVELOPMENT COMMENTS [Amy Allison, 620.694.2638]

- **Revised Plans Needed** – Please include dimensions from the east and south property lines to where the outdoor storage will be located. Outdoor storage cannot be located within the front (25 ft) or side street front yard (12.5 ft.) setbacks.
- **Revised Plans Needed** – Please include the dimensions of the parking stalls & drive aisles, the parking lot material, location of one (1) required ADA van-accessible space. Wheel guards will be required along eastern parking stalls.
- **Revised Plans Needed** – The current fence corner appears to be located within the sight triangle. Any new fencing cannot be located in the sight triangle.
- **Revised Plans Needed** – Please indicate the material and height of proposed screening fence.

PLANNING COMMISSION MINUTES

MEETING OF: TUESDAY, April 13, 2021

- **Revised Plans Needed** – Please include any information about exterior lighting.
- **Resubmittal Required** – Please include pictures of the property and building.
- **Condition of Approval** - All loading and unloading of goods and materials must take place on private property. No public right of ways can be used for the loading and unloading of materials. The existing travel flow appears to be within the alleyway where a public sewer line is located. Engineering sign-off is required if the proposed road and scales will be placed over the sewer line.

Condition of Approval - No sign approval is granted with this site plan application. A sign permit application must be submitted and approved prior to the installation of any new signage on the property, should a permit be required.

- **Condition of Approval** - Fence approval is not granted with this site plan application. A fence permit application will need to be submitted and approved prior to the installation of any new fences on the property.
- **Condition of Approval** - Any new dumpsters shall be screened from the public right of way.
- **Condition of Approval** - All requirements of Sec. 27-917.2. must be complied with.
- **Condition of Approval** - All requirements of Sec. 27-912 must be adhered to.

ENGINEERING COMMENTS [Jeff Peterson, 620.694.2662]

- **Revised Plans Needed** – Please include the distance between the proposed road and the building, as well as the location of the scales.
- **Condition of Approval** – No processing of contaminated metals shall take place on the property. Further approvals and requirements will need to be obtained before contaminated material can be processed on-site.
- **Condition of Approval** – Commercial truck traffic will be limited to Superior Street and Sherman Avenue as depicted in the site plan. No commercial truck traffic will be permitted on the residential streets of the immediate neighborhood.

PUBLIC WORKS COMMENTS [Jaime Duncan, 620.694.1914]

- **Condition of Approval** – If the proposed private drive is to be located over the public sewer line, please include the driveway materials. All manholes will need to match the grade if an elevation change is made.

INSPECTION COMMENTS [Izzy Rivera, 620.694.2631]

- **Resubmittal Required** – Please provide a building layout and list of machinery and equipment that will be used within the building.
- **Condition of Approval** – Any modifications to the building may require building permit. Please contact the Inspections Department prior to making any changes to the building.

EVERGY COMMENTS [Aaron Stegmaier, 620.669.3910]

Condition of Approval – In the packet, the applicant includes the reference .pdf illustrating proposed drive improvements around the building. This proposed drive will be in conflict with various structures, require the relocation or upgrade of electrical components, and require upgrades of electrical components serving the structure. Any related component change under the ownership or control of the Company (i.e., poles, wire, and structures), or necessary upgrades required to maintain public safety or compliance with local electrical or building codes, or any necessary upgrades required to comply the National Electric Safety Code; shall be made at the owner's expense.

PUBLIC COMMENTS:

On March 17, 2021, notification was made to the 17 owners of property surrounding the site. The following comments were received from the public:

- Caroline Garrison, 105 N Town St (Telephone Call on March 30, 2021)
Ms. Garrison was concerned about the property values for the neighborhood, the current rat problem, and if the scrap metal would be visible to the public. She would like to see that building returned to a productive use.
- Jason L Brown, 19 N Town St (Letter Received on April 2, 2021)

See Exhibit C

- Kevin & Dianna Brown, 19 N Town St (Letter Received on April 5, 2021)
- Cynthia Cole, 11 N Town Street (Telephone Call on April 8, 2021)
Ms. Cole wanted to know the number of employees at the facility?
- Ben Kraft, Kraft Electric (Letter Received April 12, 2021)
- Merlin Miller, Sturdi-Bilt (Letter Received April 13, 2021)

**CUP21-000001 | 7 N Superior Street | Salvage Yard
Staff-Recommended Conditions of Approval**

Staff recommends the following conditions be complied with prior to the issuance of a Certificate of Occupancy, unless otherwise stated.

Conditional Use Permit Conditions

1. This conditional use permit shall only be used for a salvage use (metal processing and recycling facility) to be located in the existing building and outdoor storage in the southeast corner of 7 N Superior Street, Hutchinson, KS;
2. The development shall conform with the provided site plan. Any major changes to the proposed development will require an amendment to the Conditional Use Permit.
3. Property shall comply with Sec. 27-912 Performance Standards for Industrial Use. Non-compliance will result in notification and potential conditional use permit revocation;
4. Property shall comply with Sec. 27-917 Salvage Yards and Motor Vehicle Graveyards Design Standards and Use Restrictions:
 - a. The use shall be conducted wholly within a noncombustible building or within an area surrounded by a solid fence or wall with a minimum height of six feet and a maximum height of 10 feet. Such fence or wall shall surround the exterior portions and screen the use on all sides. Said fence or wall shall consist of:
 - i. All approved solid fence materials in Sec. 27-907 of these regulations, and any accepted fencing materials commonly used in the fencing industry;
 - ii. Said fence or wall shall not include chain link, chain link with slats or other materials that do not meet the definition of a solid fence or are not specified as a n approved material in Sec. 27-907 of these regulations;
 - iii. Said fence or wall shall be uniform in height, material and painted or stained a uniform neutral color, and shall be so maintained by the owner as to ensure maximum safety to the public and obscure items being stored or salvaged from view of the neighborhood;
 - iv. Such fence or wall shall be constructed in accordance with all other applicable provision of these regulations, shall be erected in a safe manner and in accordance with the buildings codes and shall be maintained properly;
 - v. Said fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No salvage materials, junk, motor vehicles, appliances or scrap materials shall be piled or stacked so as to exceed the height of the enclosing fence or

PLANNING COMMISSION MINUTES

MEETING OF: TUESDAY, April 13, 2021

- wall. Exterior storage of salvaged materials shall not extend or be visible above the height of the fence or wall;
- vi. All fence entrance gates must be solid and meet the specifications of this section. Entrance gates must be kept closed when not being used to enter or exit the salvage storage yard area.
 - b. No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, in the front yard or within the public right-of-way.
 - c. Burning or paper, trash, junk, scrap metal or other materials shall be prohibited.
 - d. All such operations shall be in compliance with all statutes and regulations of the State of Kansas and these regulations.
5. Property shall comply with Sec. 27-406.C.13. Outdoor Storage (Accessory) Standards & Use Restrictions:
 - a. Outdoor storage of goods, materials, equipment and supplies shall be permitted as an accessory use only;
 - b. Outdoor storage yards shall not exceed 75% of the total property area associated with the use;
 - c. Outdoor storage yards shall be screened from the public right-of-way and adjacent residential uses/districts by a six-foot screening fence, within one (1) year of approval;
 - d. Outdoor storage of equipment, materials and supplies shall be on a dust free surface, to include gravel, asphalt millings with slurry seal or other, similar surface;
 - e. Outdoor storage areas shall be located in the rear or side yards only and storage shall meet the setback requirements for buildings in the underlying zoning district;
 6. One van-accessible ADA space shall be required. The space must be paved;
 7. No processing of contaminated metals shall take place on the property. Further approvals and requirements will need to be obtained before contaminated material can be processed on-site;
 8. Commercial truck traffic will be limited to Superior Street and Sherman Avenue as depicted in the site plan. No commercial truck traffic will be permitted on the residential streets of the immediate neighborhood;
 9. If the proposed private drive is to be located over the public sewer line, please include the driveway materials. All manholes will need to match the grade if an elevation change is made;
 10. Any modifications to the building may require building permit. Please contact the Inspections Department prior to making any changes to the building;
 11. In the packet, the applicant includes the reference .pdf illustrating proposed drive improvements around the building. This proposed drive will be in conflict with various structures, require the relocation or upgrade of electrical components, and require upgrades of electrical components serving the structure. Any related component change under the ownership or control of the Company (i.e., poles, wire, and structures), or necessary upgrades required to maintain public safety or compliance with local electrical or building codes, or any necessary upgrades required to comply the National Electric Safety Code; shall be made at the owner's expense.

Standard Conditions of Approval

1. Each required parking space shall be at least 9 feet by 18 feet in size;
2. Each van-accessible parking space shall be 16 feet by 18 feet in size with at least 5 feet of the width dedicated as an access aisle;

PLANNING COMMISSION MINUTES

MEETING OF: TUESDAY, April 13, 2021

3. Each accessible parking space shall be marked with a sign at the end of the space. The bottom of the sign must be a minimum of 5 feet above the ground. A paved, wheelchair-accessible route shall be provided from each accessible space to an accessible building entrance;
4. All parking spaces shall be striped;
5. All loading and unloading of goods and materials must take place on private property. No public right of ways can be used for the loading and unloading of materials. The existing travel flow appears to be within the alleyway where a public sewer line is located. Engineering sign-off is required if the proposed road and scales will be placed over the sewer line.
6. Exterior lighting must be shaded from adjacent residential properties as required by Section 27-909 of the Hutchinson City Code;
7. A sign permit shall be obtained prior to installation of any signs. No sign approval is hereby intended or conferred;
8. A fence permit shall be obtained prior to the installation of any new fencing. No fence permit approval is hereby intended or conferred;
9. All Dumpsters must be screened from the Right-of-Way within one (1) year of approval;
10. All site improvements, to include striping and accessible parking shall be installed in accordance with the approved plans and inspected by the City of Hutchinson Planning & Development Department prior to sign off on the Occupancy Permit. Please call 620-694-2639 to arrange for an inspection.

Swearer asked the applicant for his presentation.

Gary Graber, applicant, said Hutch Metal Recycling is proposing a metal recycling facility at 7 N Superior. It will not be a vehicle or metal graveyard. They purchase scrap from businesses and citizens that is processed daily. The materials are sold to vendors who melt and process it further. The property will have a hard surface material but it will not interfere with Kansas Gas Service utilities. Leuenburger suggested checking with Kansas Gas and coordinating with other projects in the neighborhood. Graber said Hutch Metal will be a good neighbor and improve the existing property making the neighborhood more desirable than it currently is.

There were no comments from the audience.

Staff recommendation is approval with conditions.

Graber said he will work with the City on potentially providing signage for directing truck traffic to the development away from the residences.

Swearer closed the public hearing and asked for a motion.

Motion by Calhoun, seconded by Inskip to recommend to the Hutchinson City Council approval of Conditional Use Permit request #CUP21-000001 for permission to operate a salvage yard for ferrous and non-ferrous processing and recycling at 7 Superior St based on the above stated factors and conditions. The motion passed with the following vote: Yes – Richardson, Gamber, Calhoun, Leuenberger, Hickman, Inskip, Swearer.

The City Council will consider this case on April 20, 2021.

**b. ZA21-000001 Zoning Ordinance Amendment: Retail Sales Ammunition/
Firearms/Gunsmiths**

Request for an amendment to Sections 27-406.B. and 27-406.B.21 of the City of Hutchinson, KS Zoning Regulations.

Swearer opened the public hearing. He asked if there were any outside contacts or conflicts of interest; there were none.

Hvitlæk presented an overview of the proposed text amendment. The proposed amendments are based on an inquiry from a potential business owner about opening a firearms retail shop with gun range in an industrial zoning district. Staff determined this use is not permitted in industrial zones but other small retail up to 3000 square feet is permitted with design requirements in industrial zoning districts. There was no discussion in the ordinance of indoor ranges as accessory to retail sales which is a common ancillary use to firearms sales. The ordinance allows for gunsmithing and internet sales of firearms as a home occupation but the commercial use table excludes the TA, R-1, R-2, MH and MP zoning districts.

The Development Review Committee reviewed the request on March 2, 2021 and had no comments. The City Attorney reviewed the proposed amendment and had no comments.

Small retail sales are permitted in industrial districts as an accessory to a primary industrial use. The intent of this limitation is to prevent commercial uses from infringing on the limited industrial areas that are in the city. As other small retail uses are permitted, staff believes that it is reasonable to permit firearm sales as well. Furthermore, industrial buildings are a good use for firearm sales and ranges, which are often ancillary to the sales. As industrial areas are typically separated from residential zones, industrial zones are a good location for firearm sales and ranges due to noise and safety considerations. Staff proposes the following amendments:

- Permit the retail sale of ammunition, firearms, and gunsmithing with design requirements in the I-1, I-2, and I-3 zoning districts. (Section 27-406.B)
- Amending the design standards and use restrictions for ammunition and firearms sales to permit indoor ranges as an accessory use to firearms sales in the C-3, C-4, I-1, I-2, and I-3 zoning districts.
- Amending the design standards to permit the retail sale of firearms and ammunition, no more than 3,000 square feet in the I-1, I-2, and I-3 zoning districts.

- Correcting the use table to permit gunsmithing and internet sales of firearms as a home occupation in the TA, R-1, R-2, MH, and MP zoning districts.

There were no comments from the audience.

Staff recommends approval of this amendment.

Swearer closed the hearing and asked for a motion.

A motion was made by Richardson, seconded by Luenberger, to recommend approval to the City Council of Zoning Amendment request number ZA21-000001 for amendments to Sections 27-406.B and 27-406.B.21 of the Hutchinson Zoning regulations amending the commercial use table and the Ammunition and Firearms Sales Design Standards and Use Restrictions. The motion passed with the following vote: Yes - Richardson, Gamber, Calhoun, Leuenberger, Hickman, Inskeep, Swearer.

The City Council will consider this item on May 4, 2021.

c. ZA21-000002 – Zoning Ordinance Amendment: Minimum Dwelling Unit Size

Request for an amendment to Sections 27-202 and 27-406.A.8. of the City of Hutchinson, KS Zoning Regulations.

Swearer opened the public hearing. He asked if there were any outside contacts or conflicts of interest; there were none.

Hvitlæk presented an overview of the proposed text amendments. The proposed amendments in this request are based on a request from Interfaith Housing & Community Services to review the City's dwelling unit size minimums for multi-family units. They have expressed an interest in purchasing a home to convert into apartments. Our Zoning Ordinance requires a minimum dwelling unit size of 600 square feet, except for economy homes and Accessory Dwelling Units, which require a minimum dwelling size of 400 square feet.

The proposed amendment was reviewed by the Development Review Committee on March 23, 2021; they had no comments. The Planning Commission reviewed the proposed amendment at their study session on March 23, 2021 and the City Attorney also had no comments.

Residential density can be regulated by several ways, including minimum building size via zoning or the building code, lot coverage maximums, lot sizes, and number of units per

PLANNING COMMISSION MINUTES

MEETING OF: TUESDAY, April 13, 2021

acre. Regulating density by building size is a practice that more cities are moving away from. It is more common to have the building code set a baseline, 2018 IRC, 70 square feet/habitable room, with density controls such as units per acre or minimum lot size per dwelling unit. A review of our peer cities of Salina, McPherson, Dodge City, Garden City, Maize, Manhattan, Lawrence, and Wichita all regulate dwelling size via the building code or density controls.

Staff believes that a reduction of the minimum dwelling size for multi-unit living is appropriate. A reduction to 300 square feet is appropriate for the following reasons:

- Multi-unit living units also include common space such as hallways, mail areas, and laundry rooms. These common areas add to the usable space for residents.
- Residents of multi-unit living units have an expectation and understanding that they will be living in a denser environment.
- The ordinance requires a Special Use Permit for any multi-unit living use that exceeds 4 units, which provides the opportunity for staff, the Board of Zoning Appeals, and the neighborhood to examine the impacts on the surrounding environment.
- Units will still have to meet the minimum parking requirement of one space/unit.
- The Comprehensive Plan has a goal of increasing the variety of quality housing across the City as well encouraging infill development.

Leuenberger asked how many homes could be affected by this amendment. Hvitlæk said it would be difficult to determine a number. In some neighborhoods this may work well and in others not as well. Neighbors can comment on each specific case when there is a special use permit application. This use is different from a boarding house use because each unit does need to have its own bathroom and kitchen facilities.

There were no comments from the audience.

Swearer asked for Staff recommendation. Staff recommends approval of the zoning amendment request to Sections 27-202 and 27-406.A.8 of the Zoning Regulations.

Swearer closed the hearing and asked for a motion.

Motion by Leuenberger seconded by Inskeep, to recommend approval to the City Council of Zoning Amendment request number ZA21-000002 for amendments to Section 27-202 and 27-406.A.8 of the Hutchinson Zoning Regulations amending the definition of dwelling and the Multi-Unit Living Design Standards and Use restrictions, passed with the following vote: Yes – Richardson, Gamber, Calhoun, Leuenberger, Hickman, Inskeep, Swearer.

The City Council will consider this item on May 4, 2021.

5. NEW BUSINESS

a. Bridgman Oil Request

Request to consider amending the Zoning Land Use Table to allow for accessory fuel tanks in the C-4 zoning district.

Allison explained a request was received for a concrete pad for a fuel tank as an accessory use in a C-4 district. This is not a permitted use. Fuel stations are permitted a in the C-3 and C-4 district with design guidelines.

James Dull, Bridgman Oil, was in attendance and explained the reason for the request. The car dealership would like to have fuel on site to accommodate customers and fill vehicles without having to drive to other locations or haul trucks or cans of gas. He appreciates the Planning Commission considering this option and for staff placing this item on the agenda for discussion.

Leuenberger said this use is likely not allowed due to vandalism and safety concerns and if the tanks are not gated and locked, could be a target for vandals. Richardson said a standard tank could be installed with power only available during specific hours as well as consider the location of a tank and the size of the property. The proximity to surrounding residential areas also needs to be considered.

Hickman said KDHE standards would need to be followed. Regulations would need to be in place based on the type of use and the size of the lot. Hvitlok said property bollards need to be located around a fuel tank and the tank must be secured to the ground and maintained to prevent rust and leakage.

Hvitløk said we need to consider other types of uses in the C-3 or C-4 zone such as a pizza delivery or other delivery services that may want a fuel tank and how these businesses would be addressed as they may have much smaller properties. There are also environmental issues to consider.

The Planning Commission would like to find out more about the issues involved in allowing this use for a vehicle dealership. Mr. Dull said the dealership would certainly implement all safety precautions. Inskeep said he would like to accommodate the needs of the applicant, but additional research needs to be done. Hvitlok said with a current staff of three people, this item may not be ready to place on the agenda until late May.

6. UPCOMING CASES

a. April 27, 2021

1. **SDP21-000002** – SW Bricktown No 1 Replat
2. **SDF21-000002** – SW Bricktown No 1 Replat

b. May 11, 2021

1. **SDP21-000003** - Meadowlark Dunes Replat
2. **SDF21-000003** – Meadowlark Dunes Replat

7. ADMINISTRATIVE CASES

- a. SIT20-000007 – Multi-Unit Living (12 Duplexes) (Approved)
- b. SIT21-000001 – Industrial Building Expansion (Pending)
- c. WCF21-000002 – Antenna Replacement (Approved)
- d. WCF21-000003 – Equipment Replacement (Approved)
- e. WCF21-000004 – Antenna and Equipment Replacement (Pending)
- f. SIT21-000002 – Self-Service Storage Buildings (Pending)

8. COUNCIL ACTION ON CASES

- a. **SDF20-000002** – Woodland Park Townhomes Addition (Approved)

9. OPEN COMMENTS FROM THE AUDIENCE

- a. None.

10. ANNOUNCEMENTS

- a. Meetings in person will resume on May 11, 2021 for the Planning Commission.

11. ADJOURNMENT - The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Charlene Mosier
Planning Technician

Approved this 27th day of April, 2021

Attest:  _____

Ryan Hvitlök, AICP, CFM
Director of Planning & Development