



1. **ROLL CALL**

The Board of Zoning Appeals meeting was called to order at 5:30 p.m. with the following members present: Jon Richardson (1/1), Janet Hamilton (1/1), Todd Carr (1/1), Brock Wells (1/1), Tom Hornbeck (1/1), Terry Bisbee (1/1), Valerie Roberts-Ropp (1/1), and Darryl Peterson (1/1). Member Mark Woleslagel (0/1) was absent.

Planning Staff present were Jana McCarron, Director of Planning and Development; Aaron Barlow, Associate Planner; Amy Allison, Housing Program Coordinator, and Jade Shain, Planning Technician.

2. **APPROVAL OF MINUTES**

The minutes of the December 19, 2017 meeting were approved on a motion by Hornbeck, seconded by Hamilton, passed unanimously.

3. **CORRESPONDENCE & STAFF REPORTS**

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

4. **PUBLIC HEARING**

a. SUP18-000001, Request for a special use permit to open a banquet hall on property located at 329 N Van Buren St.

Hornbeck asked for the staff presentation. McCarron provided the staff presentation. McCarron also made corrections to the staff report, as follows:

The property at 329 N Van Buren is zoned EN Established Neighborhood District. The applicant, Jerry and Gracie Grajeda of Mi Tierra Restaurant and Cantina, Inc., has requested a Special Use Permit to conduct a banquet hall use at the existing structure.

McCarron presented the standard factors of approval for special use permit requests:

Finding	Analysis	Met Not Met																		
1. Character of the neighborhood	The subject property is located in a mixed use neighborhood that includes a variety of surrounding uses. The property was developed for a Tavern Use, which was the former use of the property. The proposed Banquet Hall use is in keeping with the character of the neighborhood.	<input type="checkbox"/> Met																		
2. Current zoning and uses of nearby property *Rezoning application to be considered by City Council on 4/17/2018	<table border="1"> <thead> <tr> <th data-bbox="521 470 651 506">Location</th> <th data-bbox="651 470 886 506">Zoning</th> <th data-bbox="886 470 1398 506">Use</th> </tr> </thead> <tbody> <tr> <td data-bbox="521 506 651 569">Subject Property</td> <td data-bbox="651 506 886 569">EN Established Neighborhood*</td> <td data-bbox="886 506 1398 569">Currently empty building that was formerly a tavern</td> </tr> <tr> <td data-bbox="521 569 651 659">North</td> <td data-bbox="651 569 886 659">EN Established Neighborhood District</td> <td data-bbox="886 569 1398 659">Single-family residential</td> </tr> <tr> <td data-bbox="521 659 651 695">South</td> <td data-bbox="651 659 886 695">I-2 Industrial District</td> <td data-bbox="886 659 1398 695">Kansas Power and Light Transformer</td> </tr> <tr> <td data-bbox="521 695 651 751">East</td> <td data-bbox="651 695 886 751">P/I Public and Institutional District</td> <td data-bbox="886 695 1398 751">Veterans of Foreign Wars Post 906</td> </tr> <tr> <td data-bbox="521 751 651 787">West</td> <td data-bbox="651 751 886 787">I-2 Industrial District</td> <td data-bbox="886 751 1398 787">Beckman Refrigeration</td> </tr> </tbody> </table>	Location	Zoning	Use	Subject Property	EN Established Neighborhood*	Currently empty building that was formerly a tavern	North	EN Established Neighborhood District	Single-family residential	South	I-2 Industrial District	Kansas Power and Light Transformer	East	P/I Public and Institutional District	Veterans of Foreign Wars Post 906	West	I-2 Industrial District	Beckman Refrigeration	<input type="checkbox"/> Met
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3. Suitability of the property for the proposed use as presently zoned	The proposed use is for a banquet facility, which is typically has the same level of impact as the former, tavern use.	<input type="checkbox"/> Met																		
4. Extent of detrimental effects to nearby properties if the application were approved	The banquet hall is not anticipated to have detrimental impacts on nearby properties. No comments have been submitted by surrounding property owners.	<input type="checkbox"/> Met																		
5. Length of time the property has remained vacant	The tavern use was discontinued in March 2017. The applicant is hoping to convert the property to a banquet hall use, as he is unable to maintain the tavern use on the site.	<input type="checkbox"/> Met																		
6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied	<u>Health, safety, and welfare:</u> The banquet hall use is not expected to have adverse impacts on the public health, safety and welfare. <u>Landowner hardship:</u> If the special use permit is not granted, the landowner would be unable to use the property as a banquet hall and the building would likely remain vacant.	<input type="checkbox"/> Met																		
7. Conformance of this request to the Comprehensive Plan *Comprehensive plan amendment application to be considered by City Council on 4/17/2018	This request conforms to the Comprehensive Plan, which calls for commercial* uses on the property.	<input type="checkbox"/> Met																		
8. Impact on public facilities and utilities	This is an existing, developed site. No impacts on public facilities and utilities are anticipated.	<input type="checkbox"/> Met																		

Hornbeck asked the applicant to address the board.

Grajeda spoke to the Board about his request. He spoke about the need for the City of Hutchinson to have a banquet hall space available for people to rent at 329 N Van Buren St. Substantial improvements have already been made to the property (heating and cooling, millings for parking, new exterior painting).

Wells arrived at 5:47 PM.

Hornbeck asked if there were any members of the public that wanted to address the Commission; there were none. Hornbeck closed the public hearing and asked for Staff to provide the recommendation. McCarron said staff recommends approval with the following conditions, as amended:

1. This special use permit shall only be used for a banquet hall and reception facility use at the above-listed location.
2. All required permits shall be obtained prior to any construction, including installation of a grease trap. Please contact the Inspections Department at 694-2630 for more information.
3. The revised plans (Exhibit B) of the staff report provide the required improvements, which shall be installed according to the following:
 - a. The parking lot and drive aisles shall be paved with asphalt or concrete and the striping shall be placed within one year of the date of the Board of Zoning Appeals consideration of the case (no later than April 17, 2019). The applicant may request a one-year extension of the paving requirement from the Board of Zoning Appeals. The City is considering revision of its paving requirements for existing, unpaved properties. Should the regulations change within the one-year timeframe, the applicant may submit a written request to the Board to have the permit amended to comply with the new regulations. There shall be no charge for the amendment. If the regulations are not revised and the paving is not installed within the required timeframe, the special use permit shall be revoked, and the use discontinued.
4. The existing sign may be refaced without obtaining a permit.. A permit is required from the Planning & Development Department if a new sign is installed.
5. If fencing is to be installed, a permit is required from the Planning & Development Department.
6. Prior to installation of the required paving, a permit is required from the Planning & Development Department.

7. An occupancy permit shall be required prior to use of the building. Please contact the Inspections Department.

Hornbeck closed the hearing and asked for a motion.

Motion by Carr, seconded by Bisbee and passed unanimously, to approve with conditions #SUP18-000001 for a special use permit to conduct a banquet hall use for property located at 329 N Van Buren St.

5. **UPCOMING CASES**

a. ZV18-000001, Prairieland Partners Expansion Height Variance, 1800 S Lorraine St

6. **OPEN COMMENTS FROM THE AUDIENCE**

a. There were no comments from the audience.

7. **ANNOUNCEMENTS**

a. None.

8. **ADJOURNMENT** – The meeting adjourned 6:05 p.m.

Respectfully Submitted,
Jade Shain, Planning Technician

Approved this 1 day of May, 2018

Attest: Amy Allison