

1. ROLL CALL

The Planning Commission meeting was called to order at 5:30 pm with the following members present: Rod Calhoun (9/9), Jon Richardson (9/9), Logan Leuenberger (8/9), Robert Hickman (8/9), Dave Inskeep (7/8), Darryl Peterson (4/9), and Jackson Swearer (9/9) (Chair). Jane Gamber (7/9) and Valerie Roberts-Ropp (1/9) were absent.

Planning Staff present were Ryan Hvitløk, Director of Planning & Development; Amy Allison, Senior Planner; and Charlene Mosier, Planning Tech. Izzy Rivera, Building Official, was also in attendance.

2. APPROVAL OF MINUTES

The minutes of the May 25, 2021 meeting were approved on a motion by Leuenberger, seconded by Richardson, passed unanimously.

3. CORRESPONDENCE & STAFF REPORTS

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

4. PUBLIC HEARINGS – None.

5. NEW BUSINESS

a. Study Session: Language Amendment

Request to review multiple language amendment proposals

Hvitløk reviewed the Planning Commission study session for proposed text changes to supplemental standards for portable storage units for long-term or permanent use.

Prior to the 2018 Table of Land Uses amendment to the Zoning Ordinance, portable storage units for long-term or permanent use were permitted by right in the I-1, I-2 and I-3 zoning districts and by a conditional use permit in the C-4, C-5 and EN zoning districts as an accessory use. The only design standards for this accessory use were that the unit must comply with setbacks and be permanently anchored to the ground. The section was inadvertently repealed in 2018 with the intent that design requirements would be implemented. With staffing changes this was never revisited and currently the design requirements in the use table direct to the repealed section. Staff reviewed ordinances for several other cities and they all permit this use only as an accessory use with requirements.

Staff recommends the use of portable storage containers as an accessory storage use permitted by right in the I-1, I-2 and I-3 zoning districts and with a special use permit in the C-4 and C-5 zoning districts. This use would have the following supplemental requirements:

- Subject to a plan review by the DRC
- No more than one container per lot, a maximum of two containers on platted lots larger than one acre
- Shall be located at least five feet behind the front wall line of the principal building on the site
- Shall meet all yard and setback requirements
- All signage on the cargo container shall be removed and the cargo container shall match the colors of the principal building or painted an earth tone color that complements and appears inconspicuous against the color of the principal building
- The container shall be permanently anchored to the ground and must be maintained so that the container is safe, structurally sound, stable and in good repair
- Vertical stacking of containers and/or stacking material on top of the container shall be prohibited
- Containers shall not be modified for habitation, are prohibited from having windows, heating and cooling, plumbing, or multiple entrance. Electric and ventilation systems are permitted to meeting minimum codes and standards for lighting and air circulation for storage purposes.

Calhoun asked if the original doors would need to be removed and replaced with different doors. Hvitlok said the concern is more for the structure to be sound. Richardson asked if the storage units could be used as a commercial building structure. Hvitlok said if a proposal came in to use shipping containers to construct a principle structure, it would be a neighborhood building material compatibility concern. This does not allow for storage in residential zones. Placing advertising signs on these units would not likely meet sign code requirements.

Staff recommends proceeding with amendments to the regulations pertaining to portable storage units for long-term or permanent use.

A public hearing would be held July 13, 2021 and the City Council will hear the case on July 20, 2021.

b. Study Session: Fuel Storage Tanks: Fuel Storage and Dispensing (non-commercial) in the C-4 zoning district.

Request for Planning Commission study session to review proposed text changes for the allowance of fuel storage tanks and non-commercial fuel dispensing as an accessory use in the C-4 zoning district.

Currently the Zoning Ordinance only permits non-commercial fuel storage and dispensing in the industrial and P/I zoning districts as an accessory use with design requirements. A request was received from a local car dealership regarding placing above ground tanks with a gas pump to fuel the vehicles they sell. The need to fuel vehicles they sell is an incidental and subordinate part of their business and staff believes this is an appropriate accessory use.

Typically, this use has been more associated with industrial uses. Because of the limit to industrial districts, design requirements are minimal and limited to location, setback, and dust-free surfaces for access. Staff recommends size, location, and screening limitations/requirements in the C-4 zoning district, like other mechanical equipment. KDHE and the Fire Code have additional requirements and standards for aboveground storage tanks. The following design requirements for aboveground non-commercial fuel storage tanks and dispensing in the C-4 zoning district are proposed:

- Accessory to a permitted use
- No larger than 1,100 gallons capacity per aboveground tank
- Located in a non-required rear or interior side yard, setback a minimum of 20 feet from the property lines that does not abut a residential zoning district
- Shall meet all the City of Hutchinson's fire protection code and building codes, as well as any State of Kansas and federal regulations related to such use
- Aboveground tanks shall be enclosed and screened on all four sides from public view with a solid fence of wood or vinyl, or a solid wall which completely conceals the tank from public view. Chain link with vinyl slats may be used for the gate or doorway to the enclosure.

James Dull was in the audience to review requirements for proposed fuel tanks for the purpose of filling vehicles at a local dealership. KDHE does have requirements for these types of fuel tanks. Distance from gas tanks and structures would be a fire code determination. Hvitløk said zoning requires five feet separation. The number of tanks is not being limited at this time as long as all other requirements are met. The Development Review Committee will also review fuel tank permit requests.

Staff recommends proceeding with amendments to the regulations pertaining to non-commercial fuel storage and dispensing.

A public hearing would be held July 13, 2021 and the City Council will hear the case on July 20, 2021.

6. UPCOMING CASES

a. July 13, 2021

- 1. ZA21-000003 – Language Amendments**
- 2. SUP21-000001 – Motor Vehicle Repair (Light-Medium)**

7. ADMINISTRATIVE CASES

- a. SIT21-000001 – Industrial Building Expansion (Pending)
- b. SIT21-000002 – Self-Service Storage Buildings (Pending)
- c. SIT21-000003 – Self-Service Storage Building (Pending)

8. COUNCIL ACTION ON CASES

- a. None.

9. OPEN COMMENTS FROM THE AUDIENCE

- a. None.

10. ANNOUNCEMENTS

The new associate planner will be starting July 6.

11. ADJOURNMENT - The meeting adjourned at 6:10 p.m.

Respectfully Submitted,

Charlene Mosier
Planning Technician

Approved this 13th day of July 2021

Attest: 

Ryan Hvitlök, AICP, CFM
Director of Planning & Development