



**1. ROLL CALL**

The Planning Commission meeting was called to order at 6:15 pm with the following members present: Jon Richardson [07/07] (Vice Chair), Janet Hamilton [07/07], Brock Wells [06/07], Jackson Swearer [07/07], Todd Carr [07/07] (Chair). Valerie Roberts-Ropp [05/07], Terry Bisbee [06/07], and Darryl Peterson [03/07] were absent.

Planning Staff present were: Ryan Hvitlæk, Director of Planning & Development; Amy Allison, Senior Planner; and Charlene Mosier, Planning Technician.

**2. APPROVAL OF MINUTES**

The minutes of the July 9, 2019 meeting were approved on a motion by Richardson, seconded by Swearer, passed unanimously.

**3. CORRESPONDENCE & STAFF REPORTS**

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

**4. PUBLIC HEARINGS**

**a. CUP19-000001 – Conditional Use Permit for Hazardous Materials Manufacture and Storage.**

Request to operate a Hazardous Material Manufacture and Storage facility at 1600 N Halstead Street, Hutchinson KS (Parcel No: 091320902002004000).

Carr asked if there were any outside contacts or conflict of interest. Richardson stated he would abstain from voting on this case.

Allison provided the staff report. The applicant is requesting Conditional Use Permit approval for a Hazardous or Explosive Materials Manufacturing and Storage facility to be located at 1600 N Halstead Street (Eastern Half). The property is zoned I-3 Heavy Industrial Zoning District. The use is considered a hazardous materials use based on a determination by the Fire Department. GEOChemicals, LLC is the owner. The existing building faces 14<sup>th</sup> Ave and the proposed new structure with over 10,000 sq. ft. will be located on the north side. The proposed container storage will be located on the west side of the existing building. Four paved parking spaces are provided and 27 stalls for overflow parking will be located on a gravel parking area with a new gravel approach.

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 the recommended conditions.

**UNOFFICIAL PLANNING COMMISSION MINUTES**

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

Factor	Analysis	Met   Not Met																		
<b>1. Character of the neighborhood</b>	The subject property is located in a neighborhood with predominantly industrial uses. A residential property sits to the north of 17 <sup>th</sup> Avenue and is more than 500 feet from the proposed buildings and storage area. The 17 <sup>th</sup> Avenue corridor is an arterial street and in the Gateway Overlay District.	☑ Met																		
<b>2. Current zoning and uses of nearby property</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Location</th> <th style="width: 40%;">Zoning</th> <th style="width: 45%;">Use</th> </tr> </thead> <tbody> <tr> <td><b>Subject Property</b></td> <td>I-3 Heavy Industrial</td> <td>Vacant, One building</td> </tr> <tr> <td><b>North</b></td> <td>C-4 Special Commercial District</td> <td>Residence, Agricultural field</td> </tr> <tr> <td><b>South</b></td> <td>I-3 Heavy Industrial</td> <td>Thyssenkrupp (storage), Container Craft (pallet manufacture) and IBT (office and storage)</td> </tr> <tr> <td><b>East</b></td> <td>I-3 Heavy Industrial</td> <td>Vacant Lot</td> </tr> <tr> <td><b>West</b></td> <td>I-3 Heavy Industrial</td> <td>Vacant Lot</td> </tr> </tbody> </table>	Location	Zoning	Use	<b>Subject Property</b>	I-3 Heavy Industrial	Vacant, One building	<b>North</b>	C-4 Special Commercial District	Residence, Agricultural field	<b>South</b>	I-3 Heavy Industrial	Thyssenkrupp (storage), Container Craft (pallet manufacture) and IBT (office and storage)	<b>East</b>	I-3 Heavy Industrial	Vacant Lot	<b>West</b>	I-3 Heavy Industrial	Vacant Lot	☑ Met
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<b>3. Suitability of the property for the proposed use as presently zoned</b>	The property is zoned I-3 which requires a Conditional Use Permit for the proposed use. As the most unrestrictive zoning district in the City, the zoning is the most applicable district for a Hazardous or Explosive Materials Manufacture and Storage Use. The existing and proposed buildings will need to be upgraded and built to current fire and building codes for the proposed use. The large lot is over 7 acres, with more than enough room to accommodate the development. The applicant has submitted a variance from §27-406.C.8.a., a request from the 50-foot use setback. Provided the request is approved, the proposed use shall be suitable for the property.	☑ Met w/ ZV19-000002																		
<b>4. Extent of detrimental effects to nearby properties if the application were approved</b>	Should the above-mentioned variance be approved, no detrimental effects to adjacent nearby properties are anticipated.	☑ Met w/ ZV19-000002																		
<b>5. Length of time the property has remained vacant</b>	The former Consolidated Manufacturing property was originally developed in 1966 manufacturing automobile parts. At one time there was more than 158,000 sf of buildings. The plant closed down in 2006 and remained vacant until most of the buildings were demolished in 2016.	☑ Met																		
<b>6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the application were denied</b>	<p><u>Health, safety, and welfare:</u> The proposed use, should a variance from the 50-foot use setback along the east property be approved and provided the applicant complies with staff’s recommended conditions, will not have a significant impact to the public health, safety or welfare.</p> <p><u>Landowner hardship:</u> If not approved, the landowner is unable to use the property as a Hazardous Materials Manufacture and Storage facility.</p>	☑ Met w/ ZV19-000002																		
<b>7. Conformance of this request to the Comprehensive Plan</b>	The Comprehensive Plan Land Use designation for this property is Industrial and the proposed use is compatible with industrial uses with conditions.	☑ Met																		
<b>8. Impact on public facilities and utilities</b>	There are no expected impacts on public facilities and utilities, as this site is already developed with existing, water, sewer, street and other public facilities / utilities in place.	☑ Met																		

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## SITE PLAN REVIEW:

Item	Standard	Provided	Met   Not Met
Front yard setback	25 feet	194.21 ft.	<input checked="" type="checkbox"/> Met
Side yard setback	10 feet	17.1 feet (east) and 50 feet (west)	<input checked="" type="checkbox"/> Met
Rear yard setback	0 feet (17 <sup>th</sup> Avenue frontage)	490.43 ft.	<input checked="" type="checkbox"/> Met
Platted Building Setbacks	30 feet on 14 <sup>th</sup> and 17 <sup>th</sup> Avenue Frontage	194.21 ft. and 490.43 ft.	<input checked="" type="checkbox"/> Met
Building Height	No minimum	30 ft. 6 inches	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	11.4%	<input checked="" type="checkbox"/> Met
Driveway Surfacing	Concrete or Asphalt	Concrete	<input checked="" type="checkbox"/> Met w/ conditions
Drive Aisle Width	24 feet	32.9 ft.	<input checked="" type="checkbox"/> Met
Parking	1 space per 10,000 GFA (2)	2 spaces + Overflow Parking	<input checked="" type="checkbox"/> Met
Paving Material	Concrete or Asphalt	Concrete + Gravel for overflow	<input checked="" type="checkbox"/> Met
Disabled Parking Space	1 van accessible	1 van accessible	<input checked="" type="checkbox"/> Met
Parking Space Size	9 ft x 18 ft	14 x 21 ft.	<input checked="" type="checkbox"/> Met
Loading Space	Required	Meets Standards	<input checked="" type="checkbox"/> Met
Landscaping	10%	70%	<input checked="" type="checkbox"/> Met w/ conditions
Storage Yard Screening	6-foot privacy fence	6-foot privacy fence	<input checked="" type="checkbox"/> Met w/ conditions
Mechanical Equipment Screening	Not Applicable	None proposed	<input checked="" type="checkbox"/> Met
Trash Bin Screening	Required for dumpsters	Noted	<input checked="" type="checkbox"/> Met w/ conditions
Exterior Lighting	Existing &	Meets Standards	<input checked="" type="checkbox"/> Met
Alley Access	Not Applicable	Not Applicable	<input checked="" type="checkbox"/> Met
<b>Use Requirements</b>			
<b>Hazardous or Explosive Materials Manufacturing / Storage</b> <ol style="list-style-type: none"> <li>All facilities whether for manufacture or storage shall be located a minimum of 50 feet from property lines</li> <li>All facilities shall be located a minimum of 300 feet from any residential use or zoning district, school, hospital, church or other place of worship</li> <li>Outdoor storage of hazardous or explosive materials shall be prohibited</li> </ol>	<ol style="list-style-type: none"> <li>50 feet from North, South, and West property lines, 17.1 feet from East property line (see ZV19-000002)</li> <li>522 feet from nearest residential use</li> <li>All materials shall be stored in engineered structures</li> </ol>	<input checked="" type="checkbox"/> Met w/ ZV19-000002	
<b>Outdoor storage equipment</b> <ol style="list-style-type: none"> <li>Storage Buildings and Warehouses shall be located a minimum of 10 feet from property lines</li> <li>Storage and warehouses, as a primary use, shall be conducted entirely indoors</li> </ol>	<ol style="list-style-type: none"> <li>25.1 ft.</li> <li>Not applicable</li> </ol>	<input checked="" type="checkbox"/> Met	

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<p><b>Outdoor Storage (accessory) standards:</b></p> <ol style="list-style-type: none"> <li>1. Outdoor storage of goods, materials, equipment and supplies shall be permitted as an accessory use only</li> <li>2. Outdoor storage yards shall not exceed 75% of the total property area associated with the use</li> <li>3. Outdoor storage yards shall be screened from the public right-of-way and adjacent residential uses/districts by a six-foot screening fence</li> <li>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.</li> <li>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</li> </ol>	<ol style="list-style-type: none"> <li>1. Met</li> <li>2. Met</li> <li>3. Met</li> <li>4. Met</li> <li>5. Met</li> </ol>	<input checked="" type="checkbox"/> Met w/ conditions
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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 hazardous or explosive material manufacture and storage yard to be located on the eastern half of 1600 N Halstead St, Hutchinson, KS;
2. Property shall comply with Sec. 27-912 Performance Standards for Industrial Use. Non-compliance will result in notification and potential conditional use permit revocation;
3. Property shall comply with Sec. 27-406.C.8. Hazardous or Explosive Materials Manufacturing/Storage Design Standards and Use Restrictions:
  - a. a. All facilities, whether for storage or manufacturing, shall be located a minimum of 50 feet from property lines and 300 feet from any residential use or zoning district, any school, hospital, church or other place of public assembly;
  - b. b. Outdoor storage of hazardous or explosive materials shall be prohibited;
  - c. c. Outdoor equipment storage shall comply with the provisions of 27-406.C.12,
4. 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;
5. One van-accessible ADA space shall be required;
6. One driveway from 14<sup>th</sup> Avenue shall be paved with concrete or asphalt, within one (1) year of approval;
7. The landscaping plan is hereby approved, as long as all existing trees are preserved along the 17<sup>th</sup> Avenue frontage;
8. No outdoor storage of hazardous or explosive materials shall be permitted unless stored in engineered receptacles/structures approved by the Development Review Committee;

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9. A Lot Split Application will need to be submitted prior to the issuance of the Conditional Use Permit;
10. All State and Federal regulations have been complied with;

### 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;
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. Exterior lighting must be shaded from adjacent residential properties as required by Section 27-909 of the Hutchinson City Code;
6. A sign permit shall be obtained prior to installation of any signs. No sign approval is hereby intended or conferred;
7. A fence permit shall be obtained prior to the installation of any new fencing. No fence permit approval is hereby intended or conferred;
8. All Dumpsters must be screened from the Right-of-Way within one (1) year of approval;
9. 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.

Carr asked the applicant for his presentation.

Sid Arpin, BG Consultants, 900 E 27<sup>th</sup> Ave., explained the main entrance for truck traffic will be on 14<sup>th</sup> Ave so as not to impede traffic on 17<sup>th</sup> Ave. A loading dock will be on the north of the current building. Storage containers will be located on the concrete slab. Four tanks will each hold 6000 gallons and are highway rated containers. There will be a containment curb around the concrete area and valves to allow for stormwater. There will be additional concrete work and a new structure constructed with this project. Utilities will come off 14<sup>th</sup> Ave. Parking will be available on the existing concrete area with additional parking on a graveled area. There may be up to 30 personnel.

Carr asked the applicant if they are in agreement with the conditions. Arpin said the applicant is in agreement with them. The applicant would have one year from City Council approval to meet three of the requirements.

Wells asked what the plans are for the property when the three years is up. The applicant said there are no plans now but they may likely rent it out.

There were no comments from the audience.

Staff recommendation is approval with conditions.

Carr closed the public hearing and asked for a motion.

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Motion by Swearer seconded by Wells to recommend approval to the Hutchinson City Council of Conditional Use Permit request #CUP19-000001 for permission to operate a hazardous materials manufacture and storage facility at 1600 N Halstead Street, Hutchinson, KS based on the above stated factors and conditions. The motion passed with the following vote: Yes – Hamilton, Swearer, Wells, Carr. Abstain – Richardson.

The City Council will hear this case on August 6, 2019.

### **b. ZA19-000003 – Zoning Ordinance Amendment: Public Hearings and Notice**

Request for an amendment to Sections 27-325, 27-501, 27-502, 27-1106, and 27-1202 of the City of Hutchinson, KS Zoning Regulations.

Hvitlæk presented an overview of proposed changes to amend public hearing notices (ZA19-000003).

Currently, public notification requirements are in four sections of the ordinance. The proposed amendment will consolidate the public notice and hearing requirements into a new Section 27-325 of the Zoning Ordinance cross-referencing the section in Sections 27-501, 27-502, 27-1106, and 27-1202 of the Zoning Ordinance. The proposed amendment also adds a requirement of posting a sign on the property of zoning action as an additional measure of public notice. Currently the regulations require public notices to be mailed to surrounding property owners and a notice to be placed in the newspaper. Kansas State law allows for additional public notice procedures such as posting a sign on the property being considered for rezoning. This will allow for better visibility. Information is also on the city website. Comments can be received by anyone and should be in writing or given at the public meeting.

Notices are placed in the newspaper at least 20 days prior to the public hearing. Mailed notices are sent at least 20 days prior to the public hearing to all property owners within 200 feet of the subject parcel, and 1,000 feet in the unincorporated areas if the subject property is adjacent to the city limits.

There were no comments from the audience and commission members were in agreement with the proposed changes.

Carr closed the public hearing and asked for a motion.

Motion by Swearer seconded by Richardson to recommend approval to the Hutchinson City Council of Zoning Amendment request ZA19-000003 for amendments to Sections 27-325, 27-501, 27-502, 27-1106, and 27-1202 of the of Hutchinson Zoning Regulations pertaining to public hearing and notice for Planning Commission and Board of Zoning Appeals public hearings. The motion passed with the following vote: Yes – Hamilton, Swearer, Wells, Richardson, Carr.

The City Council will hear this case on August 20, 2019.

**5. NEW BUSINESS**

**a. 2020 – 2024 Capital Improvement Program**

Review the 2020 – 2024 Capital Improvement Program for conformance to the Comprehensive Plan.

Hvitløk said that annually the Planning Commission reviews the Capital Improvement Program (CIP) for conformance with the 2017-2037 Comprehensive Plan to ensure the CIP projects complement the spirit and intent of the Comprehensive Plan. The City prepares a CIP as part of the annual budget process. The CIP is a program of public projects and improvements with proposed funding amounts for a five year period. These projects can include water, sewer, stormwater improvements, streetlights, streetscaping, street paving, improvements to city-owned buildings, trail repairs, airport upgrades, park improvements, etc.

Hvitløk said the 2020 budget is still under way and staff believes all the proposed projects in the 2020-2024 CIP conform with the recommendations, spirit, and intent of the Comprehensive Plan.

Hamilton asked about the gap in budget and discussion ensued about the possible slight raise in the mill levy and some projects that are being funded as well as some that have been pushed to a later date. The commission believes the budget conforms to the Comprehensive Plan.

Motion by Wells, seconded by Hamilton to approve and make finding of conformance between the 2020-2024 Capital Improvement Program with the recommendations, spirit, and intent of the 2017-2037 Comprehensive Plan, passed unanimously.

**6. OLD BUSINESS**

a. None.

**7. UPCOMING CASES**

a. None.

**8. ADMINISTRATIVE CASES**

a. SIT19-000007 – New Structure at 1600 N Halstead Street - Approved

**9. COUNCIL ACTION ON CASES**

a. None

**10. OPEN COMMENTS FROM AUDIENCE**

a. None.

**11. ANOUNCEMENTS**

a. Staff and commission members thanked Hamilton for her service on the Planning Commission the past number of years. Hamilton said this would be her last meeting and the group wished her well on her new endeavors.

**12. ADJOURNMENT** - The meeting adjourned at 6:50 p.m.

Respectfully Submitted

Charlene Mosier, Planning Technician  
Approved this 27th day of Aug. 2019

Attest:  \_\_\_\_\_