



AGENDA
PLANNING COMMISSION
 Tuesday July 13, 2021 – 5:30 PM
 City Council Chamber, 125 E Avenue B

1. ROLL CALL

- | | | |
|---|-----------------------------------|--|
| <input type="checkbox"/> Richardson | <input type="checkbox"/> Gamber | <input type="checkbox"/> Inskeep |
| <input type="checkbox"/> Leuenberger | <input type="checkbox"/> Hickman | <input type="checkbox"/> Roberts-Ropp |
| <input type="checkbox"/> Calhoun (Vice Chair) | <input type="checkbox"/> Peterson | <input type="checkbox"/> Swearer (Chair) |

2. APPROVAL OF MINUTES – Meeting of June 22, 2021

3. CORRESPONDENCE & STAFF REPORTS – Motion to accept correspondence and staff reports into the official record.

4. PUBLIC HEARINGS

a. ZA21-000003 – Zoning Ordinance Amendment: July 2021 Zoning Text Amendments

Request for amendments to several sections of Chapter 27 (*Zoning Regulations*) of the City of Hutchinson Municipal Code.

(Staff Representative: Ryan Hvitløk, Director of Planning & Development)

Action: Motion to recommend the City Council (amend / modify and amend / not amend) Chapter 27 of the Hutchinson Municipal Code (Zoning Regulations).

5. NEW BUSINESS - None

6. UPCOMING CASES – None

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

9. OPEN COMMENTS FROM THE AUDIENCE (Please limit comments to five minutes.)

10. ANNOUNCEMENTS

11. ADJOURNMENT

Staff Contacts:	Ryan Hvitløk	620-694-2681	Halene Burklow	620-694-2667
	Amy Allison	620-694-2638	Vacant	620-259-4134
	Charlene Mosier	620-259-4133	Vacant	620-259-4198

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 day of 2021

Attest: _____



**Planning Commission Staff
Report**

Public Hearing: July 13, 2021

DATE: July 6, 2021

TO: Hutchinson Planning Commission

FROM: Ryan Hvitløk, AICP
Director of Planning & Development

THROUGH: Jeff Cantrell
City Manager

SUBJECT: **Public Hearing: ZA21-000003 – Zoning Ordinance Amendment: July 2021 Amendments to the Hutchinson Zoning Regulations**

REQUEST: **Request for amendments to several sections of Chapter 27 (Zoning Regulations) of the City of Hutchinson Municipal Code.**

Staff Recommendation:

Staff recommends approval of the July 2021 Amendments to the *Hutchinson Zoning Regulations*, as proposed in **(Exhibit A)**.

Motion:

Motion to recommend the City Council (amend / modify and amend / not amend) Chapter 27 of the *Hutchinson Municipal Code (Zoning Regulations)*.

BACKGROUND:

Section 27-324 of the Zoning Regulations details the duties of the Planning Commission, which include:

“The Planning Commission shall review the zoning regulations each year, consider any needed amendments that would be in conformance with the Comprehensive Plan, hold a public hearing and make recommendations to the City Council regarding such amendments.” (§27-324.B.2)

To balance being responsive to Commission, Council, and public comments as well as staff workloads, staff recommended presenting potential text amendments on a semi-annual basis, in January and July. Based upon comments received from the Commission, the public and staff, the attached list of amendments (**Exhibit A**) is proposed for July 2021. A Study Session on the proposed amendment regarding accessory structure location was held on May 25, 2021, with a study session regarding long-term use of storage containers and fuel storage tanks in the C-4 zoning district was held on June 22, 2021.

ANALYSIS:

Exhibit A contains the following information for each amended section: code section, current language, proposed language, discussion, and Planning Commission action.

The proposed amendments include the following:

Accessory Structures

- Amend Section 27-503
 - Permit placing an accessory structure associated with a residential use in front of the principal building with an administrative adjustment and the following requirements:
 - Meets the minimum setbacks of the zoning district.
 - Constructed of wood or other elements typically associated with residential construction.
 - This amendment would remove the 3-acre requirement.

Portable and Multi-modal Storage Units for Long-Term or Permanent Use

- Amend Section 27-406.D, Use Table Accessory Uses
 - Permit Multi-modal shipping containers/portable storage containers in the C-3, C-4, and C-5 zoning districts with a Special Use Permit
- Add Section 27-915, Supplemental Regulations for Multi-modal Shipping Containers and Portable Storage Units for Long-Term or Permanent Use
 - Require a plan review by the DRC.
 - Can only be located on a lot with a principal building.
 - No more than one container per lot, a maximum of two containers on platted lots larger than one acre
 - Located at least five feet behind the front all line of the principal building on the site.
 - Must meet all yard and setback regulations.
 - All signage/logos on the container must be removed.
 - Container must match the colors of the principal building or painted an earth tone color.
 - Must be permanently anchored to the ground and maintained so that the container is safe, structurally sound, stable, and in good repair.
 - No vertical stacking of containers and/or stacking materials on top of the container.
 - Containers shall not be modified for habitation, and are prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Electric and ventilation systems are permitted to meet minimum codes and standards for lighting and air circulation for storage purposes.

This amendment only applies to the use of these containers for storage. If someone wanted to use these containers for habitation or a use besides storage it would have to comply with the City's neighborhood compatibility standards as well as the City's building code.

Fuel Storage Tanks, Fuel Storage and Dispensing (Non-Commercial) in the C-3 and C-4 Zoning Districts

- Amend Section 27-406.D, Use Table Accessory Uses
 - Permit non-commercial fuel storage and dispensing in the C-3 and C-4 Zoning District with Design Requirements
 - C-3 added after study session
- Amend Section 27-406.D.2., adding design requirements for the C-3 and C-4 zoning districts
 - Amend Section 27-406.D.2.a to a minimum of 50 feet from all property lines for all allowed zoning districts in accordance with the Fire Code.
 - No larger than 1,100 gallons capacity per aboveground tank.
 - Must meet Fire Code, Building Code, as well as any state and federal regulations.
 - Aboveground tanks must be 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.

PUBLIC HEARING/COMMENT:

A legal notice advertising the public hearing for this item was published in *The Hutchinson News* on June 18, 2021. The proposed amendments were provided to the Chamber of Commerce and Development Review Committee for their review. No comments from the public have been received.

NEXT STEPS:

Should the Planning Commission approve the proposed July 2021 Zoning Ordinance Amendments, this item is anticipated to go to City Council on July 20, 2021.

EXHIBITS:

A – July 2021 Zoning Ordinance Amendments

Code Section	Current Language	Proposed Language	Discussion
27-503.E.5.d Administrative Adjustments, Accessory Structures	d. Allowing for accessory structures associated with residential development to be placed in the front yard, where all of the following apply: (i). The property is a minimum of 3 acres in size; and (ii.) The accessory structure meets the minimum setbacks of the Zoning District; and (iii.) The accessory structure is comprised of wood or a combination of wood and other elements typically associated with residential construction.	d. Allowing for accessory structures associated with residential development to be placed in the front yard, where all of the following apply: (i). The property is a minimum of 3 acres in size; and (ii.) The accessory structure meets the minimum setbacks of the Zoning District; and (iii.) The accessory structure is comprised of wood or a combination of wood and other elements typically associated with residential construction.	Removal of the 3-acre requirement would still allow for those properties that are typically deep enough for the home and to place an accessory structure in front of the home if it meets setback. Staff believes this will only affect a small number of property owners as the home is commonly built to the front setback line to accommodate a larger backyard.
27-406.D. Use Table – Accessory Uses	Multi-modal shipping containers/portable storage containers Permitted as an accessory use with design requirements in the C-3, C-4, C-R, and E-N zoning districts, permitted as an accessory use in the I-1, I-2, I-3, A-I, and P/I zoning districts.	Multi-modal shipping containers/portable storage containers Permitted as an accessory use with a special use permit and design requirements in the C-3 , C-4, and C-5 C-R, and E-N zoning districts, permitted as an accessory use with design requirements in the I-1, I-2, I-3, A-I, and P/I zoning districts.	Requiring a special use permit for the commercial zoning districts will allow public input from neighbors as well as an opportunity for staff and the Planning Commission to review the impacts of placing a container like this long-term or permanently.
27-915 Portable Storage Units for Long-Term or Permanent Use	REPEALED	Sec 27-915 Portable Storage Containers and Multi-modal Shipping Containers for Long-Term or Permanent Use. Portable storage units used on a long-term or permanent basis shall be subject to site plan review and are permitted by right with design requirements in the I-1, I-2 and I-3 Districts and by special use permit in the C-4, and C-5 Districts, as noted in Sec. 27-406. Such units shall comply with the following design requirements. A. Containers shall be allowed as an accessory use only and can only be located on a lot with a principal building. B. No more than one container shall be permitted per lot. A maximum of two containers are permitted on platted lots larger than one acre. C. Containers shall be located at least five feet behind the front wall line of the principal building on site. D. Containers shall meet all yard and setback regulations and all other applicable regulations. E. All signage and logos on the container shall be removed. F. Container shall match the colors of the principal building or is an earth tone color that complements and appears inconspicuous against the color of the principal building. G. Container shall be permanently anchored to the ground and maintained so that the container is safe, structurally sound, stable, and in good repair. H. No vertical stacking of containers and/or stacking material on top of the container is permitted. I. Containers shall not be modified for habitation, and are prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Electric and ventilation systems are permitted to meet minimum codes and standards for lighting and air circulation for storage purposes.	The Zoning Ordinance intends for portable storage and multi-modal containers to be an accepted accessory use for storage uses in certain zoning districts. Staff reviewed several ordinances around the state including Wichita, Hays, Gardner, and Leoti and they all permit this use as accessory only and have design and locational requirements. The allowance for these containers for long-term or permanent uses is typically limited to heavy commercial and industrial areas.
27-406.D. Use Table – Accessory Uses	Fuel storage tanks; fuel storage and dispensing (non-commercial) Permitted as an accessory use with design requirements in TA, I-1, I-2, I-3, A-I, and P/I zoning districts.	Fuel storage tanks; fuel storage and dispensing (non-commercial) Permitted as an accessory use with design requirements in TA, C-3, C-4 , I-1, I-2, I-3, A-I, and P/I zoning districts.	

<p>27-406.D.2 Fuel storage tanks; fuel storage and dispensing (non-commercial) Design Standards & Use Restrictions</p>	<p>Fuel storage tanks; fuel storage and dispensing (non-commercial) Design Standards & Use Restrictions Fuel storage tanks; fuel storage and dispensing (non-commercial) shall be permitted as indicated in Table §27-406.D., pursuant to meeting the following requirements: a. Fuel storage tanks shall be located in the rear or side yards only and shall be setback a minimum of 20 feet from all property lines. b. Vehicular access to fuel storage and dispensing tanks shall be via a dust-free, all-weather surface approved by the City Engineer. c. Fuel storage tanks as a primary use shall not be permitted in the TA, R-1 or R-2 zoning districts.</p>	<p>Fuel storage tanks; fuel storage and dispensing (non-commercial) Design Standards & Use Restrictions Fuel storage tanks; fuel storage and dispensing (non-commercial) shall be permitted as indicated in Table §27-406.D., pursuant to meeting the following requirements: a. Fuel storage tanks shall be located in the rear or side yards only and shall be setback a minimum of 50 feet from all property lines. b. Vehicular access to fuel storage and dispensing tanks shall be via a dust-free, all-weather surface approved by the City Engineer. c. Fuel storage tanks as a primary use shall not be permitted in the TA, R-1 or R-2 zoning districts. d. Aboveground storage tanks in the C-3 and C-4 zoning districts shall in addition meet the following requirements. i. Tanks shall be limited to no larger than 1,100 gallons capacity per tank. ii. Tanks shall meet City of Hutchinson Fire Code, City of Hutchinson Building Code, as well as any state and federal regulations. iii. Tanks shall be 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 slats may be used for the gate or doorway to the enclosure.</p>	<p>The Zoning Ordinance allows for non-commercial fuel storage and dispensing in industrial districts. The reasoning is that this use has typically been more associated with industrial uses. Because of the limit to industrial districts, the design requirements are minimal and limited to location, setback, and dust-free surfaces for access. Staff is recommending size, location, and screening limitations/requirements in the C-3 and C-4 zoning district, like other mechanical equipment. Furthermore, KDHE and the Fire Code have additional requirements and standards for aboveground storage tanks.</p>
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