



**AGENDA
PLANNING COMMISSION**

Tuesday March 23, 2021 – 5:30 PM

Via Zoom: <https://us02web.zoom.us/j/89155654871>

or via Phone: 312-626-6799, Meeting ID: 891-5565-4871

1. ROLL CALL

- Richardson
- Leuenberger
- Calhoun (Vice Chair)
- Gamber
- Hickman
- Peterson
- Inskeep
- Roberts-Ropp
- Swearer (Chair)

2. APPROVAL OF MINUTES – Meeting of March 9, 2021

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

4. PUBLIC HEARINGS - None

5. NEW BUSINESS

- a. Study Session – Minimum Dwelling Size for Multi-Unit Living
(Staff Representative: Ryan Hvitløk, Director of Planning & Development)
- b. Commercial Overlay Committee – Nomination of third member

6. UPCOMING CASES

- a. **April 13, 2021**
 - 1. **ZV21-000001** – Separation Requirement for Salvage Use
 - 2. **CUP21-000001** – Salvage Use
 - 3. **ZA21-000001** – Retail Sales of Ammunition/Firearms/Gunsmiths
 - 4. **ZA21-000002** – Minimum Dwelling Unit Size for Multi-Unit Living

7. ADMINISTRATIVE CASES

- a. **SIT20-000007** – Multi-Unit Living (12 Duplexes) (Pending)
- b. **SDP21-000001** – Minor Plat Lot Consolidation & Platted Setback (Approved)
- c. **SDF21-000001** – Minor Plat Lot Consolidation & Platted Setback (Approved)
- d. **SIT21-000001** – Industrial Building Expansion (Pending)
- e. **WCF21-000002** – Antenna Replacement (Pending)
- f. **WCF21-000003** – Equipment Replacement (Pending)
- g. **WCF21-000004** – Antenna and Equipment Replacement (Pending)

8. COUNCIL ACTION ON CASES

- a. None

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

10. ANNOUNCEMENTS

11. ADJOURNMENT

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

1. ROLL CALL

The Planning Commission meeting was called to order at 5:30 pm with the following members present: Jane Gamber (3/3), Rod Calhoun (3/3), Darryl Peterson (1/3) Logan Leuenberger (3/3), Jon Richardson (3/3), Dave Inskeep (2/2) and Jackson Swearer (3/3) (Chair). Robert Hickman (2/3) and Valerie Roberts-Ropp (1/3) were absent.

Planning Staff present were Ryan Hvitlæk, 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 February 9, 2021 meeting were approved on a motion by Richardson, seconded by Calhoun, passed unanimously.

3. CORRESPONDENCE & STAFF REPORTS

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

4. PUBLIC HEARING

a. None.

5. NEW BUSINESS

a. SDP20-000002 REVISED Woodland Park Townhomes Preliminary Plat

Request for preliminary plat approval to replat lots located at 00000 Manor Drive (Lot 3, 4, 5, 6, 7, & 8, Block C and Lots 1, 2, 3, & 4, Block F of the Maple Manor #3 Addition), as Lot 1 & 2, Block A of the Woodland Park Townhomes Addition.

Swearer asked if there were any outside contacts or conflicts of interest; there were none.

Allison presented the staff report and analysis for the Revised Woodland Park Townhomes Preliminary Plat located at 00000 Manor Drive (Lot 3, 4, 5, 6, 7 & 8, Block C and Lots 1, 2, 3, & 4, Block F of the Maple manor #3 Addition), as Lot 1 & 2, Block A of the Woodland Park Townhomes Addition.

On December 15, 2020, the Planning Commission approved the original preliminary plat for the Woodland Park Townhomes Addition with conditions. The applicant amended the south 20 foot utility easement to a 10 foot drainage easement and a 10 foot utility easement because

the Hutchinson Subdivision Regulations do not allow for the collocation of a utility easement and a drainage easement. The revised plat meets that requirement.

Dan Garber, Garber Surveying Service, 2908 N Plum, said this plat was approved in December and the only change will be to separate the utility and drainage easement.

There were no comments from the audience.

Motion by Inskip, seconded by Calhoun, to accept and approve the revised preliminary plat #SD20-000002 for Woodland Park Townhomes located at 000000 Manor Drive (Lot 3, 4, 5, 6, 7, & 8, Block C and Lots 1, 2, 3, & 4, Block F of the Maple manor #3 Addition), based upon a finding that the plat is compliant with the Hutchinson Subdivision Regulations, passed with the following vote: Yes – Calhoun, Peterson, Leuenberger, Gamber, Inskip, Richardson, Swearer.

b. SDF20-000002 – Woodland Park Townhomes Final Plat

Request for final plat approval to replat lots, located at 00000 Manor Drive (Lot 3, 4, 5, 6, 7, & 8, Block C and Lots 1, 2, 3, & 4, Block F of the Maple Manor #3 Addition), as Lot 1 & 2, Block A of the Woodland Park Townhomes Addition.

Swearer asked if there were any outside contacts or conflicts of interest; there were none.

Allison presented the staff report and analysis for the Woodland Park Townhomes Addition located at 00000 Manor Drive (Lot 3, 4, 5, 6, 7, & 8, Block C and Lots 1, 2, 3, & 4, Block F of the Maple Manor #3 Addition), as Lot 1 & 2, Block A of the Woodland Park Townhomes Addition. The property owner is Interfaith Housing & Community Services, Inc. The zoning is R-5 High Density Residential.

There is a portion of the property in the flood plain. The applicant is applying for a floodplain permit to bring in fill to raise the base flood elevation. Allison showed the plat with easements and setbacks that meet the regulations. There will be a private driveway on the property that will not be dedicated to the city and will be maintained by the property owner.

Staff recommends the following final plat conditions:

- Signed Mylar
- Check for Filing fee
- The applicant shall submit final details of the utility facilities being developed for the property, as well as a Developer's Agreement denoting the responsibility for installation and maintenance of utilities and street facilities. (This has been received and will be reviewed by the City Attorney).

Garber said the application for the fill permit has been submitted to the Division of Water Resources. When this is completed, the mylar will be submitted.

There were no comments from the audience.

Motion by Gamber, second by Calhoun, to recommend approval of final plat #SDF20-000002 for the Woodland Park Townhomes located at 00000 Manor Drive (Lot 3, 4, 5, 6, 7 & 8, Block C and Lots 1, 2, 3, & 4, Block F of the Maple Manor #3 Addition), to the City Council based upon a finding that the plat is compliant with the Hutchinson Subdivision Regulations and with the above listed conditions of approval, passed with the following vote: Yes – Calhoun, Peterson, Leuenberger, Gamber, Inskeep, Richardson, Swearer.

c. Retail sales of Ammunition/Firearms/Gunsmiths

Hvitløk presented a power point and said the request is to review a proposed zoning amendment to Section 27-406.B, Table of Land Use Categories, Use Table – Commercial and Section 27-406.B.21, Ammunition and Firearms Sales Design Standards & Use Restrictions of the Hutchinson Zoning Regulations, allowing for gunsmiths and the retail sales of ammunition and firearms in the I-1, I-2, and I-3 zoning districts with design requirements, allowing gunsmithing and the internet sales of firearms as a home occupation, and permitting indoor ranges as an accessory use to sales in the C-3, C-4, I-1, I-2 and I-3 zoning districts.

Staff received an inquiry from a potential business owner about opening a firearms retail shop with gun range in an industrial zoning district. It was determined this is not permitted in industrial zones but other small retail (up to 3000 square feet) is permitted with design requirements in industrial zoning districts. Indoor ranges are common to retail sales of 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.

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 in the city. As other small retail uses are permitted, staff believes it is reasonable to permit firearm sales as well. Industrial buildings are a good space for firearm sales and ranges, which are often ancillary to the sales. Industrial areas are separated from residential zones and are a good location due to noise and safety considerations.

A public hearing is tentatively scheduled for April 13, 2021.

There would be some building requirements but that would be part of the building code. Swearer asked about the C-3 and C-4 zone with neighbors and noise. Staff will review this use in the C-3 and C-4 districts.

6. UPCOMING CASES

- a. March 23, 2021 – A potential study item to allow a larger home to be converted to smaller units of 400 square feet rather than 600 square feet in an R-5 and R-6 District.

7. ADMINISTRATIVE CASES

- a. SIT20-000007 – Multi-Unit Living (12 Duplexes) (Pending)
- b. LS20-000005 - Commercial Lot Split (Approved)
- c. SDP21-000001 – Minor Plat Lot Consolidation & Platted Setback (Pending)
- d. SDF21-000001 – Minor Plat Lot Consolidation & Platted Setback (Pending)
- e. WCF21-000001 – Antenna Replacement (Approved)

8. COUNCIL ACTION ON CASES

- a. None.

9. OPEN COMMENTS FROM THE AUDIENCE

- a. Calhoun asked if the next meeting will be on Zoom or in person. Hvitlæk said that will be up to the Planning Commission.

10. ANNOUNCEMENTS

- a. Monthly Planning Department Update.
Hvitlæk reviewed the report of all the types of permits and the number of each type of permit the Planning Department has completed for the month.

11. ADJOURNMENT - The meeting adjourned at 6:09 p.m.

Respectfully Submitted,

Charlene Mosier
Planning Technician

Approved this day of 2021

Attest: _____



**Planning Commission Staff
Report**

Public Hearing: April 13, 2021

DATE: March 16, 2021

TO: Hutchinson Planning Commission

FROM: Ryan Hvitløk, AICP
Director of Planning & Development

THROUGH: Jeff Cantrell
City Manager

**SUBJECT: STUDY SESSION:
Minimum Dwelling Size for Multi-Unit Living**

FOR MEETING: March 23, 2021

REQUEST:

Request for Planning Commission study session to review proposed zoning amendment to Section 27—202, Definitions and 27-406.A.8, Multi-unit Living Design Standards to reduce the minimum dwelling unit size for multi-unit living.

Staff Recommendation:

Staff recommends moving forward with proposed amendments to reduce the minimum dwelling size for multi-unit living uses.

Motion:

Motion to direct staff to (proceed / modify and proceed / not proceed) with amendments to the Zoning Regulations to reduce the minimum dwelling unit size for multi-unit living.

BACKGROUND:

Planning & Development staff received a request from Interfaith Housing & Community Services to review the City's dwelling unit size minimums for multi-family units. They have expressed 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.

ANALYSIS:

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 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.
- The Comprehensive Plan has a goal of increasing the variety of quality housing across the City as well encouraging infill development.

Staff proposes the following amendment:

- Revise the definition for dwelling to add multi-unit living as an exception to the minimum 600 square foot area. (Section 27-202)
- Allow the minimum dwelling unit size for multi-unit living to be 300 square feet. (Section 27-406.A.8)

NEXT STEPS:

The following tentative schedule is proposed.

March 23, 2021 – Study Session

April 13, 2021 – Public Hearing

May 4, 2021 – City Council Adoption

EXHIBITS:

A – Section 27-202 Redline

B – Section 27-406.A.8. Redline

Director of Planning and Development shall mean the Director of the Planning and Development Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

Director of Public Works shall mean the Director of the Public Works Department of the City of Hutchinson or his/her authorized deputy, agent or representative.

Drainage shall mean the removal of surface water from land through grading, installation of surface drains, construction of below surface drains and other means.

Drainageway shall mean a man-made or natural conveyance that transports stormwater over land which is frequently referred to as a channel, swale, ditch, gully, stream or watercourse.

Drive-In Restaurant shall mean a restaurant where customers order food and beverages from order boxes, typically located in each parking stall, and the order is delivered to the car by an employee of the restaurant.

Drive-Thru shall mean an establishment where customers can be served without leaving the confinement of their vehicle; where vehicles wait in a line to order and be served (as distinguished from drive-in facilities, where items are delivered to waiting vehicles parked in traditional parking spaces).

Drive-Thru Restaurant shall mean a restaurant where customers order food and beverages without leaving their vehicles from one or two order boxes and wait in a line to be served.

Driveway shall mean any vehicular access to an off-street parking or loading facility.

Duplex shall mean the same as “Dwelling, Two Family.”

Dwelling shall mean a building or portion thereof containing complete housekeeping facilities, including living, sleeping, toilet, bath, and eating areas for one household. Dwellings shall contain a minimum of 600 square feet of floor area, unless classified as an Accessory Dwelling Unit, ~~or a~~ Compact Dwelling / Economy Home, ~~or~~ Multi-Unit Living.

Dwelling, Multiple Family shall mean a building or buildings identified, designed, used or suitable for use as a residence for three or more families living in separate apartments.

Dwelling, Single Family shall mean a building having accommodations for or occupied exclusively by one family.

Dwelling, Single Family Attached shall mean a single family dwelling unit that is attached to one or more additional single family dwellings. Said dwelling units are separated by an un-pierced common wall or walls (as required by local codes) through the center of the structure that also sits along the property line separating ownership of the structure. *See also: “Dwelling, Two Family” and “Townhouse.”*

- c. provide adequate separation between the residential and commercial use to meet the requirements of the City of Hutchinson's adopted building and fire codes.
- d. contain separate cooking, restroom, bathing and sleeping quarters from those provided as part of the commercial use.
- e. maintain the character of the surrounding neighborhood.

6. Manufactured Home (Residential Design) Design Standards & Use Restrictions

Manufactured home (residential design) units shall be permitted on residential zoning lots where the following design standards and use restrictions are met. Manufactured home, residential design units shall:

- a. be HUD certified with a date no older than June 15, 1976, pursuant to 42 USC 5403.
- b. contain no more than one residential unit per residential zoning lot.
- c. meet the requirements of Sec. 27-902.
- d. be placed on a permanent foundation.
- e. be permitted to have one, paved off-street parking space per unit, if located in the R-6 Infill Residential District.

7. Manufactured Home (Certified) Design Standards & Use Restrictions

Mobile homes units shall be permitted on properties where the following design standards and use restrictions are met. Mobile home units shall:

- a. be HUD certified with a date no older than June 15, 1976, pursuant to 42 USC 5403.
- b. be permitted only as part of an approved mobile home park in accordance with the provisions of §27-414 of this Article.
- c. Non-certified manufactured homes shall not be moved into the City's zoning jurisdiction nor from one manufactured home park or subdivision to another.

8. Multi-unit Living Design Standards & Use Restrictions

Multi-unit living is permitted on residential zoning lots where the following design standards and use restrictions are met. Multi-unit living shall:

- a. be a minimum of 300 square feet in area and comply with the City of Hutchinson Building Code.
- b. provide a minimum of 1 paved off-street parking space per dwelling unit. In the R-6 District, no more than 50% of the required parking spaces shall be permitted in the front yard.
- c. provide additional parking and open space, if the development exceeds 10 units, as follows:
 - 1) provide one additional, off-street parking space for each 30 units above 10 to accommodate employee parking.
 - 2) provide a minimum of 200 square feet of outdoor recreational area/open space per dwelling unit unless located within 1500 feet of a public park. The