



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 (2/2), Terry Bisbee (2/2), Darryl Peterson (2/2), Valerie Roberts-Ropp (1/2), Jackson Swearer (2/2), Brock Wells (2/2), and Todd Carr (2/2). Janet Hamilton (1/2) was absent.

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

2. **APPROVAL OF MINUTES**

The minutes of the January 22, 2019 meeting were approved on a motion by Bisbee, seconded by Peterson, passed unanimously.

3. **CORRESPONDENCE & STAFF REPORTS**

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

4. **PUBLIC HEARING**

a. SUP19-000001 – Request to occupy a Live/Work Unit in the C-4 Special Commercial Zoning District located at 900 S Main Street.

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

Carr asked for the staff presentation.

Allison said this is a request for a special use permit for a live/work unit at 900 S Main St. The applicant is Suzanne Puls, owner of Hutchinson Industrial Supply, Inc. The property is zoned C-4 Special Commercial District. The Land Use Map designates this property as Commercial. A site plan of the building was shown and photos of the work area and living quarters were also presented. In 1997, the applicant received a variance to encroach approximately twenty feet into the twenty foot no building zone with a warehouse building and to provide less than the required number of parking spaces. There is currently enough space inside the building for the required one parking space for the living quarters.

Allison reviewed the standard factors of approval for Special Use Permit requests.

ANALYSIS OF 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 predominately commercial neighborhood, though many buildings are vacant or used for non-commercial purposes. The proposed living unit would be subordinate to the existing commercial business and from the exterior would not be noticeable to the public. There are residential uses approximately one block away from the property.	<input checked="" type="checkbox"/> Met																		
2. Current zoning and uses of nearby property	<table border="1" data-bbox="509 516 1336 846"> <thead> <tr> <th>Location</th> <th>Zoning</th> <th>Use</th> </tr> </thead> <tbody> <tr> <td>Subject Property</td> <td>C-4 Special Commercial</td> <td>Retail, Storage/Warehouse</td> </tr> <tr> <td>North</td> <td>C-4 Special Commercial</td> <td>Retail (J. Fields Enterprises)</td> </tr> <tr> <td>South</td> <td>C-4 Special Commercial</td> <td>Services, Repair (JJ Upholstery)</td> </tr> <tr> <td>East</td> <td>R-6 Residential Infill</td> <td>Church (Church of Christ)</td> </tr> <tr> <td>West</td> <td>C-4 Special Commercial</td> <td>Vacant lot</td> </tr> </tbody> </table>	Location	Zoning	Use	Subject Property	C-4 Special Commercial	Retail, Storage/Warehouse	North	C-4 Special Commercial	Retail (J. Fields Enterprises)	South	C-4 Special Commercial	Services, Repair (JJ Upholstery)	East	R-6 Residential Infill	Church (Church of Christ)	West	C-4 Special Commercial	Vacant lot	<input checked="" type="checkbox"/> Met
Location	Zoning	Use																		
Subject Property	C-4 Special Commercial	Retail, Storage/Warehouse																		
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West	C-4 Special Commercial	Vacant lot																		
3. Suitability of the property for the proposed use as presently zoned	<p>The property is currently zoned C-4 Special Commercial District. A live/work unit is permitted in the C-4 district with a special use permit if the proposed development is a commercial and residential use and the proposed living unit meets the building and fire codes. Both the Inspections Dept and Fire Dept. have reviewed the proposal and determined that the proposal meets their respective codes if the items in Exhibit B have been met.</p> <p>The proposed living space meets the definition of a dwelling by containing more than 600 square feet (1,679 sf) with a separate living, sleeping, toilet, bath and eating areas for one household.</p> <p>Regarding the onsite storage facility, the use is considered industrial but accessory to the retail use. The structure was built as a separate building, meeting the fire separation requirements at the time it was built. The materials listed on the company's website are not combustible in an inactive state but a condition of approval of no storage of flammable, combustible or volatile material in the retail space is an appropriate requirement.</p>	<input type="checkbox"/> Met/ Not Met																		
4. Extent of detrimental effects to nearby properties if the application were approved	The live/work unit is not anticipated to have detrimental impacts on nearby properties. The applicant parks their personal vehicle within the storage area and the residential unit is not noticeable from the exterior. Two comments have been received from surrounding property owners within 200 feet of the property in support of the request. Three additional letters of support have been received from neighbors outside of the 200 foot perimeter.	<input checked="" type="checkbox"/> Met																		
5. Length of time the property has remained vacant	The property is currently occupied by the industrial supply business. The living unit has been constructed and is seeking approval for occupancy.	<input checked="" 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	<p><u>Health, safety, and welfare:</u> The residential unit is not expected to have adverse impacts on the public health, safety and welfare.</p> <p><u>Landowner hardship:</u> If the special use permit is not granted, the landowner would be unable to reside on the premises and would have to commute.</p>	<input checked="" type="checkbox"/> Met																		

7. Conformance of this request to the Comprehensive Plan	This request conforms to the Comprehensive Plan, which calls for promoting more mixed-use developments.	<input checked="" 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 checked="" type="checkbox"/> Met

SITE PLAN REVIEW:

Item	Standard	Provided	Met Not Met
Front yard setback	0 feet	0 feet	<input checked="" type="checkbox"/> Met
Side and rear yard setback	0 feet (North), 10 feet (South)	0 feet (North), 0 feet (South)	<input checked="" type="checkbox"/> Met (due to existing structure)
Building Height	35 feet	18 feet	<input checked="" type="checkbox"/> Met
Maximum Lot Coverage	60%	100%	<input checked="" type="checkbox"/> Met (Per 97-BZA-05)
Driveway Surfacing	Asphalt or Concrete	Gravel	<input checked="" type="checkbox"/> Met (Existing)
Drive Aisle Width	N/A	N/A	<input checked="" type="checkbox"/> Met
Parking	1	1	<input checked="" type="checkbox"/> Met
Landscaping & Screening	N/A	N/A	<input checked="" type="checkbox"/> Met
Loading Space	N/A	N/A	<input checked="" type="checkbox"/> Met
Disabled Parking	N/A	N/A	<input checked="" type="checkbox"/> Met
Trash Enclosure Screening	N/A	N/A	<input checked="" type="checkbox"/> Met
Design Standards			
Provide 1 paved off-street parking space per dwelling unit		1 parking space within storage area	<input checked="" type="checkbox"/> Met
Contain no more than 1 residential unit per commercial unit		1 residential unit	<input checked="" type="checkbox"/> Met
Provide adequate separation between the residential and commercial use to meet the requirements of the City of Hutchinson’s adopted building and fire codes		Approved via Development Review Committee	<input checked="" type="checkbox"/> Met
Contain separate cooking, restroom, bathing and sleeping quarters from those provided as part of the commercial use		Approved via Floor Plan	<input checked="" type="checkbox"/> Met
Maintain the Character of the surrounding neighborhood		No exterior alterations proposed	<input checked="" type="checkbox"/> Met

Building Inspection requires residential lots and/or apartments to be separated by two-hour fire rated construction. Self-closures will be required on the two doors into the warehouse. These can be spring-loaded hinges. These requirements would be part of the occupancy permit.

Carr asked the applicant to address the Board.

Suzanne Puls said she and her husband Randall, have owned the building since 1980. She welcomes any inspections on the building from the City. She said the live/work arrangement is currently

imperative for their business. Most of their business is now transacted on the internet as there is less manufacturing locally than in years past.

Carr asked for Staff to provide the recommendation. Allison said staff recommends approval of the special use permit request with the following conditions:

1. This special use permit shall only be used for a live/work unit use at the above-listed location.
2. All required permits shall be obtained prior to any construction.
3. Residential lofts and/or apartments need to be separated by 2-hour fire-rated construction.
4. Self-closures will be required on the doors to the warehouse.
5. No storage of flammable, volatile or combustible materials shall be permitted in the retail space of the property. Storage of flammable materials in the warehouse will need to meet current Fire Codes.
6. If new signage is to be installed, a permit is required from the Planning & Development Department.
7. If fencing is to be installed, a permit is required from the Planning & Development Department.
8. An occupancy permit shall be required prior to occupancy of the living unit.

Carr closed the public hearing and asked for a motion.

Motion by Wells, seconded by Peterson to approve Special Use Permit request SUP19-000001 to occupy a live/work unit at 900 S Main St based upon a finding that the above listed required factors and conditions are met, passed with the following vote: Yes – Richardson, Bisbee, Swearer, Roberts-Ropp, Wells, Peterson, Carr

5. **UPCOMING CASES** – None.
6. **CITY COUNCIL UPDATE** – None.
7. **OPEN COMMENTS FROM THE AUDIENCE**
 - a. There were no comments from the audience.
8. **ANNOUNCEMENTS**
 - a. The Board welcomed Ryan Hvitlæk, Director of Planning & Development. He said he will begin clarifying processes and reviewing ordinances over the next couple of months.
9. **ADJOURNMENT** – The meeting adjourned at 5:48 p.m.

Respectfully Submitted,

Charlene Mosier
Planning Technician

Approved this 9th day of July 2019

Attest:  _____