



AGENDA
PLANNING COMMISSION
 Tuesday September 24, 2019 – 5:30 PM
City Council Chambers
 125 E Avenue B, Hutchinson, Kansas

1. ROLL CALL

- | | | |
|--|--|---------------------------------------|
| <input type="checkbox"/> Richardson (Vice Chair) | <input type="checkbox"/> Pennington Gamber | <input type="checkbox"/> Bisbee |
| <input type="checkbox"/> Leuenberger | <input type="checkbox"/> Wells | <input type="checkbox"/> Roberts-Ropp |
| <input type="checkbox"/> Carr (Chair) | <input type="checkbox"/> Peterson | <input type="checkbox"/> Swearer |

2. INTRODUCTION OF NEW COMMISSIONERS

3. APPROVAL OF MINUTES – Meeting of September 10, 2019.

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

5. PUBLIC HEARING – None

6. STUDY SESSION

- a. Small Box Variety Store

Motion: Direct staff to (proceed / modify and proceed / not proceed) with amendments to the Zoning Regulations pertaining to small box variety stores.

Staff Representative: Ryan Hvitløk, Director of Planning & Development

7. NEW BUSINESS

- a. Volunteers for Commercial/Industrial District Steering Committee

8. OLD BUSINESS - None

9. UPCOMING CASES

- a. ZA19-000003 & CPA19-000002 – Rezone to Commercial, 00000 Brentwood Street (10/22/2019)
- b. SDP19-000001 & SDF19-000001 – Preliminary and Final Plat, 00000 E 11th Avenue (10/22/2019)

10. ADMINISTRATIVE CASES

- a. SIT19-000007 – GeoChemical Addition, 1600 N Halstead Street (Pending)

11. COUNCIL ACTION ON CASES - None

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

13. ANNOUNCEMENTS

14. ADJOURNMENT

Staff Contacts:	Ryan Hvitløk	620-694-2681	Aaron Barlow	620-259-4198
	Amy Allison	620-694-2638	Jim Seitnater	620-694-2677
	Charlene Mosier	620-259-4133		



PLANNING COMMISSION MINUTES
MEETING OF: TUESDAY, SEPTEMBER 10, 2019

MEETING LOCATION: CITY COUNCIL CHAMBERS
125 EAST AVENUE B

1. ROLL CALL

The Planning Commission meeting was called to order at 5:30 pm with the following members present: Jon Richardson [09/09] (Vice Chair), Jackson Swearer [09/09], Valerie Roberts-Ropp [07/09], Terry Bisbee [08/09], Darryl Peterson [05/09], and Todd Carr [09/09] (Chair). Brock Wells [07/09] was absent.

Planning Staff present: 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 August 27, 2019 meeting were approved on a motion by Bisbee, seconded by Richardson, passed unanimously.

3. CORRESPONDENCE & STAFF REPORTS

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

4. PUBLIC HEARING

a. CPA19-000001 – 1624 E 23rd Avenue Comprehensive Plan Amendment

Request to amend the Comprehensive Plan designation for 1624 E 23rd Avenue from Low Density Residential to Commercial.

Carr asked the commissioners if there was any outside contact or conflicts of interest; there were none.

Allison provided the staff report. The applicant, Nunns Construction, is requesting an amendment to the Comprehensive Plan Land Use Map for the property located at 1624 E 23rd Avenue from Low Density Residential to Commercial. This request is concurrent with a Zoning Amendment Request for this property from R-3 Moderate Density Residential District to C-2 Neighborhood Commercial District. There were two homes on the property that have been demolished. Photographs of the property and surrounding area were shown. Allison reviewed the factors required for making a finding of conformance to the Comprehensive Plan. She said case CPA19-000001 meets all the required factors for approval.

PLANNING COMMISSION MINUTES
MEETING OF: TUESDAY, SEPTEMBER 10, 2019

Analysis of Standard Factors Required for Making a Finding of Conformance to the Comprehensive Plan:

Factor	Analysis	Met Not Met
1. The development proposal must conform to the spirit and intent of the 2017-2037 Comprehensive Plan.	The Land Use section of the Comprehensive Plan speaks to the promotion of logical, compatible, and safe development patterns. Though designated <i>Low Density Residential</i> , 1624 E 23 rd Avenue is adjacent to a <i>Commercial</i> designation. In addition, there are no other <i>Low Density Residential</i> designated properties on the east side of the drainage canal, separating this property from other like designated properties along the 23 rd Avenue corridor. Changing the use designation would maintain a logical, compatible and safe development pattern and would not create an isolated “spot.”	<input checked="" type="checkbox"/> Met
2. The development proposal must promote the health, safety, morals, order, convenience, prosperity, and general welfare of the community.	Disability Supports of the Great Plains plans build a multi-unit living development on the site. The proposed development would be similar to existing developments in the vicinity so it would not have a significant impact on the health, morals, order, convenience, prosperity or general welfare of the community.	<input checked="" type="checkbox"/> Met
3. The development proposal must represent a wise and efficient use of public funds.	The proposed change in land use designation of 1624 E 23 rd Avenue from <i>Low Density Residential</i> to <i>Commercial</i> will have marginal, if any, impacts on public financing. An analysis of impacts to public facilities and utilities is included with the concurrent Zoning Amendment application (ZA19-000002).	<input checked="" type="checkbox"/> Met

A Development Review Committee meeting was held on August 27, 2019 to discuss the proposed zoning map amendment. No comments pertaining to the request were received.

Jim Nunns, 508 W 36th Avenue, spoke about the project. The plan is to develop homes for Disability Supports. The homes would be one story. He said there is a need for this type of housing and the location is convenient to medical facilities. There are other disability support properties adjacent to this proposed development.

Carr asked for comments from the audience.

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MEETING OF: TUESDAY, SEPTEMBER 10, 2019

Jack Girst, 2409 N Waldron, asked why this parcel is being re-zoned to C-2 when the use will be for homes. Allison said the parcel will be combined with adjacent property already owned by the applicant for the same type of development and it is zoned C-2. This will avoid having two different zoning districts for the development. An R-5 zone would allow for this type of development but there is more commercial zoning in this area.

Girst asked if other commercial uses can go on this property if this project does not go through. It was explained that other uses may be permitted and some uses would require additional review with a conditional use permit.

Carr asked for the staff recommendation. Allison said staff recommends approval.

Motion by Richardson, seconded by Peterson to recommend to the Hutchinson City Council approval of Comprehensive Plan Land Use Map Amendment request CPA19-000001 to re-designate 1624 E 23rd Avenue from Low Density Residential to Commercial, based upon a finding that the factors required for approval are met, passed with the following vote: Yes – Richardson, Peterson, Roberts-Ropp, Bisbee, Swearer, Carr.

The City Council will hear this case October 1, 2019.

b. ZA19-000002 – 1624 E 23rd Avenue Rezone

Request to amend the Zoning District designation for 1624 E 23rd Avenue from R-3 Moderate Density Residential District to C-2 Neighborhood Commercial District.

Carr asked the commissioners if there was any outside contact or conflicts of interest; there were none.

Allison provided the staff report. The applicant, Nunns Construction, is requesting a change in zoning designation for 1624 E 23rd Avenue from R-3 Moderate Density Residential District to C-2 Neighborhood Commercial District. This change will allow for multi-family housing which the applicant would like to develop. A proposed draft layout of the development was shown. There were no comments from the Development Review Committee at their August 27, 2019 meeting and no comments from the public had been received. Allison presented the factors required for approval of Zoning Amendment requests. She said case ZA19-000002 meets all the required factors for approval.

PLANNING COMMISSION MINUTES
MEETING OF: TUESDAY, SEPTEMBER 10, 2019

Analysis of Factors Required for Approval of Zoning Amendment Requests:

Factor	Analysis	Met Not Met																		
1. Character of the neighborhood	The property in question is located in a mixed-use neighborhood. Surrounding uses include offices, medical offices, single-unit residential, senior care facilities and disabled care facilities. 23 rd Avenue is a collector street and is a major access point to the hospital to the east. In addition, a drainage canal abuts the west property line where a multi-use trail is collocated.	☑ Met																		
2. Current zoning and uses of nearby property	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #fff9c4;">Location</th> <th style="background-color: #fff9c4;">Zoning</th> <th style="background-color: #fff9c4;">Use</th> </tr> </thead> <tbody> <tr> <td style="background-color: #fff9c4;">Subject Properties</td> <td>R-3 Moderate Density Residential District</td> <td>Vacant Lot</td> </tr> <tr> <td>North</td> <td>R-3 Moderate Density Residential District</td> <td>Single family residential</td> </tr> <tr> <td>South</td> <td>C-1 Office Commercial District</td> <td>Medical Office and Facilities</td> </tr> <tr> <td>East</td> <td>C-1 Office Commercial District</td> <td>Office, Medical Office</td> </tr> <tr> <td>West</td> <td>R-3 Moderate Density Residential District</td> <td>Single family residential</td> </tr> </tbody> </table>	Location	Zoning	Use	Subject Properties	R-3 Moderate Density Residential District	Vacant Lot	North	R-3 Moderate Density Residential District	Single family residential	South	C-1 Office Commercial District	Medical Office and Facilities	East	C-1 Office Commercial District	Office, Medical Office	West	R-3 Moderate Density Residential District	Single family residential	☑ Met
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East	C-1 Office Commercial District	Office, Medical Office																		
West	R-3 Moderate Density Residential District	Single family residential																		
3. Suitability of the property for the proposed use as presently zoned	The applicant plans to use the property for multi-unit living, a use not permitted in the current zoning (R-3). The properties to the east are commercial uses and those to the west, low density residential. Multi-unit living would be a compatible use to both and would act as a transition zone between the uses. In addition, the drainage canal also serves as a buffer between the proposed development and the lower density residential to the west.	☑ Met																		
4. Extent of detrimental effects to nearby properties if the application were approved	Due to the property's proximity to lots already zoned C-1 and C-2, any new detrimental impacts to the neighborhood would be limited. Uses that could potentially be permitted on the site should the request be approved include higher density residential, office and light retail. While there is currently no light retail within the area, ZA16-00004 was approved for 2714 N Waldron Street (adjacent) for light retail. The findings of that case determined that light retail would not pose any detrimental effect on the neighborhood.	☑ Met																		
5. Length of time the property has remained vacant	The property has been vacant since June 2019.	☑ Met																		
6. Relative gain to the public health, safety and welfare compared to the hardship imposed upon the landowner if the	<p><u>Health, safety, and welfare:</u> Because the neighborhood already contains a variety of similar uses and zoning districts, the proposed change in zoning will not have a significant impact on the public health safety and welfare.</p> <p><u>Landowner hardship:</u> If the zoning amendment request is denied, the applicant will be unable to use the property for multi-unit living unless a lesser zoning designation that permits multi-unit living is approved.</p>	☑ Met																		

application were denied														
7. Conformance of this request to the Comprehensive Plan	According to the 2017-2037 Comprehensive Plan, the property's land use designation is Low Density Residential. The property is located next to land uses designated as Commercial. The applicant has submitted a concurrent Comprehensive Plan Amendment requesting the property's designation be amended to Commercial.	☑ Met												
8. Impact on public facilities and utilities	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Streets</td> <td>The proposed use could increase traffic along 23rd Avenue but the street is already designated as a Collector.</td> </tr> <tr> <td>Alleys</td> <td>N/A</td> </tr> <tr> <td>Sidewalks</td> <td>There are no sidewalks along the 23rd Avenue frontage.</td> </tr> <tr> <td>Water</td> <td>This change in zoning district will not impact water infrastructure.</td> </tr> <tr> <td>Sewer</td> <td>This change in zoning district will not impact sewer infrastructure.</td> </tr> <tr> <td>Drainage</td> <td>The existing lot once improved would be subject to stormwater runoff fees. Any development would be subject to developing under current standards.</td> </tr> </table>	Streets	The proposed use could increase traffic along 23 rd Avenue but the street is already designated as a Collector.	Alleys	N/A	Sidewalks	There are no sidewalks along the 23 rd Avenue frontage.	Water	This change in zoning district will not impact water infrastructure.	Sewer	This change in zoning district will not impact sewer infrastructure.	Drainage	The existing lot once improved would be subject to stormwater runoff fees. Any development would be subject to developing under current standards.	☑ Met
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Drainage	The existing lot once improved would be subject to stormwater runoff fees. Any development would be subject to developing under current standards.													

Carr asked for the staff recommendation. Allison responded that staff recommends approval.

A motion by Bisbee, seconded by Richardson to recommend approval of Zoning Amendment request ZA19-000002 to rezone the property located at 1624 E 23rd Avenue from R-3 Moderate Density Residential District to C-2 Neighborhood Commercial District based upon a finding that the factors required for approval are met, passed with the following vote: Yes – Richardson, Roberts-Ropp, Peterson, Bisbee, Swearer, Carr.

The City Council will consider this case on October 1, 2019.

c. SA19-000001 – Minor Plats, Etc.

Request to amend Section 9-401.D., Concurrent Submittals, and Article V, Minor Plat, Lot Splits, and Lot Line Adjustments, of Chapter 9, Subdivision Regulations of the Municipal Code of the City of Hutchinson.

Hvitlæk gave an overview of the proposed changes. He said this is a continuing effort to streamline the development process. The proposed ordinance would permit administrative review and approval of minor plats, lot splits, and lot line adjustments. Currently the only mechanism to expediate the subdivision process is concurrent submittal of preliminary and final plats. The proposed amendment could allow for administrative review and approval. He showed an example of a minor plat, lot split and lot line adjustment in a powerpoint presentation and reviewed the requirements of each. A minor plat may be submitted if the division will create no more than five lots, the parcel was previously platted, and no public infrastructure improvements or easements are needed to serve the lots. The parcels must meet the minimum lot size standard. The minor plat will create a new subdivision with a new name.

A lot split cannot create more than two lots. A property zoned industrial would not have to be platted to be split.

A lot line adjustment is moving a lot line to make an existing lot smaller or larger. All lots would need to conform to lot size requirements.

This amendment would also allow removing platted setbacks shown on plats without having to replat. This would require a survey by a licensed surveyor.

The City Attorney has reviewed the proposed amendment and had some minor changes. He will work with Reno County to make sure the lots can be legally recorded.

There were no comments from the audience.

Carr closed the hearing and asked for a motion.

Motion by Swearer, seconded by Bisbee to recommend approval to the Hutchinson City Council of Subdivision Amendment case number SA19-000001 to amend Section 9-401.D Concurrent Submittals, and Article V. Minor Plats, Lot Splits and Lot Line Adjustments of the Hutchinson Subdivision Regulations, passed with the following vote: Yes – Richardson, Roberts-Ropp; Peterson, Bisbee, Swearer, Carr.

The City Council will hear this case October 1, 2019.

5. NEW BUSINESS

a. Planning Department Work Plan Update

Hvitlæk reviewed the work plan for the Planning and Development Department that was approved in January. He listed items in process, items completed, and presented a powerpoint chart of projects. The work plan has been amended due to staffing changes and shortages and some items have been moved to 2020. Some strategies will be delayed until a new County Administrator and new City Manager are appointed. This would include items such as extra-territorial jurisdiction and annexation. Sidewalk related items will be scheduled for 2020. The C-5 and C-6 zoning are longer term projects that will begin this fall and continue into 2020. Staff is applying for two grants, a CDBG housing rehabilitation grant for the Creekside Neighborhood, as well as a Hutchison Community Foundation Fund for Hutch grant for tactical urbanism and placemaking. Placemaking and tactical urbanism is a term for testing small temporary projects to see how successful they are prior to installing a permanent, larger project.

Staff is working on an amendment to the Rental Registration and Inspection Program. In addition to streamlining the development process, creating a handbook for developers is in the works for next year as well as conducting educational seminars for downtown property owners. The mapping of neighborhood boundaries has been completed. Staff will be looking at pilot projects for housing to determine viability of innovative solutions and a sidewalk connection incentive plan for new development. Establishing a regular roundtable meeting with developers for feedback on our development processes is in the work plan, and creating a tenant and housing handbook to foster

better communication with landlords is also in process.

6. OLD BUSINESS

- a. Discussion on Potential Small Box Variety Stores (Dollar Stores). Study Session, September 25, 2019.

Hvitløk said staff is reaching out to stakeholders, the Chamber of Commerce, and the Reno County Health Department for input on this topic.

- b. There are two applicants being recommended to the City Council for appointment to the Planning Commission to fill the two vacancies.

7. UPCOMING CASES

- a. None.

8. ADMINISTRATIVE CASES

- a. SIT19-000007 – GeoChemical Addition, 1600 N Halstead St (Pending)

9. COUNCIL ACTION ON CASES

- a. None.

10. OPEN COMMENTS FROM THE AUDIENCE

- a. Jack Martin, 5203 N Old K61 Hwy, said he is against any type of regulation on dollar stores or telling them what type of merchandise they can or cannot sell. He believes this will lead to regulating other types of business including car dealerships, fast food or attorney offices. He stated Hutchinson needs more businesses coming in, not more regulations. He does not believe this is a topic the Planning Commission should pursue.

11. ANNOUNCEMENTS – None.

12. ADJOURNMENT - The meeting adjourned at 6:35.

Respectfully Submitted

Charlene Mosier, Planning Technician
Approved this day of 2019

Attest:_____



Planning Commission Staff Report

Meeting Date: September 24, 2019

DATE: September 18, 2019

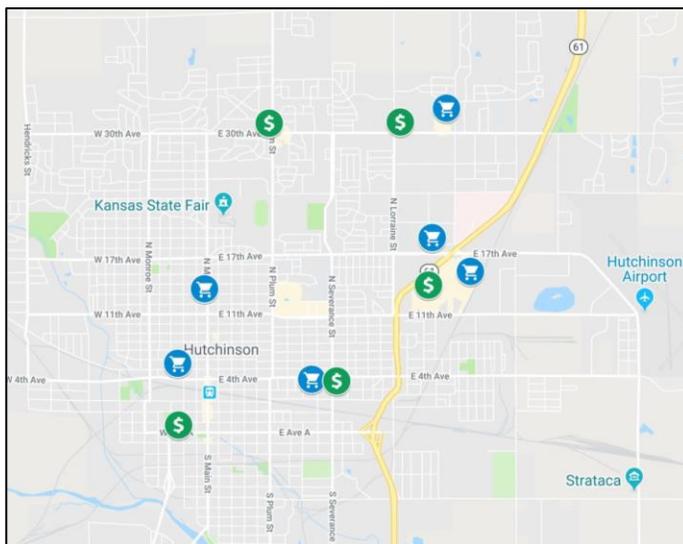
TO: Hutchinson Planning Commission

FROM: Ryan Hvitløk, AICP
Director of Planning & Development

THROUGH: John Deardoff
City Manager

SUBJECT: **STUDY SESSION:**
Small Box Variety Store Regulations

FOR MEETING: September 24, 2019



REQUEST:

Request for Planning Commission study session to review proposed amendment to Sections 27-202 (Definitions) and 27-406 (Table of Land Use Categories) of the *Hutchinson Zoning Regulations*, concerning regulations related to small box variety stores, also commonly referred to as dollar stores.

Staff Recommendation:

Staff recommends moving forward with proposed amendments pertaining to small box variety stores.

Motion:

Motion to direct staff to (proceed / modify and proceed / not proceed) with amendments to the Zoning Regulations pertaining to small box variety stores.

BACKGROUND:

On August 27, 2019, staff presented information regarding the rise of dollar stores and their effects on local grocery markets. Concerns were raised by staff of the product mix that these dollar stores sell and how it is often less healthy food products than a traditional grocery store. Furthermore, these stores typically only employ a fraction of the employees of a traditional grocery store.

Staff presented this information to the Chamber Public Policy Committee and provided copies of the proposed ordinance to the Chamber, HEAL Reno County, and the Reno County Health Department. Staff knows that these businesses provide a service to many in our community and benefit the city economically through their sales. Staff is proposing minimal regulations when compared to other communities. New small-box variety stores would require a conditional use permit and have a design standard of a minimum of 10 percent of retail floor area dedicated to the sale of fresh food and fresh frozen food. No separation requirements are proposed by staff in this draft.

ANALYSIS:

Dollar stores are one of the fastest growing sectors in retail. Since 2011, Dollar General and Family Dollar/Dollar Tree have grown from around 20,000 locations to 30,000 locations in 2018. In 2018, the two chains indicated they identified locations for another 20,000 stores, according to a report on dollar stores from the Institute for Local Self-Reliance. A May 22, 2019 *Fortune* magazine article stated that nearly 75% of America's population live within 5 miles of a Dollar General store.

Dollar stores typically stock only a limited selection of foods, mostly processed, and offer little to no fresh food. In many neighborhoods the dollar store serves as a main food retailer for the neighborhood. The Institute for Local Self-Reliance report states that dollar stores have "exacerbated the problem of food deserts and further eroded the economic prospects of vulnerable communities." Of the 9 census tracts in the City of Hutchinson, 6 tracts contain tracts that are considered low-income (LI) and low food access (LA), according to the USDA Food Research Atlas (**Exhibit A**). According to the USDA a "food desert" is classified as a low-income census tract that is more than 1 mile from the nearest supermarket.

Despite the growth of this retail use, these stores hire a much smaller number of employees versus a traditional grocery store. According to *The Hutchinson News* article, a typical Dollar General hires 9 employees, a Dollar Tree/Family Dollar hires 12 employees, while a large grocer such as Dillon's hires over 160 employees in an average store.

Staff recommends the following amendments to Section 27-202, Definitions:

- Add a definition for **fresh or fresh frozen food** to better define what foods would meet the proposed design standards. This ordinance also includes items that are minimally processed such as dairy and dairy alternative products such as milk, yogurt and cheese. Apart from the dairy language, this definition was drafted from the Kansas City, KS ordinance.
- Add a definition of a **small-box variety store** to clearly define what uses are included and not included in the regulations. The intent is to separate those stores that sell mostly food as well as those ones who sell little to no food. The pharmacy and fuel exemption are common in the cities staff studied for this draft. The square footage limitation is based on the existing stock of small-box variety stores already in existence in the city.

The following use standards are recommended for the use:

- Small-box variety stores shall require the issuance of a Conditional Use Permit from the Planning Commission and City Council. Staff is recommending this as it allows staff, the public, and the decision makers to review each project on its unique circumstances. A CUP will allow the neighborhood to have the opportunity to comment on the project.
- Small-box variety stores shall dedicate a minimum of 10 percent of retail floor space to fresh or fresh frozen food. The intent is for these stores to provide healthier options to their customers. These uses are holding themselves out as alternatives to a grocery store and the largest chain, Dollar General, is beginning to add fresh food options to their stores; staff wants to ensure that the residents of the City are getting at a minimum these options from the stores.

While Hutchinson is not facing any eminent development of additional dollar stores, staff believes it is prudent to examine if regulations are needed based on the high-growth potential of these uses. Local organizations such as Heal Reno County and national organizations like Strong Towns recognize the effect a lack of access to fresh food has on our communities.

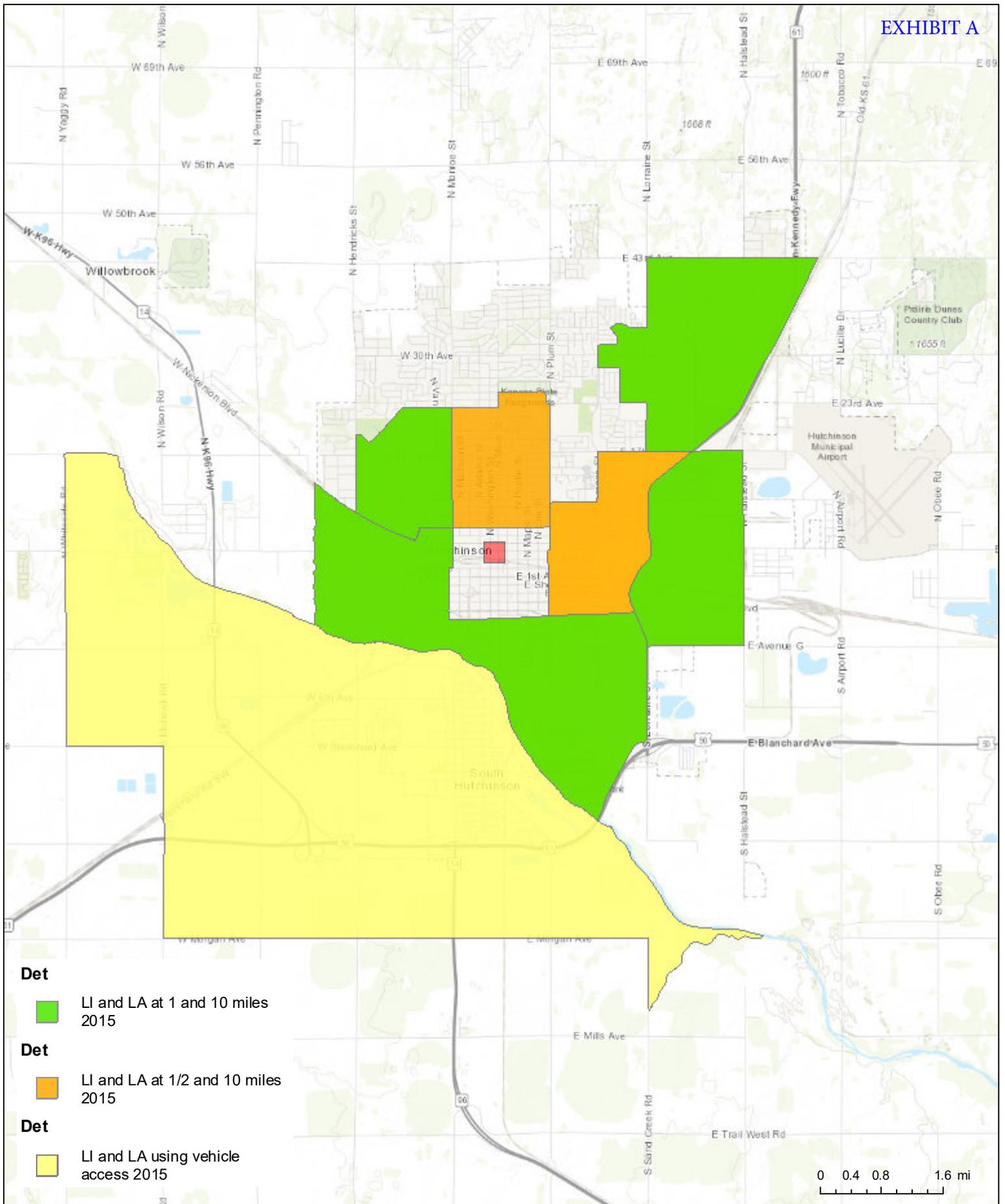
NEXT STEPS:

Staff is still awaiting feedback from the Chamber, HEAL Reno County and the County Health Department. Due to notice requirements, the earliest public hearing for this item would be October 22.

EXHIBITS:

Exhibit A: Hutchinson Food Access Map

Exhibit B: Small Box Variety Store Draft Ordinance



Hutchinson Food Access

Source: USDA Economic Research Service, ESRI. For more information:
<https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation>

Fence shall mean a freestanding enclosure or barrier intended to provide privacy, protection, security, screening or confinement, or to redirect a person's travel.

1. **Fence, Open** shall mean a fence of approved material, which has, for each one-foot-wide segment extending over the entire length and height of the fence, 50 percent or more of its surface area in open spaces which affords direct views through the fence.
2. **Fence, Solid** shall mean a fence of approved material, excluding chain link with slats, which obscures at least 90 percent of vision through each one-foot-wide segment extending over the entire length and height of the fence.

Flammable or Explosive Material shall mean any substance which decomposes through detonation or which is intense burning. In addition, any substance which is considered an "explosive" or a "flammable liquid" as defined in Division IV of Article I of the City of Hutchinson Fire Code shall be considered a flammable or explosive material.

Flood shall mean a general and temporary condition of partial or complete inundation of normally dry land area, resulting from the over flow of creeks, rivers or streams, or from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain shall mean land area subject to inundation from surplus storm water as defined by a FEMA Flood Insurance Study and as depicted on a Flood Insurance Rate Map. The floodplain is the area adjacent to the floodway which on average has a one percent chance of flooding in any year.

Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (one percent annual chance flood) without cumulatively increasing the water surface elevation more than one foot.

Food, fresh or fresh frozen shall mean food for human consumption that is unprocessed, or otherwise in its raw state, including dairy and dairy alternatives such as milk, yogurt, cheese; or food that was quickly frozen while still fresh. This includes unprocessed meat and seafood.

Food Sales shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.

Front shall mean the part or side of a building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for that building or structure.

Frontage shall mean the portion of a parcel or lot which abuts a dedicated public street, highway or private roadway.

Funeral Home shall mean a building used for the temporary storage, preparation and viewing of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation.

Sight Triangle shall mean the area at a public or private street intersection required by these and/or other regulations to be maintained free of structures, objects or plantings, and where nothing shall be erected, placed, planted or allowed to grow which could materially impede the vision of motorists and/or pedestrians and thereby pose a safety hazard. *Refer to Section 27-308 of these regulations for required dimensions and other requirements for sight triangles.*

Similar Use shall mean the use of land, buildings or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

Single-Unit Living. See “*Dwelling, Single Family*”.

Site Plan shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, driveways, parking spaces, loading spaces, lighting, drainage, landscape features and other principal and accessory site development improvements for a specific parcel of land.

Site Plan Review shall mean the review by the city of all documents and applications necessary for development including subdivision plats, site plans, rezoning requests, permit review and/or other applicable forms.

Small-Box Variety Store shall mean a retail store of 15,000 square feet or less which sells a variety of physical goods, products, or merchandise directly to the consumer. Goods, products, and merchandise include but are not limited to, food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. Retail stores that (1) dedicate at least 15% of shelf space to fresh or fresh frozen food; (2) dedicate less than 2% of shelf space to food of any kind; (3) contain a prescription pharmacy, or (4) offer for sale gasoline or diesel fuel shall not be included in this definition.

Solid Fence see “*Fence, Solid.*”

Solid Waste shall mean waste materials including but not limited to garbage, trash, refuse, rubble, sewage sludge, offal, dead animals or paunch manure.

Special Use shall mean a certain use of land or buildings that may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken to assure the compatibility of such use with surrounding uses. Special uses are restricted and approved by the Board of Zoning Appeals.

Special Use Permit shall mean the documentary evidence of authority granted by the Board of Zoning Appeals when a certain use of land or buildings may not be appropriate under all circumstances in any zoning district, but may be appropriate where adequate precautions can be taken and conditions imposed to assure the compatibility of such use with surrounding uses.

USE CATEGORY Specific Use	RESIDENTIAL					COMMERCIAL				INDUSTRIAL / OTHER				Design Standards & Use Restrictions ¹
	TA R-1 R-2	R-3 R-4	R-5	R-6	MH MP	C-1	C-2	C-3 C-4	C-5	I-1 I-2	I-3 A-1	C-R E-N	P/I	
COMMERCIAL (CONT'D)														
REPAIR, EXCEPT VEHICLE REPAIR:	H	H	H	H	N	D	D	D	D	D	D	D	D	See 27-406.B.20. 27-901
RETAIL RENTAL & SALES:														
Ammunition / Firearms / Gunsmiths	N	H	H	H	N	N	N	D	D	N	N	N	N	See 27-406.B.21.
Large (> 18,000 SF)	N	N	N	N	N	N	N	D	D	N	N	N	N	See 27-911
Medium (3001 – 18,000 SF)	N	N	N	N	N	N	N	P	P	N	N	P	N	
Outdoor retail sales	N	N	N	N	N	D	D	D	D	N	N	D	N	See 27-406.B.22.
Small (up to 3000 SF)	N	N	N	D	N	P	P	P	P	D	D	P	D	See 27-406.B.23.
Small-Box Variety Stores	N	C	C	N	N	C	N	See 27-406.B.34.						
TRANSIENT ACCOMMODATIONS														
Bed & breakfast	D	D	D	D	N	D	D	D	D	N	N	D	N	See 27-406.B.24.
Recreational Vehicle Park	N	N	N	N	N	N	N	C	N	C	N	N	N	See 27-906
Hotel, Motel, Extended Stay	N	N	D	N	N	D	D	P	P	N	N	D	N	See 27-406.B.25.
SERVICES (PERSONAL), EXCEPT AS BELOW:	H	H	H	H	H	P	P	P	P	D	D	P	D	See 27-406.B.26.
Dry cleaner	N	N	N	N	N	N	P	P	P	N	N	P	N	
STORAGE, SELF-SERVICE	N	N	N	N	N	N	D	D	N	D	D	D	N	See 27-406.B.27.
UTILITIES, EXCEPT AS BELOW:	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind Energy Conversion Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*See 27-923
Wireless Communication Facilities (Public ROW)	D	D	D	D	D	D	D	D	D	D	D	D	D	See 27-406.B.28.
Wireless Communication Facilities (Private property)	**	**	**	**	**	**	**	**	**	**	**	**	**	**See 27-921

Key: P= Permitted Use S = Special Use C = Conditional Use N = Not Permitted D=Permitted with Design Requirements H=Home Occupation Only

¹Where parking, screening and other standards that are established elsewhere in this Article conflict with the standards established in Sec. 27-406.B.1. through Sec. 27-406.B.34. the provisions of this Section shall prevail.

34. Small-Box Variety Store Standards & Use Restrictions

Small-Box Variety Stores shall be permitted as indicated in Table 27-406.B., pursuant to meeting the following requirements:

- a. Small-Box Variety Stores shall provide a minimum of 10% of their retail floor area to the sales of fresh or fresh frozen food.
- b. Outdoor Retail Sales shall be permitted in conjunction with small-box variety stores pursuant to the requirements of Section 27-406.22.