

**ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
Tuesday, February 18, 2014  
Minutes**

1. Call to order. 00:00:21

Chairman Quentin Coon called the meeting to order at 7:01 p.m.

2. Roll call. 00:00:25

Planning Commission members present were Chairman Quentin Coon, Brian Lindebak, Ken Boone, William Schnauber, Lee Butler and Aaron Masterson. Others in attendance were Director of Public Works Les Mangus, Assistant Director of Public Works Steve Anderson, City Administrator Sasha Stiles, City Council Liaison Kris Estes and Administrative Assistant Dayna DuFriend. Member Lynn Heath was not in attendance.

A/V: Cindy Barrett

3. Approval of the minutes of the January 21, 2014 meeting. 00:00:38

*A motion was made by Brian Lindebak, seconded by William Schnauber to approve minutes of the January 21, 2014 meeting. Motion carried 5/0/1. Ken Boone abstained from vote.*

4. Communications: 00:01:29

- A. City Council minutes.
- B. Committee and Staff Report.
- C. Potential Residential Development Report.

5. Z-2014-01- A public hearing on proposed change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District. 00:02:28

Les Mangus explained that this property is in the historic area of Andover that is mostly residential. This request is out of character for the area. The applicant is interested in opening a breakfast restaurant having operating hours that would not fit in the limitations of a B-2 Neighborhood Business District. A protective overlay could be used to accomplish this and not disrupt the residential neighborhood.

Bih Jau Sheu, 3000 Stoney Brook, Rose Hill, KS, 67133, applicant was present.

Shawn Blattner, 5226 E. 3<sup>rd</sup>, Wichita, KS, 67208, business operator was present.

Ms. Sheu explained that the intention is to have a coffee house plus breakfast operation at this location. Shawn Blattner, currently with Savories Tasty Shop & Coffee House located at 29<sup>th</sup> North and Webb Road will be the operator. The existing garage and breezeway structures will be removed and a new addition will be built on to the existing house. A one-lane drive-thru will be added as well for the coffee house. Ms. Sheu submitted a drawing of the proposed building.

Aaron Masterson asked about parking space for the business and how many entrances are planned.

Ms. Sheu replied that she currently owns the adjacent south property, 1509 and 1513 N. Andover Rd., and will be tearing down one side of this duplex unit and use that area for parking. There will be 20-21 parking spaces. One entrance will be on Andover Road with the drive-thru entrance on Lafayette Street. On the plan there is 15 feet available for a future exit on to Andover Road.

Brian Lindebak asked how many customers are expected and what type of signage would be used.

Ms. Sheu stated that with the 20 parking stalls they are allowed to seat 50 people at one time. The signage has not been designed at this time.

Aaron Masterson asked what the hours of operation would be.

Mr. Blattner replied that the hours would be 6am-4pm.

Chairman Coon asked if the duplex would be completely removed with Phase 2 of the project.

Ms. Sheu answered yes, that would be her preference.

Les Mangus explained that shifting the lot line of the adjacent property for use as parking is allowed.

Brian Lindebak asked if lighting will be installed in the parking lot.

Ms. Sheu replied yes, and that it would be respectful of the neighboring residential lots.

Chairman Coon asked if the original single family structure would be taken down at some point.

Ms. Sheu answered no.

William Schnauber inquired as to what the overall look of the remodeled building would be.

Ms. Sheu replied that she is still working with an architect but wants the building to be as tasteful as possible.

Brian Lindebak asked if an amplified system would be used in the drive-thru.

Mr. Blattner stated that a speaker system would be used.

Aaron Masterson asked Les Mangus if the corridor study showed development this far along North Andover Road.

Les Mangus replied that the comprehensive development plan will look at requests along North Andover Road on a case by case basis.

Brian Lindebak asked the applicant if they would be ok with a protective overlay limiting certain functions of the zoning such as the hours of operation and protecting the neighboring single family residences. Lighting, signage and the intercom system could also be included.

Lee Butler asked Les Mangus if the approved zoning runs with property and this business were to close, this property would then be open to any B-3 permitted use.

Les Mangus stated that this is correct and he would suggest that a protective overlay limiting the uses to those in the B-2 District and further limit the hours of operation from 6:00 a.m. to 11:00p.m. This fits the neighborhood and gives relief of the operating hours. A condition limiting signage to only Andover Road could also be used. The Site Plan Review Committee would review the drive-thru speaker under the required guidelines.

William Schnauber asked about the location of the trash dumpster.

Les Mangus said that this would not be allowed under the Site Plan guidelines and would be reviewed by the Site Plan Review Committee.

Chairman Coon closed the public hearing at 7:35pm

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT \*

CASE NUMBER: Z-2014-01

APPLICANT/AGENT: Bih Jau Sheu

REQUEST: Proposed change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District.

CASE HISTORY: Existing single family dwelling has zoning for business,

but has never been utilized for commercial uses.

LOCATION: 1519 N. Andover Road

SITE SIZE: ± 15,000 sq. ft.

PROPOSED USE: Coffee house with possible breakfast, lunch and dinner operation.

**ADJACENT ZONING AND EXISTING LAND USE:**

- North: B-1 Office Business – multifamily dwellings
- South: B-2 Neighborhood Business – two family dwelling
- East: R-2 Single family residences
- West: R-2 Single family residences

**Background Information:**

\* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission’s considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant’s reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

**FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES NO

STAFF:

PLANNING: B-2, Residential, B-1

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?  
(See Adjacent Zoning on page 1 of 4)

YES NO

STAFF:

PLANNING: B-2, R-2 East & West, R-3 South

COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?

YES NO

X STAFF:

X PLANNING:

COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO

X STAFF:

X PLANNING: Required ROW standard  
COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

X STAFF:  
X PLANNING:  
COUNCIL:

9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

X STAFF:  
X PLANNING:  
COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

X STAFF:  
X PLANNING:  
COUNCIL:

11. Is the subject property suitable for the current zoning to which it has been restricted?

YES NO

X STAFF:  
X PLANNING:  
COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

X STAFF: Increased activity, lights, noise, traffic, etc.  
X PLANNING: Same as staff.  
COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

X STAFF: The request is not compatible with the surrounding neighborhood without substantial limitations.  
X PLANNING:

COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

X STAFF: The issue of incompatibility of uses is addressed in the Comp. Plan

X PLANNING:  
COUNCIL:

15. What is the nature of the support or opposition to the request?

YES NO

STAFF: None at this time.

PLANNING: Same as staff.

COUNCIL:

16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

YES NO

STAFF: Any approval of this request would need to be substantially limited by Protective Overlay to limit incompatibilities.

PLANNING: Same as staff.

COUNCIL:

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by **not** approving the request?

YES NO

STAFF:

X PLANNING:

COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Brian Lindebak, move that we recommend to the Governing Body that Case No. Z-2014-01 be (modified & approved) to change the zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District based on the findings of 1, 6, 10, 11, 12 and 16 by the Planning Commission as recorded in the summary of this hearing (and that the following conditions be attached to this recommendation) subject to a protective overlay limiting the allowed usage and signage to those allowed in the B-2 classification, with any backlighting or lighting of signage limited to locations facing Andover Road, zero sound carryover to any adjacent residential properties and hours of operation limited to 5:00 a.m. to 11:00 p.m.*

*Brian Lindebak amended the previous motion made to clarify to minimize the sound carryover to any adjacent residential properties. Motion seconded by Ken Boone. Motion carried 6/0.*

Chairman Coon stated case Z-2014-01 will be heard by the City Council on March 11, 2014.

6. Review of the Final PUD Plan for The Cornerstone 5<sup>th</sup> Addition. 00:01:01

Phil Meyer, Baughman Co., agent to the applicant was present to represent the application.

Mr. Meyer explained that they will be platting 27 lots. They agree with staff comments and have made all requested changes and corrections.

Brian Lindebak stated that he has been in discussion with the agent regarding this project but this does not affect his ability to vote.

*A motion was made by Ken Boone, seconded by William Schnauber to approve the Final PUD Plan for The Cornerstone 5<sup>th</sup> Addition as presented. Motion carried 6/0.*

7. Review and approve revised City of Andover 2014 Planning Commission & Board of Zoning Appeals meetings and closing dates schedule. 00:01:05

*A motion was made by William Schnauber, seconded by Ken Boone to approve the revised City of Andover 2014 Planning Commission & Board of Zoning Appeals meetings and closing date schedule as presented. Motion carried 6/0.*

8. Member items. 00:01:06

No member items.

Les Mangus informed the members that prior to the March 18, 2014 meeting there will be a joint meeting with the City Council to review the first draft of the Comprehensive Development Plan.

9. Adjourn. 00:01:07

*A motion was made by Ken Boone, seconded by William Schnauber to adjourn at 8:08 p.m. Motion carried 6/0.*

Respectfully Submitted by

Dayna DuFriend  
Administrative Secretary

Approved this 18<sup>th</sup> of March, 2014 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover