

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
Tuesday, April 15, 2014
Minutes**

- [1. Call to order.](#) 00:01:58

Chairman Quentin Coon called the meeting to order at 7:00 p.m.

- [2. Roll call.](#) 00:02:15

Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Brian Lindebak, Ken Boone and William Schnauber. Others in attendance were Director of Public Works Les Mangus, Assistant City Administrator Jennifer McCausland and Administrative Assistant Dayna DuFriend. Members Lee Butler and Aaron Masterson were not in attendance.

A/V: Cindy Barrett

- [3. Approval of the minutes of the March 18, 2014 meeting.](#) 00:02:28

A motion was made by Ken Boone, seconded by William Schnauber to approve the minutes. Motion carried 3/0/2. Brian Lindebak and Chairman Quentin Coon abstained.

- [4. Communications:](#) 00:03:12

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

- [5. SU-2014-01- A public hearing on an application to approve a Special Use requested to establish a camper and recreational vehicle sales facility in the B-5 Highway Business District.](#) 00:04:24

Les Mangus explained that in 2011 this applicant applied for a special use to sell used cars on this property. This request was granted, limited specifically to used automobiles. They now have a potential tenant that would like to sell RV's which requires an additional special use.

Brian Lindebak asked if there were concerns for access along Ruth Avenue and if there were any signage concerns.

Les Mangus explained that the corner would be difficult and that better access for vehicles or RV's would be at the frontage road in front of Mid-Kansas Marine. There would be no changes in the allowable signage.

Sylvia McHam, 1109 W. Hwy 54, Andover, and Carla Hart, 13687 SW 70th, Andover, were both present to represent the application.

Ken Boone asked if the intent is to sell both used vehicles and campers and with this limited amount of space how many campers would be available to sell.

Ms. McHam stated that there would only be seven small campers and would not interrupt the existing storage business.

William Schnauber asked if the property is completely fenced in with security at the entrance.

Ms. McHam said that there are lights at the entrance.

Ms. Hart replied that there is not a security gate at the entrance.

William Schnauber also asked if the special use permit for the sale of used vehicles would be voided.

Les Mangus answered no.

Ms. Hart stated that there would only be one or the other for sale. They would not have vehicles and campers for sale at the same time.

ANDOVER CITY PLANNING COMMISSION
Agenda Item No. 5

SPECIAL USE REPORT *

CASE NUMBER: SU-2014-01

APPLICANT/AGENT:
Sylvia McHam / Ann Adams

REQUEST: Special Use requested to establish a camper and recreational vehicle sales facility – new and used.

CASE HISTORY: The property is currently zoned B-5 and has a special use to allow used automobile sales.

LOCATION: 1009 W. US Hwy. 54

SITE SIZE: 30,000sq.ft.

PROPOSED USE: Recreation vehicle sales lot.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Single-Family Residential – Andover Municipal Golf Course & vacant B-4 Central Business

South: R-3 Multi-Family Residential – two-family dwellings

East: B-2 Neighborhood Business – Chelsea Square Apartments

West: B-5 Highway Business – strip commercial buildings

Background Information:

The former storage units and office have been most recently been used as a used car lot.

* 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 special use recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

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:

YES NO 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)

STAFF:

PLANNING: Storage facility with existing car sales allowed.

COUNCIL:

YES NO 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)

STAFF:
PLANNING: B-5
COUNCIL:

YES NO 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 4. Would the request correct an error in the application of these regulations?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 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?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 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?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 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?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

X STAFF:
PLANNING:
COUNCIL:

YES NO 9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 11. Is the subject property suitable for the current zoning to which it has been restricted?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

STAFF: None.
PLANNING: None.
COUNCIL:

YES NO 13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 15. What is the nature of the support or opposition to the request?

STAFF: None at this time.
PLANNING: None.
COUNCIL:

YES NO 16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

X STAFF: Approval as applied for.
PLANNING:
COUNCIL:

YES NO 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?

X STAFF:
PLANNING:
COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the special use application, I Lynn Heath, move that we recommend to the Governing Body that Case No. SU-2014-01 be approved for the establishment of a camper and recreational vehicle sales facility – new and used, in the B-5 Highway Business District based on the findings of the Planning Commission as recorded in the summary of this hearing, listed as 2, 10 and 11. Motion seconded by William Schnauber. Motion carried 4/1. Brian Lindebak opposed.

6. Review of the Final Plat for Green Valley Reserve Addition.

00:17:45

Brian Lindebak stepped down from the Planning Commission as the applicant.

Les Mangus explained that this action will allow the HOA to expand the existing playground and pool area.

Kris Rose, Baughman Co. agent to the applicant was present.

Ken Boone asked if a final drainage plan would be required.

Les Mangus replied that final drainage plan will be required with their improvements.

A motion was made by Ken Boone, seconded by William Schnauber to approve the Final Plat for the Green Valley Reserve Addition as presented. Motion carried 4/0.

Brian Lindebak rejoined the Planning Commission.

8. Member items. 00:21:24

There were no member items.

9. Adjourn. 00:21:32

A motion was made by Lynn Heath, seconded by Ken Boone to adjourn at 7:18 p.m. Motion carried 5/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Assistant

Approved this 20th of May, 2014 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover