

**ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
Tuesday, January 17, 2017  
Minutes**

1. [Call to order.](#) 00:00:25

Chairman Brian Lindebak called the meeting to order at 7:01 p.m.

2. [Roll call.](#) 00:00:35

Planning Commission members in attendance: Chairman Lindebak, Stephanie Gillespie, Lynn Heath, William Schnauber, Kirsten Bender and Tyson Bean. Mike Warrington arrived at 7:07 p.m.

Staff in attendance: Director of Public Works Les Mangus, City Administrator Mark Detter, Administrative Assistant Daynna DuFriend and City Council Liaison Phil White.

A/V: Craig Brown

3. [Approval of the minutes of the December 20, 2016 meeting.](#) 00:00:47

*A motion was made by Lynn Heath, seconded by William Schnauber to approve the minutes of the December 20, 2016 meeting. Motion carried 5/0/1 (Kirsten Bender abstained).*

4. [Communications](#) 00:01:55  
     A. [Committee and Staff Report.](#)  
     B. [Potential Residential Development Report.](#)

5. [SU-2016-03- A public hearing on an application for a Special Use request to develop a car wash in the B-3 Central Shopping District on the property located at 565 S. Andover Road, Andover, Kansas.](#) 00:03:24

Les Mangus explained the proposed car wash is located at the point of transition from commercial to residential and has residential neighbors adjacent on the south and west. This type of transition is in the corridor plan.

Chairman Lindebak added that this property was platted for commercial use of some type.

Chairman Lindebak opened the public hearing.

Russ Ewy, Baughman Company, P.A., agent to the applicant was present.

Stan Cox and Steve Cox, applicants and business owners and Kris Wessel, NAI Martens, were also present.

Mr. Ewy explained that Mr. Wessel assisted in public outreach to adjacent property owners. No opposition was found in their door to door meetings with the neighboring property owners. The Cox brothers own and operate a similar car wash business in Derby. This tunnel-style car wash is different than that of the other car wash businesses in Andover. The hours of operation for this business are limited to that of 7:00 a.m. – 7:00 p.m. with a manager on site during those hours of operation. The single bay wash will have two large doors for entry and exit, abating the noise with the doors being closed during operation. Operating noise will be directed to the west and Andover Road. As noted on the submitted site plan there is an existing tree row along the south property line between the neighboring property owner. They will be supplementing these existing plantings with additional plantings and eight-foot fencing along the south and west property lines outside of easements. Due to site constraints they are limited to placement and have eliminated one full row of exterior detailing bays. This allowed the building to be placed 25 feet from the south property line.

Lynn Heath asked what the comments were from the adjacent property owner to the south.

Mr. Wessel stated that they met with all property owners on the notification list provided to the City by the applicant and received no opposition from anyone. This owner, as well as several others, felt that an additional commercial business added to the already commercially populated area would not be a problem.

Mike Warrington asked if there was a need for an additional car wash in the city.

Mr. Stan Cox explained the process of this tunnel-style car wash is different than the self-serve car wash businesses in Andover. Their car wash will be approximately 130 feet in length and upon entry the vehicle will be pulled through the wash in assembly line fashion. Each wash will take approximately three minutes. There will be a manager onsite with additional employees as needed throughout the day.

Mike Warrington asked staff if adjustments would be needed in the striping on Andover Road.

Les Mangus replied that there is currently striping for a left turn.

Chairman Lindebak asked staff if in the Comprehensive Plan and the US 54 Corridor Plan this section of Andover Road would convert to a median.

Les Mangus answered that a median would extend to just south of this parcel.

Les Mangus expressed his concern to the applicants about the compatibility of the car wash with the neighboring residential properties because of the lights, traffic, and noise. And asked how they planned to control the exit door and dryer motor so that it would not be constantly running even when the door opens.

Mr. Stan Cox explained that this car wash has fewer dryers than the larger car wash businesses thus lowering noise levels. Electric sensors will raise the door when a vehicle passes, however the door will remain open if another vehicle is directly behind that vehicle. This would result in the door staying open during a very busy time. The doors are timed to close after 30 seconds if there is not another vehicle immediately behind the exiting vehicle. This was the reason for positioning the exit along Andover Road.

Les Mangus then asked what was planned for landscaping along the south property line to help mitigate the noise as the existing tree row stops near the front of the proposed building. And asked how tall the door would be.

Mr. Ewy pointed out that in the conceptual site plan the eight-foot screening fence would be continued along the south property to the front (west) property line. This would be past the garage on the south adjacent property. In addition, a grouping of evergreen plantings would be installed.

Mr. Stan Cox said he believed the door to be 12 feet by 14 feet. The dryers would be lower than the door opening.

Les Mangus asked if the project could be moved further north on the property while still keeping the vacuum cleaners and structures out of the utility easement.

Mr. Ewy replied that there is approximately 12 feet between the curb and the south line of the easement. One of the factors for not doing this was the potential conflict of vehicles exiting and entering the site. And that the 25 foot buffer area with existing vegetation and future plantings specifically packed around the opening, as well as the screening fence, would provide a reasonable landscape design. This would leave property along the northern tier to be potentially utilized by future development to the north. They could look at moving the project 10 feet to the north and that would change the radius of the drive at the northwest corner of the site.

Chairman Lindebak asked what utilities were located in this easement.

Les Mangus said that it was overhead power running east and west.

William Schnauber asked the reason for the door being 12 feet high.

Chairman Lindebak suggested using sound insulation on the inside of the building to help reduce noise.

Mr. Stan Cox stated that the door size is the design from the car wash company. They can look at possibly using a shorter door. The entire north wall of the building will be double-paned glass. The vacuum system consists of one central system that will be enclosed and located on the west end of the detail bays. All of the vacuum lines are underground from the unit to the detail bay. This system reduces vacuum noise.

Mike Warrington asked staff when this lot was zoned as B-3 Central Shopping District.

Les Mangus replied approximately 8 – 10 years ago.

Chairman Lindebak closed the public hearing.

Chairman Lindebak asked staff if one entry was sufficient for this type of business during peak times after viewing larger car wash business activity.

Les Mangus noted the platted access control shown for that location lines up with the drive entry for businesses on the east side of Andover Road.

Mr. Stan Cox added that this will be smaller, with less car counts and customers than those larger businesses.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

SPECIAL USE REPORT \*

CASE NUMBER: SU-2016-03

APPLICANT/AGENT: River Land Company, LLC (attn: Stan Cox)

REQUEST: Special Use requested to develop a single, tunnel-style car wash and associated uses.

CASE HISTORY:

LOCATION: 565 S. Andover Rd. (west side of Andover Rd. between Cloud Ave. and Bales St.)

SITE SIZE: ±1.1 acres

PROPOSED USE: Car wash

**ADJACENT ZONING AND EXISTING LAND USE:**

North: B-1 Office Business – vacant lot

South: R-1 Single Family Residential – single family dwelling

East: B-4 Central Business District – strip retail center

West: R-1 Single Family Residential – single family dwelling

**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 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:**

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: Residential and Commercial  
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: Residential and Commercial  
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: All are in place and adequate.  
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:  
COUNCIL:

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

YES NO

X STAFF: Site Plan Review would be required.  
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

STAFF: N.A.  
PLANNING: N.A.  
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

STAFF: Increased noise, lighting, traffic, and nighttime activities.  
PLANNING: Minor.  
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:  
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 Comp Plan suggests that more intensive business uses be located along the US-54/400 Corridor.  
X PLANNING:  
COUNCIL:

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

YES NO

STAFF: None at this time.  
PLANNING: None.  
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: Staff will withhold an opinion on the case until further details are clarified regarding lighting and sound levels and appropriate conditions attached.

X PLANNING:  
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 special use application, I Lynn Heath , move that we recommend to the Governing Body that Case No. SU-2016-03 be **modified & approved** for the development of a car wash in the B-3 Central Shopping District based on the findings of the Planning Commission as recorded in the summary of this hearing, listed as 10 & 14 with the following conditions: recommend it be seriously considered moving the structure 12 feet north on property and to maintain hours of operation from 7:00 a.m. to 7:00 p.m. Motion seconded by William Schnauber. Motion carried 6/1 (Mike Warrington opposed).*

Chairman Lindebak read the following:

This case will be forwarded to the Governing Body with the Planning Commission’s recommendation and a written summary of the hearing for consideration at their regular meeting of February 14, 2017 which begins at 7:00 p.m. in this same meeting room. The video recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the special use, but not directed at the Commission’s recommendations as such, may be received by the City Clerk for 14 days after tonight, i.e. January 31, 2017 at 4:30 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification both inside and outside the City not counting public street rights of way or specific statutory

excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body.

6. [Andover Unified Development Manual update from Foster Design Associates, LLC.](#)

00:56:33

David Foster and Bickley Foster, Foster Design Associates, LLC presented a power point program informing the Planning Commission of the progress for the Andover Unified Development Manual update.

David Foster explained that they have been working with City staff and the goal is to simplify and consolidate the information needed to develop projects in Andover. Documents have been reviewed to update for current statutory and legal requirements and consistency. The final content will have seven parts, each adopted appropriately.

- Part 1 – Overview
- Part 2 – Zoning & Subdivision Regulations
- Part 3 – Site Plan Review & Approval
- Part 4 – Stormwater Management & Riparian Buffer
- Part 5 – Building & Construction Codes
- Part 6 – Floodplain Management Regulations
- Part 7 – Appendix

Mike Warrington asked where landscape would be.

David Foster stated that several individual documents including landscape guidelines will be included in Part 3 – Site Plan Review & Approval.

Chairman Lindebak asked if this would also include the Streetscapes Guidelines and suggested possibly including an airport hazard map in the future. And also asked if the Floodplain Management Regulations would be the FEMA Regulations.

Les Mangus replied that the Streetscapes would be in Part 7 – Appendix. The state drafts a model ordinance for floodplain regulations that is based off of FEMA criteria. Currently that floodplain model ordinance is adopted as a zoning district in our book and the state has to be notified every time there is a change to the regulations. By removing and having it stand alone removes the need to notify the state anytime there is an unrelated change in the regulations.

Mike Warrington added looking at drone use requirements.

Chairman Lindebak stated that he feels strongly about having an area of influence with the county.

City Administrator Mark Detter noted that he can bring this to the county commissioners.

David Foster said that this will fall under jurisdiction in the final document.

ANDOVER ZONING DISTRICTS			
CURRENT		PROPOSED	
<b>AGRICULTURAL DISTRICT</b>			
A-1	Agricultural Transition District	Agricultural Transition	A-1
<b>RESIDENTIAL DISTRICTS</b>			
R-1	Single-Family Residential District	Single-Family Residential / Low Density	SF-1
R-2	Single-Family Residential District	Single-Family Residential / Medium Density	SF-2
R-5	Single-Family/Zero Lot Line Residential District	Single-Family Residential / Zero Lot Line	SF-3
R-3	Multiple-Family Residential District	Attached Single-family Residential	MF-1
R-4	Multiple-Family Residential District	Multiple-Family / Mixed Residential Use	MXR
R-6	Condominium Residential District	(eliminated)	—
MH-1	Manufactured Home Park District	Manufactured Home Park	MH-1
MH-2	Manufactured Home Subdivision District	(eliminated)	—
<b>BUSINESS DISTRICTS</b>			
B-1	Office Business District	Office Business	B-1
B-2	Neighborhood Business District	Neighborhood Business	B-2
B-3	Central Shopping District	Retail and Service Business	B-3
B-4	Central Business District	Central Business / Mixed Use	B-4
B-5	Highway Business District	Highway Corridor Mixed Use Business	B-5
<b>INDUSTRIAL DISTRICTS</b>			
B-6	Business District	Mixed Industrial / Commercial	MXI
I-1	Industrial District	Industrial	I-1
<b>SPECIAL PURPOSE DISTRICTS</b>			
—	—	Andover Road Corridor Overlay	ACO
—	—	Neighborhood Transition/ Mixed Use	MXN
PUD	Planned Unit Development District	Planned Unit Development	PUD
P-O	Protective Overlay District	Protective Overlay	PO
FP	Flood Plain District	(Replaced with Floodplain Management Regulations; model adopted by Ordinance)	—

**NO changes in Zoning District Boundaries**

- It is not intended at this time to change any Zoning District *boundaries* as part of the development of the UDM.

**CHANGES in Zoning District Names**

- To reduce confusion with R-# designations in the Building and Construction Codes.
- To take advantage of this opportunity to clarify Zoning District names.
- Andover’s **Official Zoning Map** will be revised to reflect the changes in Zoning District names and designations.

Chairman Lindebak suggested having the opportunity to use and explore a draft version of the new document for a period of time before the final document is approved.

David Foster explained that there are several more meetings involving City Council, Site Plan Review Committee as well as area developers before the final document is available.

**7. Member items.**

02:04:25

No member items.

8. Adjourn.

02:04:33

*A motion was made by Lynn Heath, seconded by William Schnauber, to adjourn at 9:05 p.m.  
Motion carried 7/0.*

Respectfully Submitted by

Dayna DuFriend  
Administrative Assistant

Approved this 21<sup>st</sup> day of February, 2017 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.