



PLANNING & ZONING
1609 E. CENTRAL AVE.
POB 295
ANDOVER, KS 67002
316.733.1303

**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
OCTOBER 20, 2020 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson William Schnauber called the meeting to order at 7:00 pm.

2. ROLL CALL

Commissioners in attendance: Chairperson William Schnauber, Vice Chairperson Erik Pedersen, Secretary Gary Israel, and Marla Canfield. Members Brian Davidson and Alex Zarchan were absent. Staff in attendance: Jennifer McCausland, City Administrator, Lance Onstott, Assistant City Administrator, Les Mangus, Director of Community Development, and Justin Constantino, Assistant Director of Community Development. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 15, 2020 MEETING

Gary Israel made a motion to approve the minutes of the September 15, 2020 meeting as presented. Motion seconded by Marla Canfield. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that there was a substantial increase in single-family building permits due to The Heritage First project with 23 new building permits in the last month, most of which are in construction now. Mr. Mangus stated that will result in a roughly 25% increase in the number of single-family permits for 2020. Mr. Mangus stated that two-family permits have been slightly down this year.

5.1 FINAL PLAT – REVIEW OF AND RECOMMENDATION ON THE HODGES 5TH SUBDIVISION FINAL PLAT GENERALLY LOCATED AT THE NORTHWEST CORNER OF MAIN STREET AND MAY STREET, ANDOVER, KANSAS

Mr. Mangus stated that the project is a replat of an existing single parcel that was the source of a zoning case over a year ago and that there are currently five dwelling units on the property and the owner desires to break those up into lots. Mr. Mangus stated that the Subdivision Committee, staff, and utility providers have all reviewed the plat and recommend approval.

Mr. Mangus stated that the plat contains notes regarding a temporary turnaround that is required by the fire department for access due to the length of the dead-end street. Mr. Mangus stated that the owner of the subject property also owns the adjacent property to the west and staff anticipates presenting the Planning Commission with that plat in the near future.

Mr. Pedersen referenced the Subdivision Committee minutes regarding the potential addition of a sidewalk and the request for a revised drainage plan and asked if staff was comfortable with proceeding. Mr. Mangus stated that staff has received the revised drainage plan and that a representative of the applicant was in attendance to discuss the future sidewalk.

Phil Meyer of Baughman Company, representing the applicant, stated that he had made all of the minor changes to the final plat and that the sidewalk becomes required when they develop the subdivision to the west and that he will guarantee the extension of the sidewalk with a petition once the property to the west is developed.

Erik Pedersen made a motion to approve the Hodges 5th Subdivision final plat as presented. Motion seconded by Gary Israel. Motion carried 4/0.

5.2 PRELIMINARY PLAT – REVIEW OF AND RECOMMENDATION ON THE ADAMS ACRES II PRELIMINARY PLAT GENERALLY LOCATED SOUTH OF W. HARRY STREET AND EAST OF S. 159TH STREET EAST, ANDOVER, KANSAS

Mr. Mangus stated that this is a preliminary plat of a developed area that has two existing single-family dwellings and a barn that was all under one ownership and the new owners of the property desire to split the property up amongst family members. Mr. Mangus states that the subject property has access to three existing roads and two sources of public water. Mr. Mangus stated that the Subdivision Committee, staff, and utility providers have all reviewed the preliminary plat and recommend approval.

Mr. Israel asked if everything was in order with the utility easement that runs from east to west roughly halfway through the property. Mr. Mangus stated yes.

Gary Israel made a motion to approve the Adams Acres II Subdivision preliminary plat as presented. Motion seconded by Gary Israel. Motion carried 4/0.

I, Gary Israel, move to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Erik Pedersen. Motion carried 4/0.

5.3 BZA-V-2020-04 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE TO CONSTRUCT A STORAGE STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 818 W. WILLOW ROAD, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:09 pm.

Mr. Mangus stated that this is a common variance request for an accessory structure that is larger than the 500 square feet that is allowed per regulations. Mr. Mangus stated that the subject property is surrounded on two sides by a dense, mature hedgerow that separates the subject property from the Terradyne Golf Course and that trees exist on the neighboring property to the east that create a secluded lot in an existing subdivision.

Joel Morris, the applicant, 818 W. Willow Road, stated that the location of the building is due to golf balls coming from Terradyne and that he has a boat and some equipment that he would like to store.

Mr. Israel asked about the style of the proposed building. Mr. Morris stated that the building will be nice and will have some stone that wraps the front of the building.

Mr. Mangus stated that staff has not received any written communications but received one phone call from a neighbor who was concerned about the use of the property for commercial activities but that commercial activities are not allowed in single-family residential neighborhoods.

Chairperson Schnauber closed the public hearing at 7:15 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

2. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

3. Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

4. The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets. The applicant simply desires additional storage space.

BZA Concur.

SPECIFIC CONDITIONS TO BE MET:

1. The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

2. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF The subject lot is 61,184 s.f., which provides a substantial area for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. The large secluded lot is surrounded on two sides by a mature hedgerow separating it from the Terradyne Golf Course, and a private lake on the third side. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

Having considered the evidence at the hearing and determined that the findings of fact have been found to exist that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and KSA 12-759(e), I, Gary Israel, move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2020-04 as requested. Motion seconded by Erik Pedersen. Motion carried 4/0.

I, Gary Israel, move to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Erik Pedersen. Motion carried 4/0.

5.4 Z-2020-07 – PUBLIC HEARING AND RECOMMENDATION ON A CHANGE OF ZONING DISTRICT CLASSIFICATION APPLICATION FROM THE SF-1 SINGLE-FAMILY RESIDENTIAL / LOW DENSITY DISTRICT TO THE MF-2 ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT ON THE PROPERTY GENERALLY LOCATED AT 309 W. TURNPIKE DRIVE, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:25 pm.

Mr. Mangus stated that the subject property is in the same vicinity as the Hodges 5th Subdivision and that there has been development in this area from large lot single-family properties to multi-family. Mr. Mangus stated that this property is located adjacent to the property to the west of the Hodges 5th Subdivision that was discussed earlier in the evening and is not currently served by a public street. Mr. Mangus stated that the corner of the property runs along an access easement that was granted by the Kansas turnpike.

Chairperson Schnauber called upon the applicant to discuss the project further. The applicant was not in attendance.

Mr. Israel asked about the number of traffic trips generated from having multi-family homes as opposed to single-family homes in the area. Mr. Mangus stated that the applicant may or may not develop to the full density and that there will be a net result in loss of acreage because of the requirement for the platting of a public street to serve the property. Mr. Mangus stated that would be taken into consideration at the platting stage. Mr. Mangus stated that staff has had preliminary conversations with the applicant and the owner of the property adjacent to the south regarding the possibility of a public street that connects through the Hodges property to serve the subject property and then out to 13th Street.

Mr. Pedersen asked what uses were allowed in the MF-2 zoning district. Mr. Mangus stated that the applicant intended for attached single-family dwellings, which could be a two-family duplex or row of townhouses.

Mr. Pedersen asked if height requirements came with the zoning. Mr. Mangus said yes, the maximum height for the zoning district is 35 feet.

Chairperson Schnauber closed the public hearing at 7:33 pm.

Mr. Israel requested that the agenda item be tabled until the applicant can be present to answer questions regarding the case.

Gary Israel made a motion to postpone any further discussion regarding the zoning amendment for 309 W. Turnpike Drive until the applicant is able to attend. Motion seconded by Erik Pedersen. Motion carried 4/0.

5.5 Z-2020-08 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE HERITAGE MIXED-USE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO AMEND THE BOUNDARY OF PARCEL 4 BY COMBINING PARCEL 4 AND PARCEL 6B, AMENDING THE PROVISIONS OF PARCEL 4, AND RENAMING PARCEL 6A TO PARCEL 6 ON THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF YORKTOWN PARKWAY AND US 54/400, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:35 pm.

Mr. Mangus stated the Heritage Mixed-Use Preliminary Planned Unit Development Plan (PUD) was approved several months ago and the applicant has since refined their plan. Mr. Mangus stated that the plan includes parcel provisions that limit the height of buildings to four stories and that the applicant is requesting to amend the height to five stories, add density, and combine a couple of the parcels that had separate parcel provisions into one larger parcel with the same set of parcel provisions.

Jason Gish of MKEC Engineering, representing the applicant, stated that they are seeking to combine Parcels 4 and 6B and update Parcel 4 with the purpose to adjust building height from four stories to five stories. Mr. Gish stated that the project is a mixed-use vision with commercial retail use on the bottom floor with a three story apartment located above. Mr. Gish stated that the building is structurally five stories to account for parking and that is why they are making the request to amend the language.

Mr. Pedersen asked if the actual height of the building was increasing by one story or if this was semantics. Mr. Gish stated that the original zoning does not contain a defined height and that the US 54/400 corridor study has a section that discusses building heights within the corridor and that the height is somewhere within the 60-foot height range.

Mr. Gish highlighted the original site plan and pointed out what was proposed on the subject parcel.

John Laffen, 301 S. Sunflower Lane, asked if the applicant was requesting a change to the existing MXR zoning regulations. Mr. Gish stated that that he was not asking for anything to do with use but made minor changes to language that was part of the base zoning with the intent of trying to be more descriptive.

Mr. Laffen asked if the applicant foresees any additional requests for changes as the project moves northwest toward Parcel 1. Mr. Gish stated that they don't anticipate any additional changes but that they saw an opportunity to amend Parcel 4.

Chairperson Schnauber closed the public hearing at 7:49 pm.

STAFF ITEMS

1. 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 if the change in zoning were approved?

STAFF : Public water, sewer, and streets are available adjacent to the subject property and can be readily extended.

2. If the zoning change request was approved, would the subject property need to be platted or replatted, or have in-lieu-of dedications made, in order to provide needed rights-of-way, easements, building setback lines, or access control?

STAFF : Platting would be required.

3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?

STAFF Screening in conformance with the Site Plan Review Standards would be required.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF None at this time.

5. If there has been an error in the application of these Zoning Regulations to the subject property, would the requested zoning change correct the error?

STAFF No error is known to exist.

STAFF ITEMS & COMMISSION/COUNCIL ITEMS

6. How suitable or unsuitable is the subject property for its current zoning?

STAFF The subject property has a mixture of uses in segregated zoning parcels that are suitable for the location in conformance with the US-54/400 Corridor Study and Comprehensive Plan.

PLANNING Concur.

COUNCIL

7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?

STAFF No

PLANNING Concur.

COUNCIL

8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.

STAFF The proposed uses are generally in conformance with the US-54/400 Corridor Study and Comprehensive Plan.

PLANNING Concur.

COUNCIL

9. Has the zoning change been requested because conditions in the area of the subject property have changed or are changing? If so, what is the nature and significance of these conditions?

STAFF The request has been submitted to further the US-54/400 Corridor Study and Comprehensive Plan recommendations.

PLANNING Concur.

COUNCIL

10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?

STAFF The surrounding area has a mixture of uses from single family residential to multifamily residential to commercial.

PLANNING Concur.

COUNCIL

11. Would the proposed zoning change of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?

STAFF Staff perceives no detrimental effects as compared to the current permitted uses.

Concur.

PLANNING

COUNCIL

12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.

STAFF The proposed uses are generally in conformance with the US-54/400 Corridor Study and Comprehensive Plan.

PLANNING Concur.

COUNCIL

13. Do any professional persons knowledgeable on conditions that affect this zoning change request have information or recommendations to provide, which would be helpful in its evaluation?

STAFF Approval as applied for.

PLANNING Concur.

COUNCIL

14. How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current zone to the requested zone?

STAFF Staff knows of no loss to public health safety and welfare as a result of the change.

PLANNING Concur.

COUNCIL

Gary Israel made a motion to approve the preliminary PUD amendment based on the information provided by staff and the applicant and the facts and finding of numbers 6, 8, 9, and 10. Motion seconded by Marla Canfield. Motion carried 4/0.

5.6 SU-2020-02 – PUBLIC HEARING AND RECOMMENDATION ON A SPECIAL USE APPLICATION RELATED TO THE ESTABLISHMENT OF AN AUTO REPAIR SHOP OR BODY SHOP ON THE PROPERTY GENERALLY LOCATED AT 115 W. CLOUD AVENUE, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:58 pm

Mr. Mangus stated the at the subject property has existing B-3 Retail and Service Business District located at the corner of Andover Road and Cloud Avenue and within the US 54/400 Corridor Study. Mr. Mangus stated that a special use is required because an auto body repair shop is not in the permitted uses of the existing zoning district.

Jeff Coykendall, the applicant, stated that he is hoping to build a body shop and that growth in Andover warrants the construction of a second body shop and thinks that his business will be an asset to the community.

Chairperson Schnauber asked about the on-site storage plans of the business. Mr. Coykendall stated that the shop is roughly 10,600 square feet and that vehicles will be pulled into the shop at night so they cannot be seen by the public and to prevent break-ins. Mr. Coykendall stated that some cars would be left out overnight but that they would be enclosed in a fenced area with slats through the chain link.

Chairperson Schnauber asked about the type of fencing on the property. Mr. Coykendall stated that the front of the property would have a wrought iron fence and that the sides would be chain link with slats. Mr. Coykendall added that any cars will be fenced in and not visible from the road and that wrecked vehicles are typically towed off within 48 hours.

Chairperson Schnauber asked if the building would be facing Andover Road. Mr. Coykendall said yes.

Mr. Pedersen asked what the body shop was going to look like. Don Kimble, representing the applicant, provided the Planning Commission with renderings of the body shop, including elevations and landscape plan:



REQUIRED LANDSCAPING AND PARKING LOT SCREENING

PARKING LOT LANDSCAPING
 - 25' x 25' SPACING FOR 2 SPACES = 6000 sq ft
 - 1 SHADE TREE OF 2' ORNAMENTALS PER 10 SPACES - 60' x 30' spacing = 18 shade
 - 45' SPACING FOR 1 SPACES = 10000 sq ft
 - 1 SHADE TREE OF 2' ORNAMENTALS PER 10 SPACES - 60' x 30' spacing = 18 shade
 - 45' SPACING FOR 1 SPACES = 10000 sq ft
 - 1 SHADE TREE OF 2' ORNAMENTALS PER 10 SPACES - 60' x 30' spacing = 18 shade

PARKING LOT SCREENING
 - 10' x 10' CONTINUOUSLY SCREENED - 2' HIGH MINIMUM

LANDSCAPING IN STREET YARDS
 - 10' x 10' CONTINUOUSLY SCREENED - 2' HIGH MINIMUM
 - 1 SHADE TREE PER 10' x 10' = 1 SHADE (2 ORNAMENTALS = 1 SHADE)

PROPOSED LANDSCAPE SCHEDULE

TYPE	COMMON	BOTANICAL	SIZE	COND.	HT.	WIDTH	PROPOSED QUANTITY
TREES							
AB	REDWOOD	Sequoia Grandis	1 1/2" @	B&B	30'	20'	10 (ORNAMENTAL)
TC	YACONDA JUNIPER	Juniperus Horizontalis "Yacoda"	8" @	B&B	30'	4"	10 (ORNAMENTAL)
AR	WILLOW PAPER BARK	Fraxinus Americana (Autumn Purple)	2" @	B&B	30'-50'	30'-50'	7 (SHADE)
AW	AUTUMN MAPLE	Acer X Fraxinoides "Autumn"	2" @	B&B	40'-50'	30'-40'	5 (SHADE)
AT	WAXY BIRCH	Betula Papyrifera	2" @	B&B	40'-50'	30'-40'	5 (SHADE)
SHRUBS							
A1	YACONDA	Juniperus Horizontalis (Andromeda)	3" @	CONTAINER	1'	3'-0"	10
PS	YACONDA GRASS	Panicum Grass	3" @	CONTAINER	6'-8"	3'-6"	10
AR	YACONDA	Juniperus Horizontalis	3" @	CONTAINER	3'-6"	3"	20
W1	YACONDA GRASS	Wax Plant "Yacoda"	3" @	CONTAINER	6'-8"	3'-0"	10
W2	YACONDA GRASS	Wax Plant "Yacoda"	3" @	CONTAINER	6'-8"	3'-0"	10
W3	YACONDA GRASS	Wax Plant "Yacoda"	3" @	CONTAINER	6'-8"	3'-0"	10

PROPOSED BUILDING FOR
ANDOVER AUTO BODY
 118 N. CLOUD AVE
 ANDOVER KANSAS

L-1

Mr. Pedersen asked for confirmation that the east-facing side of the building would be wrought iron. Mr. Coykendall said yes. Mr. Pedersen asked if the north, south, and west sides would have a chain link fence. Mr. Coykendall said yes.

Chairperson Schnauber asked about the hours of operation. Mr. Coykendall stated that the business hours would be 7:30 am to 5:30 pm, Monday through Friday.

Mr. Pedersen asked what the lighting on the property would look like in the evening and after business hours. Phil Johnson, the building contractor representing the applicant, stated that an engineered drawing has been submitted to the City of Andover that shows light poles and that the site lighting will not exceed beyond the property line.

Mr. Israel asked if there would be any signage on the building. Mr. Kimble stated that they are proposing a monument sign at this time and would potentially consider building signage at another time. Mr. Mangus stated that there is a platted reserve in which one of the uses is for a monument sign.

Mr. Pedersen asked about the make-up of the 14 property owners that were notified for the public hearing. Mr. Mangus stated that the notification included the Spangles restaurant, the Poplar restaurant, a vacant commercial lot located directly to the west, several single-family residences, and several commercial businesses across Andover Road.

Chairperson Schnauber asked if there would be any salvage vehicles or vehicles for parts located onsite. Mr. Coykendall stated that any salvage vehicles would be towed off within 48 hours. Mr. Mangus stated that the application was for an auto body repair shop and that a salvage yard is a different application.

Mr. Israel asked if there would be vehicles that have cut parts off of them sitting on the lot. Mr. Coykendall stated that those were called "clips" but that most insurance companies use aftermarket parts, so "clips" are rare. Mr. Israel asked if everything would be located behind the chain link fence. Mr. Coykendall said yes.

Mr. Pedersen asked about the height of the fence. Mr. Coykendall stated 6 feet. Mr. Mangus stated that 6 feet is permitted and that the zoning district permits up to 8 feet in height.

Mr. Israel asked if the reason for chain link is that it is harder for someone to break in. Mr. Coykendall said yes.

Hal McCloy, 13808 E. 13th Street, stated that he and his wife own the property to the west of the subject property, that he is opposed to the project, and that when he approached the Planning Commission multiple years ago, the Planning Commission asked him to assure them that he wasn't putting in a car repair shop. Mr. McCloy stated that he had sold the property to Fidelity Bank and also sold the property just west of the restaurant to Wesley Medical Center. Mr. McCloy stated that he does not like the chain link fence with slats.

Mr. Israel asked how long ago the property was sold to Fidelity Bank. Mr. McCloy said approximately three years. Mr. Israel asked if there was a firm commitment to put an ER on his property. Mr. McCloy said no but that they have purchased the property.

Mr. Mangus stated that he received an e-mail from Dave Dooman of Spangles Inc. stating:

October 20, 2020

Dear Mr. Mangus,

I understand you have a Special Use case (SU-2020-02) coming before the commission this evening. I apologize for being so delayed in getting my comments to you but wanted to share my opinion on behalf of Spangles.

*Spangles **DOES NOT OBJECT** to this property being developed as a body shop providing that:*

- 1) This property is constructed to preserve the integrity of the developing area.*
- 2) Landscaping is adequate.*
- 3) Vehicles that are either waiting or under repair are adequately screened.*
- 4) Said screening is adequate, conducive to adjoining property owners and future development in the area.*
- 5) Understanding that a body shop was not contemplated in the "Lifestyle Corridor" mix, doesn't mean we can't adapt.*

I have full confidence in the City of Andover to require the proper construction materials, landscaping & screening.

Sincerely,

*Spangles, Inc.
David J. Dooman, CFO*

Mr. Israel stated that there are several auto-related businesses in the area, including an AutoZone, a car wash, and tire store in the vicinity.

Tim Nelson stated that he works at Fidelity Bank and is the owner of the subject property. Mr. Nelson stated that Fidelity Bank originally purchased the property with the intent to build a branch but ultimately sold the property to a related entity, stating that Fidelity Bank does not own the property anymore. Mr. Nelson also noted that there is a hamburger restriction on this property which precludes certain fast food restaurants that have 80% of their sales from hamburgers.

Mr. Pedersen stated that he was still hung up on the fencing issue. Bill Johnson of Evans Building Co., representing the applicant stated that they would not be opposed to building a cedar fence.

Chairperson Schnauber closed the public hearing at 8:33 pm.

Staff Items

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| 1. | 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 if the change in zoning were approved? |
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STAFF	The subject property is served with public streets, water, and sewer
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| 2. | If the special use request was approved, would the subject property need to be platted or replatted, or have in-lieu-of dedications made, in order to provide needed rights-of-way, easements, building setback lines, or access control? |
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STAFF	The subject property is platted and adequate access controls have been applied in conformance with the US-54/400 Corridor Study.
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| 3. | If the special use request was approved, would the subject property need a screening plan for existing or potential uses? |
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STAFF	Screening and buffering are not required by the Unified Development Manual. However, the US-54/400 Corridor Study recommends that "The view must be considered in the design and will require higher quality architectural and design treatments. At a minimum, view termination points cannot include trash enclosures, service entrances, or truck access." To that end, Staff would recommend that any vehicle storage areas be fully screened from view to a height of at least six feet.
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Mr. Israel asked if the City had an opportunity to review fence condition over time based on City regulations. Mr. Mangus said yes and that the City had the ability to require maintenance.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF : None at this time.

5. If there has been an error in the application of these Zoning Regulations to the subject property, would the requested zoning change correct the error?

STAFF : No errors are known to exist.

Staff & Commission/Council Items

6. How suitable or unsuitable is the subject property for its current use?

STAFF : The subject property is suitable for its current zoning.

PLANNING : Concur. Mr. Israel again noted that there are several auto-related businesses in the area, including an AutoZone, a car wash, and tire store in the vicinity and that it seems logical that there should be an auto repair shop.

COUNCIL

7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the special use request?

STAFF : No.

PLANNING : Concur.

COUNCIL

8. How reasonably well-suited will the requested special use of the subject property be with the current zoning of nearby properties.

STAFF : The proposed use could be compatible with surrounding uses with adequate architectural design treatments and screening of storage areas.

PLANNING : Concur.

COUNCIL

<p>9. Has the special use been requested because conditions in the area of the subject property have changed or are changing? If so, what is the nature and significance of these conditions?</p> <p>STAFF No.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
<p>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p> <p>STAFF The surrounding land uses are widely mixed and proposed for transition to a more uniform mixed commercial land use pattern by the US-54/400 Corridor Study.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
<p>11. Would the proposed special use of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?</p> <p>STAFF The proposed use is more intense than most of the permitted uses in the B-3 zone and would therefore have detrimental effects to nearby uses if not properly screened.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
<p>12. How would the requested special use conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>STAFF The surrounding land uses are widely mixed and proposed for transition to a more uniform mixed commercial land use pattern by the US-54/400 Corridor Study. The proposed use is contrary to the implementation of the US-54/400 Corridor Study Principle "To promote active streets, auto-oriented uses including service stations and drive through facilities should be discouraged within one-quarter mile radius of planned nodes."</p> <p>PLANNING Concur, however there are examples of other businesses in the area whose operations run contrary to the principle in the US-54/400 Corridor Study.</p> <p>COUNCIL</p>

13. Do any professional persons knowledgeable on conditions that affect this special use request have information or recommendations to provide, which would be helpful in its evaluation?	
STAFF	Approval with a condition to require architectural design treatments to the proposed building, and screening of the storage area to better conform with the US-54/400 Corridor Study Urban Design Recommendations.
PLANNING	Concur.
COUNCIL	
14. How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current use to the requested use?	
STAFF	Without adequate screening the proposed use could have an impact to the public health, safety, and welfare, which would outweigh the hardship imposed on the applicant.
PLANNING	Concur.
COUNCIL	

Mr. Israel stated that if the item is approved, there will be a lot of emphasis placed on the Site Plan Committee meeting screening objectives and making the facility look like something that is suitable for Andover Road and surrounding businesses.

Gary Israel made a motion to recommend that the City Council approve the special use based upon the information provided by both staff and the applicant and based on the facts and findings 6, 8, and 10 with special note to 3, 11, 13, and 14 that the Site Plan Committee take into consideration the look and the screening of automobiles and automobile-related parts out of public view. Motion seconded by Erik Pedersen. Motion carried 4/0.

6. MEMBER ITEMS

None.

7. ADJOURN

Erik Pedersen made a motion to adjourn. Seconded by Gary Israel. Motion carried 4/0. Meeting adjourned at 8:52 pm.

Respectfully submitted by:

Justin Constantino
Assistant Director of Community Development