

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
June 17, 2008
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, June 17, 2008 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:16 p.m. Due to technical difficulties the meeting was not shown on television. Commission members present were Lynn Heath, Jan Cox, John Cromwell, Byron Stout and Dan Beck. Others in attendance were Assistant City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretary Kandace Hunt. Members absent were Jeff Syrios and City Council Liaison J.R. Jessen.

Call to order

Review the minutes of the May 20, 2008 Planning Commission meeting.

Byron Stout made a motion to approve the minutes as presented. Jan Cox seconded the motion. Motion carried 6/0.

Review the minutes of the May 20, 2008 Planning Commission meeting.

Communications:

Review the minutes of the May 13, 2008 and May 27, 2008 City Council meetings. The minutes were received and filed.

Communications

Review the minutes of the May 6, 2008 Site Plan Review Committee meeting. The minutes were received and filed.

Review the minutes of the May 13, 2008 Subdivision Committee meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

SU-2008-01- A Public Hearing on a Special Use request to establish a B-6 zoning district with special uses.

SU-2008-01

From Les Mangus Memo: This application for special use is an effort by the owners of the property to allow mixed commercial and light storefront industrial uses. Staff supports the application as submitted.

Chairman Coon noted the Planning Commission had received a letter from one of the applicants, Bill King, who was asking to withdraw or table the application for Lot 1, Block A in the Andover Commercial Subdivision. Mr. King made this request because the developers have not yet determined a possible user for the lot. Chairman Coon informed the Commission it would only be considering Lot 2, Block A at this time.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained the owners would like to create a mixed use business parcel that would allow all the uses in the B-6 district, light industrial uses with a store front, in combination with some of the retail and service uses from the B-2 and B-3 districts. He continued by saying the mixed uses are becoming a popular form of zoning.

Byron Stout asked if the list the Commission had been given were the

exclusions. Les Mangus said the list is what the applicant would exclude from the B-2 and B-3 district's uses.

The exclusions from the B-2 district are candy and ice cream stores, food stores, including grocery stores, meat markets, bakeries and delicatessens, restaurants (except for drive-ins), service stations, bed and breakfast inns and child care centers and preschools. The exclusions from the B-3 district are automobile body repair shops and automobile repair shops, automobile sales rooms for new, but not used car sales, hotels and motels, physical culture and health services such as private gymnasium and reducing salons, private clubs and taverns, restaurants, (including drive-ins), service and fraternal clubs and lodges, theater, indoor and child care centers and preschools.

Chairman Coon asked if any member of the Commission intended to disqualify themselves from voting for any reason. None did.

Chairman Coon asked if an applicant was present. Agent for the applicant Russ Ewy of Baughman Company was present to represent the application.

Mr. Ewy said he did not have anything to add but would be happy to answer any questions the commission might have.

Lynn Heath asked what the reasoning was for excluding certain permitted uses. Mr. Ewy explained he was filling in for Phil Meyer of Baughman Company and was unaware of the exact reason certain permitted uses were excluded. He continued by saying he had looked over the list and felt the exclusions were more high traffic generators that may not be welcome in the area.

Byron Stout asked if the applicants had an idea of what they wanted to put in the area. Les Mangus informed the committee the first possibility of a tenant was an insurance office which is not allowed within the B-6 District because permitted uses from B-1 through B-5 District do not accumulate in the B-6 district.

Chairman Coon asked if there were any other questions for the applicant. There were none.

Chairman Coon next opened the public hearing.

Kim Quastad of KB Development located at 118 E. 13th stated he was not opposed to the request but if approved, will be requesting the same type of application for his building. He continued by saying although he would like to see zoning as wide open as possible to allow for more potential tenants, zoning classifications are put in place for a reason. Mr. Quastad said if this application was approved he felt he should be given the same opportunity.

Mr. Quastad was thanked for his input.

Chairman Coon asked if there were any further comments from the public. There were none. Chairman Coon closed the public hearing.

Chairman Coon asked Les Mangus about the trend of customized zoning. Les Mangus explained the planning world is drifting away from the packaged zoning to make it more of a mix. This way a person can live, work and get all of their service business done within a short distance of their home, rather

than the suburban community where everything is a ten minute drive. He continued by saying the City's Zoning Regulations need to be updated. Lynn Heath stated at the current time in Andover homes are within reasonable driving distance to eating and service areas.

Byron Stout said he has an issue with the infrastructure of the intersection at 13th Street and Andover Road, and adding to the already busy intersection is a concern for him.

Chairman Coon stated he did not have a problem with any of the permitted uses the applicants were asking for. Lynn Heath said he did not understand why some of the uses being excluded were similar in nature to the uses they would like to include. He continued by saying if the commission was going to deviate from the Zoning Regulations it needs to be for a good reason and he did not feel someone's whim was a good enough reason. Byron Stout said he felt the developers wanted the change to make the area more marketable for varied types of businesses. Les Mangus explained with B-2 and B-3 districts across the street from this lot, the transition to the industrial districts behind the lot needs to be made somehow. Jan Cox stated she did not know if this was the appropriate way to transition. Les Mangus explained the B-6 district is a store front industrial or warehouse district, so there is not a lot of difference in those uses and the service businesses. The applicant has removed all the food uses, the majority of the people services and left retail transactions. Lynn Heath noted the applicant had left in beauty and barber shops, drug stores and flower and gift shops. Les Mangus said he did not consider any of those to be high traffic service businesses. He continued by saying the developers were wanting to create an area similar to the Comotara BusinessCenter in Wichita.

Owner of Lot 1, which was tabled, Bill King said the area has transitioned from five to eight acre industrial sites to retail commerce up and down Andover Road. He continued by saying it would be difficult for him to find an industrial user for his one acre corner site since that is not what the area has transitioned into. Mr. King said the change would help not only him, but Kim Quastad and Don Klausmeyer.

Lynn Heath noted something needed to be done with the area as it had not been developed before now.

The commission next reviewed its Rezoning Report.

ANDOVER CITY PLANNING COMMISSION
REZONING REPORT *

CASE NUMBER:	SU-2008-01
APPLICANT/AGENT:	D & M Enterprises and Bill King/ Baughman Co.
REQUEST:	Special use to establish retail and service businesses in the B-6 Business District
CASE HISTORY:	Vacant lot & spec. building under construction
LOCATION:	Southeast corner of Andover Rd. & 13th St.

SITE SIZE: 280' X 380'

PROPOSED USE: Retail & service businesses integrated with commercial & light industrial uses

ADJACENT ZONING AND EXISTING LAND USE:

- North: B-3 & B-6 Mixed use office/warehouse complex under construction
- South: B-6 Treescapes Outdoor Living Center & contractor's yard
- East: I-1 International Cold Storage assembly plant
- West: B-2 Office & Commercial uses intermixed with 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 is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES NO

STAFF: See Adjacent Zoning and Existing Land Use listed above.
 PLANNING: North: B-3 & B-6 mixed use office/warehouse complex under construction; South: B-6 Treescapes Outdoor Living Center and contractor's yard; East: I-1 International Cold Storage assembly plant; West: B-2 Office & Commercial uses intermixed with R-2 single family residences; and Subject Property B-6 Business District.

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES NO

STAFF: See Adjacent Zoning and Existing Land Use listed above.
 PLANNING: Current zoning: B-6 Business District; North B-3 and B-6 mixed use office/warehouse complex under construction; B-6: Treescapes Outdoor Living Center and contractor's yard; East: I-1 International Cold Storage assembly plant; and West: B-2 Office & Commercial uses intermixed with R-2 single family residences.

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: The increased traffic and activity in the area make the property more suitable for mixed commercial uses

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 & 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:

X PLANNING:

COUNCIL:

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

YES NO

X STAFF: A similar building is being built north of the subject property

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 uses in 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: No detriment is perceived compared to the existing permitted uses
 X PLANNING: No detriment.
 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: Case by case review of listed special uses.
 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 case by case review of commercial properties along Andover Rd.
 X PLANNING:
 COUNCIL:
15. What is the support or opposition to the request?
- YES NO
 STAFF: None at this time
 PLANNING: None.
 COUNCIL:
16. Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?
- YES NO
 X STAFF: Approval as applied for
 PLANNING: Consider more restrictions.

 COUNCIL:
17. If the request was not approved, would this result in a relative gain to the public health, safety and general welfare which would outweigh the loss in property value to or the hardship experienced by, the applicant?
- YES NO
 STAFF:

X PLANNING:
COUNCIL:

Chairman Coon asked Les Mangus if the idea is to make the area more of a transition zone, could some of the B-6 uses be eliminated. Les Mangus said that was a possibility. Jan Cox suggested eliminating some of the B-2 uses. Mr. Ewy said it was his experience in writing zoning codes that the application being sought was a Special Use which would not extract uses from the B-6 district. Les Mangus explained the Commission can approve the Special Use conditioned on eliminating some of the permitted uses in the B-6 district.

Byron Stout asked Jan Cox what she would like to remove from the B-2 list. Jan Cox replied barber shops, beauty shops, drug stores, tailor shops gift shops and florist shops to stay away from high traffic businesses. Byron Stout stated that although Treescapes is in the B-6 zoning district, in looking at it it is more of a retail type business and he did not see much difference in it and the permitted uses left on the B-2 and B-3 district list. He continued by saying if you look up and down Andover Road those types of services are the direction it is going.

John Cromwell stated he felt the application was fine as presented. Chairman Coon asked if the Commission was opposed to making a customized list of permitted uses. John Cromwell said he was not opposed to it but felt it was not a necessity.

Byron Stout made a motion to approve SU-2008-01 for Lot 2, Block A as presented based on findings 3, 4, 6, 8, 10 and 11. Dan Beck seconded the motion. Chairman Coon asked if there was any discussion. Lynn Heath said he felt the motion should be amended to include number 14 in the list of factors and findings. Byron Stout amended his motion to be based on findings 3, 5, 6, 8, 10, 11 and 14. Motion carried 5/1.

Review and approve the Final Plat of the Andover Towne Center Addition.

Review and
approve the Final
Plat of the Andover
Towne Center
Addition

From Les Mangus' Memo: This Final Plat reflects a portion of Reserve "A" of the Golden Spur Addition at the northeast corner of Andover Road and Douglas Ave., which was the subject of a recent zoning case. The plat addresses all of the Staff concerns, fulfills the platting conditions of the zoning ordinance, and is in the process of utility relocation to satisfy the proposed uses.

Chairman Coon asked if all staff comments had been addressed. Les Mangus said staff comments had been addressed as well as the Subdivision Committee comments. He continued by saying the applicants had spoke with the electric company and they are agreeable to the relocation of some of the electric power underground.

Chairman Coon asked if an applicant was present. Kenny Hill of Poe & Associates was present to represent the application.

Mr. Hill said he would be happy to answer any questions the Commission might have. There were none.

Lynn Heath asked Les Mangus if the utility easement had been expanded to the north. Les Mangus said yes, rather than having a 10 foot easement strictly for the gas company, the developers made a 15 foot easement the gas and electric could share.

Byron Stout made a motion to approve the Final Plat of the Andover Towne Center Addition as presented. John Cromwell seconded the motion. Chairman Coon asked if there was any discussion, there was none. Motion carried 6/0.

Member Items: Lynn Heath stated that when driving north on Andover Road at Highway 54 the right lane does not trigger the left turn signal. Les Mangus said he would have the street superintendent look at it to see if it needed to be reconfigured.

Member Items:

Byron Stout stated his concern for the intersection of Andover Road and 13th Street.

Chairman Coon asked Les Mangus if he was concerned the outcome of the evenings Special Use case would unleash a torrent of customized zoning cases. Les Mangus said no. He continued by saying the area that had been discussed tonight was a special area because it is the only one that has the transition with so many different uses coming together.

Chairman Coon asked how the commission would go about revising the Zoning Regulations. Les Mangus said there are several different ways to accomplish the revisions. One of the ways he is interested in learning more about is zoning based on the form which is what it looks like, what it feels like and how many cars it generates more so than what is going on behind closed doors. But that method might be hard for Andover to do because it requires a lot of regulations on that form. Lynn Heath asked if that was the type of zoning used for Old Town in Wichita. Les Mangus said yes.

Les Mangus said it is time for an out of frame overhaul to the Zoning Regulations because many types of businesses have been added over the past 30 years that never would have been thought of. Chairman Coon asked if this issue was something that could be solved by holding a workshop and shuffling items around. Les Mangus said it would probably take more like 10 workshops. Lynn Heath suggested looking at other city's Zoning Regulations to get ideas.

John Cromwell made a motion to adjourn the meeting at 8:10 p.m. Lynn Heath seconded the motion. Motion carried 6/0.

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 15th day of July 2008 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.