

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS

February 16, 2010

Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, February 16, 2010 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:00 p.m. Commission members present were Lynn Heath, Byron Stout, Dan Beck and Ken Boone. Others in attendance were City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretaries Kandace Hunt and Daynna DuFriend. Members absent were John Cromwell, Jan Cox and City Council Liaison member Dave Tingley.

Call to order

Review the minutes of the regular January 19, 2010 Planning Commission meeting.

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Byron Stout made a motion to approve the minutes as presented. Ken Boone seconded the motion. Motion carried 5/0.

Communications:

Communications

Review the minutes of the January 12, 2010 and January 26, 2010 City Council meetings. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

Z-96-06- A continuance of a public hearing on proposed amendment one to the Preliminary Andover Crossing Planned Unit Development Plan as an overlay on the B-3 Central Shopping District to allow for the following uses on Lot 5, Block 1: A country store including but not limited to retail sales of animal supplies and feeds, lawn and garden supplies, tools and hardware, sporting goods, clothing and gifts. The applicant further request a reduction from the off street parking regulations as recorded in Section 4-116 B1a (11) of the Zoning Regulations of the City of Andover, Kansas. The applicant additionally request a modification to Section 4-111 F3 to allow the proposed outdoor display and sale of farm equipment and landscaping materials.

Z-96-06

From Les Mangus' Memo: This application for amendment of the Andover Crossing Preliminary PUD is the result of the future tenant's product line and outdoor storage not being outright permitted in the B-3 Central Shopping District. Atwood's stores sell a line of farm and home supplies and equipment very similar to that which was granted to the Walnut Valley Country Store across the street in the B-5 Highway Business District. The subject parcel was specifically zoned B-3 for the Dillon's grocery store in order to avoid the larger setbacks required of the more restrictive zones. The existing parking area has over 340 spaces to comply with the PUD requirements to provide parking similar to a mall, which is double the typical parking required for commercial operations. Staff's opinion is that the permanent outdoor storage of farm supplies and equipment, and landscaping materials should be limited to an area near the northwest corner of the site, that the seasonal display of plants, landscaping materials, lawn furniture, etc. be allowed on the sidewalk in front of the building and south of the building, and that the parking comply

with the typical Article 5 requirements of one space per 300 square feet of building area.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained this application has three parts, first to add the permitted use of a country store, second to receive a reduction from the PUD requirement for parking which is above and beyond what this zone would require and third to allow outdoor storage. He continued by saying the underlying zone is the B-3 Central Shopping District, but this use is similar to the B-5 Highway Business District uses surrounding the property.

Lynn Heath asked for the pros and cons of changing the zoning classification to B-5 versus amending the PUD. Les Mangus said the B-5 district allows for heavier uses such as agricultural and construction equipment, but, as the application is written, the farm store is requested as a single permitted use without allowing the addition of all the B-5 permitted uses.

Chairman Coon opened the public hearing at 7:07 p.m.

Tim Connell and Brian Atwood were present to represent the application.

Mr. Connell explained Atwoods is in the process of entering into a contract to purchase this property, with the condition of a successful rezoning case. He continued by saying the applicants would like to have a fenced area on the northwest end of the parking lot to display items under lock and key as well as an area for seasonal sales. The applicants are also requesting to have seasonal display along the south side of the building.

Mr. Atwood stated Atwoods is very interested in opening a facility in Andover, but they need to be able to operate in the same manner as their other stores which include outdoor sales. The applicants are aware of potential problems created by outdoor displays due to the visibility of Highway 54, and are willing to work with the City regarding the issue. Mr. Atwood said the applicants typically use display areas for storage but will not be doing so at this site. He continued by saying the applicants plan to make some changes to the façade of the building.

Chairman Coon asked if there will be building additions. Mr. Atwood said although they could use more square footage, there will be no additions.

Chairman Coon asked what type of fence would be constructed on the northern portion of the parking lot. Mr. Atwood said they will propose a six foot chain link fence with black plastic coating. Chairman Coon asked if the fence would be permanent. Mr. Atwood said yes.

Byron Stout asked how the area to the north will be used when there are no seasonal sales. Mr. Atwood said it will be used for parking.

Byron Stout asked if a lane will remain open between the seasonal display and parking area along the south side of the building to allow access around the facility. Mr. Atwood said yes, displays will be in the current parking spaces.

Byron Stout asked if the fenced area will be similar to what is used at Lowes with four walls and a roof. Mr. Atwood said no, this area is not for shopping, it is for display/storage. Mr. Atwood noted the area will be kept clean and organized as that encourages sales.

Chairman Coon asked if this application will go before the Site Plan Review Committee. Les Mangus said yes.

Ken Boone asked if one row of parking would be eliminated for displays along the south side of the building. Mr. Atwood said 75 percent of the parking spaces will be eliminated on the south end.

Byron Stout asked how the storage on the east side of the building will be handled. Mr. Atwood said a fence with a visual barrier will be constructed around the storage area.

Byron Stout asked how many Atwoods stores are currently operating. Mr. Atwood said there are 39 stores operating in Kansas, Oklahoma, Missouri, Arkansas and Texas. Byron Stout asked how many jobs the Andover store would create. Mr. Atwood said initially the store will in employee 45 people with that number increasing to around 60 within 18 months.

Mr. Atwood noted the applicants realize to operate in this area they need to upgrade. He continued by saying the Andover location will not resemble those in Derby or Park City.

With no further input Chairman Coon closed the public hearing at 7:21 p.m.

Byron Stout asked if staff is satisfied with the proposed parking lot reduction. Les Mangus said yes, the PUD was geared toward the building being a grocery store with high seasonal demand. Those requirements are a little over one parking space for every 100 square feet. One parking space per every 300 square feet of floor area is better suited for the proposed use.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-96-06

APPLICANT/AGENT: Atwood Distributing, L.P.

REQUEST: Proposed amendment one to the Andover Crossing Preliminary Planned Unit Development Plan as an overlay on the B-3 Central Shopping District to allow for the following uses on Lot 5, Block 1: A country store including but not limited to retail sales of animal supplies and feeds, lawn and garden supplies, tools and hardware, sporting goods, clothing and gifts. The applicant further requests a reduction from the off-street parking regulation as recorded in Section 4-116 B1a (11) of the Zoning Regulations of the City of Andover, Kansas. The applicant additionally requests a modification of Section 4-111 F3 to allow the proposed outdoor display and sale of farm equipment and landscaping materials.

CASE HISTORY:

LOCATION: 426 S. Andover Road

SITE SIZE: +/- 8.1 acres

PROPOSED USE: B-3 Central Shopping District

ADJACENT ZONING AND EXISTING LAND USE:

- North: B-2 Neighborhood Business District & R-4 Multiple Family Residential District
- South: B-3 Central Shopping District
- East: R-4 Multiple-Family Residential District & B-4 Central Business District
- West: B-3 Central Shopping District & B-5 Highway Business District

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:

PLANNING: Subject property: B-3 Central Shopping District; North: B-2 Neighborhood Business District & R-4 Multiple Family Residential District; South: B-3 Central Shopping District; East: R-4 Multiple Family Residential District & B-4 Central Business District; West: B-3 Central Shopping District & B-5 Highway 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:

PLANNING: Subject property: B-3 Central Shopping District; North: B-2 Neighborhood Business District & R-4 Multiple Family Residential District; South: B-3 Central Shopping District; East: R-4 Multiple Family Residential District B-4 & Central Business District; West: B-3 Central Shopping District & B-5 Highway Business District.

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: This prime location has been vacant for a year as currently zoned.

- 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 Dillon's anchor regional grocery store has moved across the highway.
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:
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:
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
X
STAFF:
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: Visible outdoor storage could become unsightly if not kept organized and cleanly.
PLANNING: Visible outdoor storage could create issues if not kept clean and organized.
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
X
STAFF: The PUD has mixed zoning districts including B-5 Highway Business District at the corner of US-54 & Andover Rd., which would allow similar permitted uses and outright permitted outdoor storage.
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
X
STAFF: The Comp. Plan pg. 8-10 suggests "major commercial development" along US-54/400
PLANNING:
COUNCIL:
15. What is the support or opposition to the request?
- YES NO
STAFF: None at this time.
PLANNING: None presented.
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
X
STAFF: Approval with careful thought to the placement of the outdoor storage yard.
PLANNING: Staff is satisfied with the layout of each storage component.
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:

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Lynn Heath, move that we recommend to the Governing Body that Case No. Z-96-06 be amended and approved as an overlay on the B-3 Central Shopping District to allow for the following uses on Lot 5, Block 1, Preliminary Andover Crossing Planned Unit Development Plan: A country store including but not limited to retail sales of animal supplies and feeds, lawn and garden supplies, tools and hardware, sporting goods, clothing and gifts, allow a reduction from the off street parking regulations as recorded in Section 4-116 B1a (11) of the zoning Regulations of the City of Andover, Kansas to allow one (1) parking space per 300 square feet and to allow the proposed modification to Section 4-111 F3 to allow outdoor display of and sale of farm equipment and landscaping materials limited to the areas denoted on Exhibit "B" based on findings 6, 10, 13 and 14 of the Planning Commission as recorded in the summary of this hearing. Byron Stout stated he would like to include findings 7 & 9 in the motion. Lynn Heath amended his motion to include findings 6, 7, 9, 10, 13 and 14. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

Les Mangus noted this case will be heard by the City Council on March 9, 2010.

Member Items: Lynn Heath asked for the status of the South Andover Road project. Les Mangus said the project is shut down for one month due to the weather. The next step is the earth work for the detour which cold temperatures and moisture are currently preventing. The project should reopen March 15. Les Mangus noted the City requested the Department of Transportation return the speed limit to 40 miles per hour during the shutdown, but the request was denied.

Member Items

Byron Stout asked if Les Mangus knew why the outside lanes of 21st Street west of the county line are not open. Les Mangus said utility work is still being completed in the area.

Dan Beck asked about the road construction on East 13th Street. Les Mangus said the sewer project is currently underway which will be followed in approximately 60 days by a paving project just beyond Prairie Creek Road.

Byron Stout made a motion to adjourn the meeting at 7:44 p.m. Lynn Heath seconded the motion. Motion carried 5/0.

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this day of 200 by the Andover City Planning
Commission/ Board of Zoning Appeals, City of Andover.