

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
May 18, 2010
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, May 18, 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, Jan Cox, John Cromwell, Byron Stout, and Ken Boone. Commission member Dan Beck arrived at 7:04pm. Others in attendance were City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretary Dayna DuFriend.

Call to order

Review the minutes of the regular April 20, 2010 Planning Commission meeting.

Review the minutes

John Cromwell made a motion to approve the minutes as presented with corrections. Byron Stout seconded the motion. Motion carried 7/0.

Communications:

Communications

Review the minutes of the City Council minutes from the March 30, 2010 and April 13, 2010 meetings. The minutes were received and filed.

Review the minutes of the April 6, 2010 Site Plan Review Committee Meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

Z-2010-01

Z-2010-01: Public hearing on a proposed change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District.

From Les Mangus' Memo: This application arises from the applicant's desire to expand the business to include the outdoor display of lawn and garden materials. The current B-2 zoning strictly prohibits outdoor operations. The character of this location has substantially changed since it was originally zoned B-2. The area has become very commercial in nature and Staff believes the request for B-3 is appropriate.

Les Mangus explained that the applicant has moved into the old convenience store. They sell bedding plants, and display chimineas and pottery outside. At this location because it is currently zoned neighborhood business any outdoor storage would be prohibited. So they have applied for a change to the B-3 district where garden center with outdoor storage is allowed.

Gary Fugit, agent for the owner and Lanny Butner property owner and applicant were present to represent the application.

Byron Stout asked if anything else would change on the property. Mr. Fugit said not at this time, possibly in the future as the city grows there may be another opportunity. Byron Stout asked what the outside storage would look like. Mr. Fugit explained that the owner would like to put plants outside.

REZONING REPORT *
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CASE NUMBER: Z-2010-01

APPLICANT/AGENT: Lanny Butner/Gary Fugit

REQUEST: A change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District.

CASE HISTORY: Former convenience store location

LOCATION: 345 N. Andover Road. On the west side of Andover Road between 2nd and 3rd Street.

SITE SIZE: +/- 2 acres

PROPOSED USE: Lawn and garden shop.

ADJACENT ZONING AND EXISTING LAND USE:

North: B-3 Andover Square Shopping Center
 South: B-2 Sonic Drive-in
 East: R-2 Single family residence and legal nonconforming plant nursery
 West: R-4 Cloudridge Apartments

Background Information: This property was zoned B-2 many years ago before most of the businesses and the apartments were built in the area.

* 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:

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:
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: Additional R/W dedication is required to minimum 50' arterial street standard.
X PLANNING:
COUNCIL:

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

YES NO

X STAFF: Screening of outdoor storage/display would be required for the apartments on the west side of the subject property.
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
 STAFF: There are limited spaces available that could accommodate outdoor storage/display.
 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
 STAFF: The proposed use provides more services and employment opportunities.
 PLANNING:
COUNCIL:
11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?
- YES NO
 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: No detriment is perceived because of the intensity of surrounding uses.
 PLANNING:
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
 STAFF:
 PLANNING:
COUNCIL:
14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- YES NO
 STAFF: The Comp. Plan suggests a center of commercial activities around the intersection of Andover Rd. and Central Ave. with case by case review of business uses all along the Andover Rd. corridor.
 PLANNING:
COUNCIL:
15. What is the support or opposition to the request?
- YES NO
 STAFF: None at this time.
 PLANNING:
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: Staff recommends approval as applied for.
 X PLANNING:
 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, Byron Stout, make a motion that we recommend to the Governing Body that Case No. Z-2010-01 be approved to allow the proposed change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District with the additional amendments recognizing the right-of-way of minimum 50 feet dedication for arterial street standard and also adhering to the proper screening of outdoor storage and display based on findings 3, 5, 6, 8, 13, 14, and 15 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.

Review US-54 Design Concept for 159th Intersection.

From Les Mangus' Memo: The City of Wichita has adopted the design plan for US-54 from the existing freeway end at the KTA East Kellogg Tollbooth to include the 159th St. Intersection, and proceeded to construction plans for the majority of the freeway. The Andover US-54 Design Concept Study recognizes the Wichita design and agrees that because of the substantial floodplain west of 159th St. the intersection will be an elevated design. In order for the City of Andover to acquire Rights of Way and easements to accommodate the proposed intersection construction in the future a plan must be adopted according to KSA-765. The appropriate action of the Planning Commission would be to approve of the plan and recommend that the City Council hold the required public hearing to adopt the plan.

Les Mangus explained that the City of Andover and the Kansas Department of Transportation are in the middle of a design concept for improvements to the Highway 54 corridor from the county line, 159th St., two and half miles east to beyond Prairie Creek Rd. In approximately one year we will be back to the Commission with the complete design all the way out to Prairie Creek Rd. from our design study, once it is completed.

Lynn Heath made a motion to approve the US-54 Design Concept for 159th Intersection and recommend to the City Council that they hold the required hearings to adopt this concept plan. Byron Stout seconded the motion. Motion carried 7/0.

Review the Preliminary Plat of the Andover Landing subdivision.

From Les Mangus' Memo: The proposed Preliminary Plat is a revision to the land plan originally approved as the BC Addition, which was planned for an apartment complex. The new plan reflects lots and blocks to accommodate two & three family dwellings. Staff and consultants have a list of comments and corrections that the designer has agreed to address. A portion of the proposed plat area is zoned commercial and will need to be changed. Staff and the Subdivision Committee recommend approval of the preliminary plat pending satisfaction of the comments and corrections, and satisfactory zoning.

Les Mangus explained the developer has a potential buyer for the land that intends to use it for duplexes and tri-plexes rather the apartments that R-4

zoning allows. The layout of the commercial has been changed along Andover Road because of drainage issues. Rob Hartman with PEC was present to represent the application.

Mr. Hartman explained that the plan is to develop this area in two pieces. We also have to get approval from the Corps of Engineers for wetlands. The North half of the duplex site will be developed first since it is out of the flood plain. Then after approval from the Corps of Engineers and FEMA the South half will be started. They would like to start the North half this year.

Lynn Heath made a motion to approve the preliminary plat for Andover Landing as presented with the amendment for sidewalks adjacent to arterial streets. John Cromwell seconded the motion. Motion carried 7/0.

Member Items:

Member Items:

No member items.

Lynn Heath made a motion to adjourn the meeting at 7:58 p.m. Jan Cox seconded the motion. Motion carried 7/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 15th day of June 2010 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.