

**ANDOVER CITY PLANNING COMMISSION/  
BOARD OF ZONING APPEALS  
Tuesday, February 21, 2012  
Minutes**

1. Call to order.

2. Roll call.

Andover City Planning Commission members present were Chairman Quentin Coon, John Cromwell, Lynn Heath, Ken Boone, William Schnauber and Aaron Masterson. Others in attendance were Director of Public Works and Community Development Les Mangus and Administrative Secretary Dayna DuFriend. Members not in attendance were Shane Davis and Lee Butler.

3. Approval of the minutes of the January 17, 2012 meeting.

*A motion was made by Lynn Heath, seconded by Ken Boone to approve the minutes of the January 17, 2012 meeting as amended. Motion carried 5/0/1. John Cromwell abstained from the vote.*

4. Communications:

- A. City Council minutes.
- B. Committee and Staff Report.
- C. Potential Residential Development Report.

5. Z-2011-02- Proposed change of zoning district classification from the B-1 Office Business District to the B-3 Central Shopping District at 615 N. Andover Rd.

STAFF: The proposed change to the zoning of the existing office building is speculative. The owners feel that the building would be more marketable with additional permitted uses.

Kris Wessel, Grubb & Ellis, 435 S. Broadway, Wichita, KS was present to represent the application. Mr. Wessel explained that activity has been slow since the property was listed for lease in summer of 2011. Looking at the current B1 zoning regulations and the

physical structure of the building the only likely use is to remain a business or professional office. With more zoning options they are hoping to attract other types of businesses.

John Cromwell asked if there was a consideration for B2 zoning instead of B3 zoning.

Mr. Wessel said that both were looked at and B3 has some desirable uses that the building lends itself towards. They listed from both districts some likely uses for the building such as a salon, barber shop or a retail boutique.

Aaron Masterson asked if there were plans to make changes to property to cover screening and buffering, and if this property currently fulfills the requirements for B3 zoning.

Mr. Wessel said the property owner did plan on improving the cosmetics of the landscaping. The property owner does also own the property adjacent to the west.

Lynn Heath asked what type of fence was on this property.

Les Mangus said the fence had been removed. To convert to any retail uses or service business uses the entries, exits and parking would have to be looked at. Any changes would have to be taken to the Site Plan Review Committee. This property does meet the bulk regulations.

Chairman Coon closed the public hearing.

REZONING REPORT Z-2011-02

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT \*

CASE NUMBER: Z-2011-02

APPLICANT/AGENT: PTQ Properties/Goodman Family LTD Partners

REQUEST: Proposed change of zoning district classification from the B-1 Office Business District to the B-3 Central Shopping District.

CASE HISTORY:

LOCATION: 615 N. Andover Rd.

SITE SIZE: +/- 14,000 sq. ft.

PROPOSED USE: Speculative business uses.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-1 Single family residences  
 South: R-1 Single family residences

East: B-4 Central Business Plaza Shopping Center  
West: R-1 Single family residences

**Background Information:**

This former single family residence was zoned for office business use many years ago and was operated as an optometrist office until recently. The new owner of the property desires to expand the permitted uses to cover a broader range of possible tenants for the now vacant building.

\* 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:  
 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: Dedications of minimum Right of Way if necessary.  
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/buffering of the nearby single family residences is necessary.  
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: There are numerous vacant buildings in the area with similar zoning.  
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: Additional permitted uses could create increased services and employment opportunities.  
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  
 STAFF: The intensity the proposed additional retail and service business permitted uses could create more traffic, noise, lighting, etc. than the existing office business permitted uses.  
 X 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  
 X STAFF: The subject property is better suited to the intent and purpose of the B-2 Neighborhood Business District because of its limited size and adjacent residential neighbors.  
 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 a case by case review of commercial uses along Andover Rd. because of the diverse circumstances regarding nearby properties.  
 X PLANNING:  
 COUNCIL:
15. What is the support or opposition to the request?
- YES NO  
 STAFF: None at this time.  
 X 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 modification of the request to approval of a change of zoning district classification to the B-2 Neighborhood Business District, which is more consistent with similar changes in the area, subject to approval of a parking and screening plan by the Site Plan Review Committee.  
 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:

Chairman Coon asked to review items 13 and 14 of the rezoning report.

Lynn Heath suggested finding out what specific items in B3 the applicant wanted.

Mr. Wessel said preferences would be apparel stores, carpet and rug stores and furniture stores. He asked which uses from the B3 uses the Commission feels would be objectionable uses.

Chairman Coon stated that this is still a neighborhood that they are trying to preserve.

Ken Boone said that he felt that opening this property to B3 zoning opens it up to to much that is not in character to the neighborhood. Could they ask the applicant if they would consider the lower B2 zoning district or if they would rather withdraw their application?

John Cromwell asked if a lesser zone could be recommended.

Les Mangus answered yes, you can always recommend a lesser zone, you can not recommend higher zoning.

Mr. Wessel stated that without the owner being here to answer that question he would ask is if he (the owner) is precluded from reapplying at a later date for B3 if B2 is accepted tonight.

Ken Boone said no.

*A motion was made by John Cromwell, seconded by Lynn Heath to approve recommendation to changing zoning classification district from B1 to B2 with a protective overlay to exclude numbers 14; Restaurant and 16; Service Station, based upon factors 3, 8, 9, 10, 13 and 16 for case Z-2011-02. Motion carried 6/0.*

Les Mangus stated that this case will go to City Council on March 13, 2012.

6. Member items.

No member items.

*A motion was made by Lynn Heath, seconded by Ken Boone to adjourn. Motion carried 6/0.*

Respectfully Submitted by

Dayna DuFriend  
Administrative Secretary

Approved this 17<sup>th</sup> of April, 2012 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.