

**ANDOVER CITY PLANNING COMMISSION/
BOARD OF ZONING APPEALS
Tuesday, September 17, 2013
Minutes**

1. Call to order.

Chairman Quentin Coon called the meeting to order at 7:00 p.m.

2. Roll call.

Planning Commission members present were Chairman Quentin Coon, Brian Lindebak, Ken Boone, William Schnauber, Lee Butler and Aaron Masterson. Others in attendance were Director of Public Works and Community Development Les Mangus, City Administrator Sasha Stiles, Mayor Ben Lawrence, Assistant Director of Public Works Steve Anderson, Administrative Secretary Dayna DuFriend and City Council Liaison Kris Estes. Member Lynn Heath was not in attendance.

A/V Staff: Cindy Barrett

3. Approval of the minutes of the August 20, 2013 meeting.

A motion was made by Ken Boone, seconded by William Schnauber to approve minutes of the August 20, 2013 meeting. Motion carried 6/0.

4. Communications:

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

5. SU-2013-01- Public hearing on an application to approve a Special Use requested to establish a mini-storage facility in the B-1 Office Business District.

David Holt, 1008 E. Rosemont Ct., Andover was present to represent the application.

Mr. Holt explained this is a new business venture for him and he chose this location as it is centrally located and best for this type of business. He cannot negotiate to purchase this land until he knows if this project will be allowed.

Lee Butler asked for the top 3 concerns he (Mr. Holt) received from neighbors and what counter measures would be taken to address them.

Mr. Holt replied that the first one he heard was that mini-storage facilities are too loud. The units do not make any noise. Aesthetics were a major concern. As the city has very stringent requirements, the property will not be ugly. Property values would be another. He stated that he can not speak as an expert on that.

Chairman Coon asked if Mr. Holt's intent was to use the entire property with storage units and if the layout would be similar to an existing storage unit facility on North Andover Road.

Mr. Holt stated that his intent is to build Phase 1 and as it became profitable to continue with additional phases. The layout of the facility may be similar but would be more updated.

Brian Lindebak asked for Mr. Holt to address any existing conditions of this property and what the anticipated time line would be for the project.

Mr. Holt stated that the only issue he is aware of is an existing pipeline running through the property. He received this information from the City of Andover recently. This will cause an issue with Phase 2. Phase 1 would be completed within 4 months with approximately 2 to 3 years before being ready for Phase 2.

William Schnauber asked if there would be a manager on site.

Mr. Holt said that was not planned for at first. His wife would assist during the summer.

Chairman Coon asked if this facility would have 24 hour access and if there was intent to have any open storage available.

Mr. Holt replied that it would be, with possible remote access managed through a website and a lot of security. Although there is a need for it, there will be no open storage at this site.

Chairman Coon opened the hearing for public response.

Gary Fugit, 219 Bent Tree Court, representing the owner of Kanza Office Park. He is strongly opposed to this as it does not fit the area and hurts property values.

Trish Voth Blankenship, 351 N. Chaumont Ct., expressed opposition to the special use request and presented 4 issues for the Planning Commission.

1. Is suitable land available elsewhere with appropriate zoning? Yes, Two zoning districts, B-6 Business and Industrial Districts allow mini-storage facilities without special use zoning. The city currently has 100's of acres of B-6 Business and Industrial zoned property that is vacant and available. 2. What are the existing uses and character of the surrounding property? B-1 is specifically designed to provide for business and professional offices with compatible institutional and public building uses. Such uses have limited evening activities and should be located along arterial streets to provide a

buffer between industrial and residential districts. The surrounding area shows consistent quality residential neighborhoods with desirable homes, landscaping and other aesthetics such as a country club, golf course homes and several nice business buildings. 3. Would a screening plan be necessary or enough? Screening would be necessary between adjacent and near-by residential property, the north-side entrance to the city, the golf course and a two-story office building. The concern is that a 6 foot perimeter fence would not have a sufficient screening impact to affect the 24 hour use of a facility. The project plan indicates many long metal buildings with visible flat roofs, virtually no green space, and completely void of architectural style consistent with the area. 4. Is this request in conformance with the Comprehensive Development Plan? The Comprehensive Development Plan specifically advocates for a minimum intermixing of incompatible land uses, which reduces the effects from negative environmental factors. The Chateauroux neighborhood respectfully requests that this application be denied.

Craig Hanna, 1423 Chaumont Cir., current HOA President for Chateauroux, asked what would happen when the business is not profitable and future phases of the project do not occur.

Bill Smith, 1409 Chaumont Cir., expressed concern on this project. It is not compatible.

Kendall Nelson, 1434 Chaumont Cir., stated that what is built on this property should be compatible with current zoning.

John Foust, 1402 Chaumont Cir., he is pro-business, but this is not a good fit.

John Blickenstaff, 1327 Chaumont Cir., feels that this is not compatible.

John Newberry, 344 Chaumont Ct., feel the same.

Gayleen Alderson, 1332 Chaumont Cir., agrees with neighbors and asks that the application be denied.

Brad Stout, representing Bill & Mary Lou Hadwigger, 1405 W. Central, stated that there are no benefits, it doesn't fit the area, is opposed by all neighbors, and the plan is not fully developed.

Rachelle Knotts, 179 Belle Terre, broker with JP Weigand Homes stated that this exception would be detrimental to surrounding property values.

Shelly Dunnegan, 1502 Chaumont Cir., currently owns a mini-storage facility that is located in an industrial zoned area where it belongs. These metal storage facility buildings fade in color and there is no remodeling of these buildings, they just get run down. Several photos were submitted of rundown RV's and boats currently being stored at her facility. Ms. Dunnegan feels that building materials should be specified and obviously concrete fencing is more secure than standard fencing. Her concerns included fencing of the entire property and whether the access gate would be controlled. Ms. Dunnegan asked that the application be denied.

Dwight Wallace, 648 Glendevon Pl., agrees that this does not fit the area.

Chairman Coon closed the public hearing for the applicant to provide a response.

Mr. Holt stated that the purpose of the meeting tonight to get approval for the Special Use permit was not for the specifics of materials used, lighting or signage. The City has done a good job of keeping the city looking nice and doesn't feel that this facility would be treated any different. In helping the neighborhood, he feels that this facility will be helping people who are moving into the city. The architectural drawing that was submitted met the requirements of the City.

Aaron Masterson asked if any other properties had been looked at.

Mr. Holt answered that he had looked at other properties and is waiting for a responses.

The following are letters of protest received concerning SU-2013-01.

To: Andover Planning Commission
From: John and Jennifer Blickenstaff
Neighborhood: Chateauroux
Address: 1327 W. Chaumont

Our household opposes the special use application for mini-storage, case no. SU-2013-01.

We have been Andover residents for over 20 years and have raised our children through the school system as well as been an active part in youth activities through the years. I am a business owner located in Andover, KS (J&H Trucking, Inc.) and Jennifer is past board president of the Andover Library. We are active in supporting our community and the businesses that are located in Andover in an attempt to continue the good growth in resources available to our community members.

As we are pro business, we are for new business that creates jobs as well as building management practices that keep pace with what we believe to be more upscale in the past few years than in previous years. Almost all new properties are well built, designed and "fit in" with their surroundings.

We believe the installation of a storage facility on the proposed site does not continue with the efforts that our elected officials have been displaying to promote and showcase our community. Additionally, we feel our property value may be negatively impacted if this plan is approved.

Thank you for your time and consideration in our opinion of objection to this zoning change.

John and Jennifer Blickenstaff

From: Bolan, Joshua [<mailto:Bolan.Joshua@pmlmail.com>]
Sent: Thursday, September 12, 2013 10:38 AM
To: Les Mangus
Cc: channa716@sbcglobal.net; channa716@sbcglobal.net; pvoth@foulston.com
Subject: Rezoning for storage units

Hello Mr. Mangus,

Attached is a letter opposing the storage units. I would attend this evening but I have a dinner presentation tonight for work.

Please contact me at the numbers below if needed.

Thank you,

Joshua S. Bolan

Schreck Financial Group*

5940 E. Central

Wichita KS 67208

800.349.9296 Toll Free

316.685.9296 Office

316.737.8377 Cell

316.652.7076 Fax

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September 18th, 2013

Andover Planning Commission
Andover, KS 67002

To whom it may concern:

I appreciate the opportunity to voice our concerns with the land being rezoned to allow storage units placed within the city limits on a major intersection entrance into the city. We live in Green Valley 7th Addition on Oakmont Ct. for the past 8 years. My children attend Meadowark and ACMS.

I am opposing the storage units.

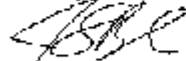
The Main reason is we purchased our homes where we did due to our surroundings and what could potentially surround us. This will have a negative impact on our resale value. How appealing are storage units? Do they not have other areas to that are zoned for these types of businesses? What comes with storage units....people going to their units at any time day or night making noise?

What are the positive impacts versus the negative impacts to the community and people who serve and belong to the community? Property Taxes? Very little. Employment? None. I have yet to understand why this is being considered by Mr. Ron Kuller, who owns the land and building next to it. Using a business owner in the community I guess he doesn't care about the community or people of Andover.

I have been told by many business owners along Andover Road this wouldn't even be considered. They have strict building codes for new structures on Andover road, which I think is fantastic. Why would this be any different on a main road and intersection in Andover.

Thank you again for allowing my thoughts.

Sincerely,



Joshua S. Bolan

From: Gary Dunnegan [<mailto:GaryLee@NorthstarAutoGlass.com>]
Sent: Thursday, September 12, 2013 10:14 AM
To: *Les Mangus*
Cc: 'Craig Hanna'; 'Shelly Dunnegan'
Subject: Our household opposes the special use application for mini-storage, case no. SU-2013-01

To: Andover Planning Commission

I live at 1502 Chaumont Cr. (Chateauroux neighborhood) Andover, KS. My home is directly behind the proposed mini-storage site. My family would be impacted by the proposal as much as any. I strongly oppose the idea for many reasons already submitted to you such as; negative effects on my home value, drainage concerns, no aesthetic value for area, minimal tax gain for the community, and almost no job creation. In addition, I know the head lights of the storage customers and the storage facility lights will be beaming in the bedrooms of mine and my neighbors homes at all hours of the night. Storage customers do not perform business from 8 am– 5pm, they come and go at all hours of the day and night. Storage units are often a target of break-ins and promote theft. This type of facility is not consistent with the balance of the surrounding area.

Again, I strongly oppose the application for mini-storage, case no. SU-2013-01.

Thank you for your time.

Gary L. Dunnegan

City of Andover
% Les Mangis
Members of the Planning Commission

RE: Special use zoning for mini storage by Mr. holt located on Central East of Kutter Vet Clinic

Dear Director and Members,

My name is Gary Fugit and I represent owners of the Kanza Office Park at the NE corner of Central and 159th directly across the street from this purposed site. The owner is a retired KU real estate professor and active real estate investor and myself as manager of Kanza and commercial real estate broker, both strongly oppose this rezoning to allow mini warehouse. We are pro business and pro development, however, feel this is a poor use and would hurt the surrounding area, it would be like putting a round peg in a square hole. If you drive east on Central from 143rd to Andover Road one would see this does not fit into the makeup of the area.

We feel items 9, 10 and 14 of the 17 points would be other reasons for turning it down.

I plan on attending the meeting on September 17 to speak in opposition to zoning change. Thank you for your consideration on this matter.

Best Regards,

Gary Fugit
Manager Kanza Office Park

RECEIVED
SEP 30 2013
CITY OF ANDOVER

City Clerk
Andover, Kansas
1609 E Central Ave
P.O. Box 295
Andover, KS 67002

Re: Proposed Special Use Amendment Case No. SU-2013-01
Public Hearing Previously held before the Planning Commission on September 17, 2013.

The undersigned are owners of the residence adjacent to the property that is the subject of the referenced Special Use request. We hereby protest the proposed zoning change that was heard by the Andover Planning Commission on September 17, 2013 regarding a requested Special Use amendment to establish a mini-storage facility in a B-1 Office Business District (Case No. SU-2013-01).

In accordance with the City of Andover Zoning Code Section 11-103, this written protest is filed with the City Clerk and will therefore require at least a three-fourths (3/4) majority vote by City Council Members if the Council wishes to overturn the Planning Commission's denial of the Special Use amendment. Allowing this Special Use would be inconsistent with the objective of the zoning code.

FROM HADJIGER AND HADJIGER 00002213Z (UNCLASSIFIED) 00002213Z

10:45 AM 9/17/2013

September 27, 2013
Page 2

Bill Hadwiger, adjacent landowner Date

SUBSCRIBED AND SWORN TO before me this 27 2013

Notary Public

My appointment expires:

Mary Lou Hadwiger, adjacent landowner 9-27-2013
Date

SUBSCRIBED AND SWORN TO before me this 9/27 2013

Gwen Nakhoro
Notary Public

My appointment expires: 05-16-16



For Leslie B. Mangus
Zoning Administrator

From: Scott Lysen [<mailto:slysen@cox.net>]
Sent: Monday, September 09, 2013 7:31 PM
To: Les Mangus
Cc: channa716@sbcglobal.net
Subject: Special Use Application For Mini-Storage, Case No. SU-2013-01

To: Andover Planning Commission
From: Scott and Jenna Lysen
Neighborhood: Chateauroux

Address: 1512 Chaumont Circle

We have been Andover residents for 29+ years. All three of our children have attended and graduated from the Andover School System and we shop in Andover when we can. All three of my children had the privilege to participate in recreational sports through the Andover Recreational Department. I also served as a member of the Planning Commission back in the 80's. I willingly pay my taxes to support this great town we call home.

I'm writing you to to notify you that our household **opposes** the special use application for mini-storage, Case No. SU-2013-01.

We believe that allowing the special use for a mini-storage will negatively impact the values of all of the houses whose backyards face the back of the proposed mini-storage lot. We also believe that the frontage of Central will suffer since the mini-storage facility and grounds fits more in an zoning area for industrial buildings than residential. Even with significant concessions such as high fences or special lighting it will still put depression on the values of the real estate around it. The four corners of Central and 159th currently have a residential/light business appeal to it with the residential look of Kutters and the the Kanza Office Park across the street. If the Planning Commission allows this request to go through, it would make it easier to justify re-zoning the Northwest corner of 159th and Central to allow a similar business, thereby upsetting the whole corner. 159th and Central is not the same as Andover Road and Central.

We are asking you to vote against Case No. SU-2013-01.

Respectfully,

Scott and Jena Lysen

From: Julie McIlvain [<mailto:jules0622@sbcglobal.net>]
Sent: Monday, September 09, 2013 9:10 PM
To: Les Mangus
Cc: channa716@sbcglobal.net
Subject: zone hearing for mini-storage on East Central

To: Andover Planning Commission
From: Julie and Jason McIlvain
Neighborhood: Green Valley 1st add
Address: 919 Maplewood Ct

A Few Examples of Our Household's Andover Community Involvement (examples: school, sports, business, shopping, community events, taxes): We are very active in our kids school, Meadowlark elementary. We do support many local businesses, including Andover Dance Magic and Cheer Fusion.

Our household opposes the special use application for mini-storage, case no. SU-2013-01.

Additional comments: Please do not approve a storage facility on Central. Not only are storage facilities unpleasant to look at possibly decreasing property value. I fear it will not be safe in our neighborhood. We ride our bikes and walk with our 2 young daughters along this road. I feel our safety may be jeopardized not only by increased traffic, but with the possibility of increased crime in the area. Storage units belong in an industrial area, not in a residential area. There are several storage facilities in or near Andover. I doubt these facilities are all full to warrant the need for a new facility in our neighborhood. Please do not approve this zone change for a storage facility.

Thank you for your time,

Julie and Jason McIlvain

From: Kendal Nelson [<mailto:ictjhawk@cox.net>]
Sent: Wednesday, September 11, 2013 6:57 PM
To: Les Mangus
Cc: channa716@sbcglobal.net
Subject: proposed zoning change

Mr. Mangus:

As a resident of the Chateauroux subdivision in Andover, I wanted to contact you in response to the proposed rezoning of a piece of property just East of the Kutter Veterinary Clinic at 159th and Central. Our home backs up to the currently empty field, and while we know it will not remain an empty field forever, we are very concerned about the proposed mini storage unit both from the rear view as well as the view of one of the entrances to our community. Do we really want visitors, or residents for that matter, coming into our community and seeing this structure as a first impression of Andover?

In addition to the appearance of the facility, I believe there are many other concerns such as of the type of clients this business will attract, possible vandalism and theft as well as significant reduction of residential property values in the area. In addition, it appears there are numerous other storage facilities within an approximate three mile radius.

My employer has a facility in Andover and my associates are active in several Andover organizations. We have customers who have sold land in Andover and customers who are currently developing land in Andover. We are most definitely supportive of business growth and are encouraged by the new businesses in Andover. However I believe there are situations where new business does not necessarily equal positive growth and this is one of those situations.

I would ask you to not support this proposed zoning change

Thank you for your time and attention in this matter.

Kendal Nelson

1434 Chaumont Circle

Andover, KS

316.304.9956

ictjhawk@cox.net

From: JOHN NEWBERRY [<mailto:jnewberry64@sbcglobal.net>]
Sent: Wednesday, September 11, 2013 8:53 PM
To: Les Mangus; channa716@sbcglobal.net
Subject: Opposition to Proposed Mini Storage

To: Andover Planning Commission

From: John and Belinda Newberry
Neighborhood: Chatereaux
Address: 344 N Chaumont Ct

Our household opposes the special use application for mini-storage, case no. SU-2013-01

Thank you!

John and Belinda Newberry

From: Don Parker [<mailto:parker780548@bellsouth.net>]
Sent: Tuesday, September 10, 2013 8:44 PM
To: Les Mangus; 'Craig Hanna'
Subject: Andover Resident Parker Response To Mini-Storage Proposal, Case # SU-2013-01

Mr. Mangus,

The attachment is a personal letter expressing my opposition to the subject Mini-Storage proposal on W Central, near 159th. Please let me know if you need any further documentation to formally register my opposition.

Thank You

Don Parker

(316) 260-0025

Don Parker
1312 Chaumont Circle
Andover, KS 67002
September 10, 2013

Mr. Quentin Coon
Andover Planning Commission
Chairman
PO Box 295
Andover, KS 67002

Dear Mr. Coon:

I am writing in regard to Andover city Planning Commission Agenda Item No. 5, Case Number SU-2013-01, Kuter/Holt request for variance from B-1 zoning to support a mini storage facility immediately East of the Kuter Veterinary Clinic (Corner of Central and 159th).

My family and I moved to Andover from out of state two years ago after 21 years of military service, excited to establish roots and become contributing members of a vibrant community. We based our decision to move to Andover largely on the high quality of public education offered at the local Junior High and High schools. We chose the specific home in Chateauroux, amongst multiple alternatives, not only for the appeal of the development and specific property, but also because of the nearby residences, community businesses, and an expectation that future developments would remain consistent with published planning documents.

With this letter I am expressing my opposition to the proposed variance requested in the subject case number for three main reasons: Security, Value and Appearance.

Security: The current zoning for the lot is B-1 (Office Business District). The list of permitted uses under the B-1 category is consistent with its name and implies routine business activity, generally limited to weekdays during normal professional business hours. Community businesses in this category tend offer nearby residents a sense of security by virtue that legal business activities involve limited, often scheduled, patronage during the day. In contrast, the applicant's proposal depicts a mini-storage facility that includes open storage for recreational vehicles and boats. The very nature of mini-storage requires that it offers its clients unmonitored access to stored goods well outside normal professional business hours, potentially 24 hours/7 days. This activity invites increased potential for theft and other crime, not only at the storage facility, but at residential areas nearby. Additionally, local children commute to/from school and other community businesses in central Andover passing that property. In contrast to other places I have lived, I enjoy a sense of security and the ability to permit my children freedom outdoors in our neighborhood. The addition of a mini-storage facility, more appropriately located in a B-3 (Central Shopping) or B-6 (Industrial) area, will require

Mr. Quentin Coon
September 8, 2013
Page 2

greater restraint on personal and family outdoor freedoms. This behavior would be inconsistent with the reason(s) my family and I chose this location.

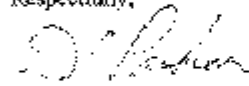
Value: While a mini-storage facility has the potential to provide a beneficial service, appropriate location for the facility is a critical factor determining its value to the community. The applicant's proposal depicts a single office at the facility, suggesting that full time, live-in management will not be present. Hence, employment opportunity for the proposed facility is significantly less than that offered in the equivalent space by any of the alternative professional businesses classified under B-1 zoning. In addition, the improper placement of a mini-storage facility, more appropriately categorized under B-3 or B-6, will negatively affect the residential property values in the immediate vicinity. The three-dozen homes in Chateaux are assessed at roughly \$14M. The inevitable reduction in value, in the Chateaux development alone, is likely to exceed the added tax base from the mini-storage business.

Appearance: The corner of Central and 159th represents Western gateway to Andover. People entering Andover from the West pass the Belle Terre, Kanza Office Park, Tomahawk Country Club, a Veterinary clinic and single home residences as they approach the central business district and Andover Central schools. A business compliant with the B-1 zoning at the location in question would enhance the appearance of that entrance to our city and would be in keeping with the theme of the other businesses nearby. By contrast the proposed mini-storage facility would offer a view of security fencing, divided storage warehouses and potentially recreational vehicles, similar to that at various storage facilities along Kellogg. While a mini-storage facility has the potential to provide an excellent community service at other locations, it will degrade the appearance of this critical entrance to Andover.

The above reasons outline my opposition to the proposed mini-storage facility at the location in question. I will clarify however, my opposition is restricted to the specific business at this location. I welcome business growth in Andover and will promote entrepreneurship of any of the businesses for which the location is already zoned.

Thank you for your consideration in this matter.

Respectfully,



Don Parker
Andover Tuxpuyer

William & Mae Smith
1409 Chaumont Circle
Andover, KS 67002
September 9, 2013

Mr. Les Mangus
Andover Planning Commission
1609 E Central Ave
Andover, KS 67002

Re: Mini-storage Case # SU-2013-01

Dear Mr. Mangus:

We have lived in Andover for 10 years and have paid nearly \$100,000 in total property taxes during that time. We also try to keep our spending in Andover as much as possible. We take pride in our community, and we understand that a healthy business base is a key component of a vibrant city. But locating a business where it doesn't fit can be detrimental in total. The increased taxes from the new development could be offset by declining property taxes and stalled development in adjacent areas.

The corner of Central and 159th is a gateway to Andover, and the businesses located there should reflect the image we want for our community. Is mini-storage really the image we want at the entrance to Andover? Is that the best we can do?

We believe there are many options for development of that land that are within current permitted use, will create more tax base, more jobs, and will be more complimentary to the area.

For the reasons stated above we are writing to express our opposition for the special use application for mini-storage, case no SU-2013-01.

Thank you for your time and consideration.

William & Mae Smith



Southern Star Central Gas Pipeline, Inc.
4000 S. Seneca
Wichita, KS 67217
Phone 316/529-5601

Line: G

September 11, 2013

City of Andover, Kansas
Planning / Zoning Administrator
1309 F. Central
Andover, KS 67002

RECEIVED

SEP 11 2013

CITY OF ANDOVER

Legal Description: Lot 1, Block 1 Kutter Addition, Andover, KS.

Dear Sir/Madam:

Southern Star Central Gas Pipeline Inc., (formerly known as Williams Natural Gas Company, Northwest Central Pipeline Company, and Cities Service Gas Company), owns and operates a interstate natural gas pipeline company headquartered in Owensboro, Kentucky. Southern Star has been informed of a proposed re-zoning on the above fore mention property that Southern Star operates, and maintains a high pressure 20" natural gas pipeline. The pipeline is contained in a 66 foot easement granted to Cities Service Gas Company by a certain Right of Way Agreement in Volume 101 at Page 180, dated May 2, 1928; and a Partial Release granted by Richard & Jo Ann Royce, husband and wife dated March 6, 1972.

Southern Star has no objection of developing the parcel under the special use request. Southern Star would like to make all parties aware that the development of the parcel including storage buildings/ structures or possible changes to surface elevation would be a material interference with our pipeline operations and easement rights and, therefore, cannot be permitted on the easement. All utility crossings, fences and any driveways would require prior review and approval of Southern Star encroachment engineer before construction. Southern Star strives to maintain a safe and reliable pipeline for our neighbors and customers. If additional pipeline markers are needed, or the pipeline needs to be located in planning stages, use the Kansas One Call (811) system as required by law.

Attached is an agreement and partial release document that includes the Kutter Addition. Southern Star also provides a Land Use Development and Right of Way Handbook to assist in initial stages of development, found on the company website at <http://www.ssgp.com/pipeline-safety/land-use-development/>

Should you have questions or concerns please contact me at 316.529.6603 or by cell phone, 620.951.4335

Sincerely,

Andrew Buchanan
Land Representative
Southern Star Central Gas Pipeline Inc.

From: Scott Steiner <scott@gosteiner.com>
Date: September 12, 2013, 9:01:45 AM CDT
To: Les Mangus <lmangus@andoverks.com>
Subject: against mini storage at corner of central and 159th

Andover Planning Commission

Les Mangus

Scott Steiner

1320 Chaumont Cir, Andover, KS 67202

Chateauroux Addition

Dear Les,

My wife and I moved to Andover 6 years ago for the school system and the simple yet unique way of life. We moved to Chateauroux because of the uniqueness of each home and the beautiful environment. My wife subs in the Andover school system as a register nurse and I have coached and participated in the Andover junior football program for 8 years with my sons. Our household greatly opposes the special use application for mini-storage, case #SU-2013-01. We feel that this would deter from the beautiful environment, the gateway to Andover. This would not increase the tax revenue for the city and it could also lower valuations on our neighborhood. Thank you for your time and your consideration in this matter.

Scott Steiner

To - Andover Planning Commission:

From – Greg Bray, PGA General Manager

Terradyne Country Club

1400 Terradyne Dr.

Case no. SU-2013-01 – Mini Storage unit on Central Avenue,

Terradyne Country Club is neither in favor of the proposal or against the proposal, we are concerned regarding the frontage to the property and what the appearance is going to be. This will be very visible to the members and residents of Terradyne Country Club. If the street front and sides of the property are not landscaped and maintained to a high standard, we would be opposed to this proposal. I do plan to attend the meeting on Tuesday evening.

Thank you,



Greg Bray, PGA Professional

General Manager

Terradyne Country Club

1400 Terradyne

Andover, KS 67002

p.316.733.5851

f.316.733.9149

c.316.993.8064

gbray@terradynecountryclub.com

www.terradynecountryclub.com

From: Voth, Patricia [<mailto:pvoth@foulston.com>]
Sent: Thursday, September 12, 2013 5:54 AM
To: Les Mangus
Subject: Fwd: mini-storage use change proposal -- written input

Les: Good morning - below & attached forward exactly what I already sent to you yesterday. This email is only to confirm for you that the below email and its two attachments constitutes my written input to be included in the Planning Commission pre-meeting packet for Case No SU-201-01. I live in Chateauroux at 351 N Chaumont Ct. I think we both knew that, but I wanted you to have this writing to confirm.

I am told some others may submit written input to include in the Planning Commission pre-meeting packet that is in the form of an email rather than letter. Those are being sent to your email address and your attention, because separate email addresses for the Planning Commission are not made available.

Thanks & have a great day,
Trish

Begin forwarded message:

From: <pvoth@foulston.com<<mailto:pvoth@foulston.com>>>
Date: September 11, 2013, 7:05:57 AM CDT
To: Les Mangus <lmangus@andoverks.com<<mailto:lmangus@andoverks.com>>>
Subject: mini-storage use change proposal -- written input

Les: Good morning! I thought it may be most helpful to you and the Planning Commission if I organized my written input topically to fit your 17-points analysis.

As you know, this is my first rodeo with an Andover Planning Commission matter, so I am unclear if you might update the staff special use report prior to sending out the planning commission packet on Friday, or else prior to 7:00 pm next Tuesday? If you do, I would appreciate receiving the updated copy in advance of the meeting next Tuesday.

Please let me know if you would like to visit about any these items, or if I may be of further assistance on this matter. I appreciate your and the Planning Commission's time dedicated to this important decision for our community. I am a transplant to the area, but have chosen over the last four years to heavily invest in and support our community (rotary, school system, Terradyne member, shop/eat local, built a new home in Andover, attend GAD & other community events). I want to do my part to continue the City's hard work to improve Andover's image, character and factors that drive additional growth and quality of life, plus work to set Andover apart in a positive way from other nearby towns.

Thanks, Trish

Input On Some of the Section 11-100 H Zoning Code 17 Factors

(numbering corresponds to City's Special Use Report form)

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood?

The subject property is vacant. The surrounding neighborhood uses, character and condition overall are on the higher end, with zoning limited to B-1 (residential "transitional/buffer" uses), and single-family residential uses. The subject property is bordered on three sides by residentially-zoned tracts. The surrounding neighborhood (within a 1/2-mile radius) includes consistently quality residential neighborhoods with very desirable homes, landscaping and other aesthetics, the City's only country club, golf course homes, several nice business buildings, and some of the City's higher-end value homes. Construction materials and design within this neighborhood 1/2-mile radius range well above average. Residents and business owners have invested heavily in this area.

Some land in the surrounding neighborhood remains undeveloped, including the residential lot that borders the South side of the subject property. Mini-storage will negatively impact the development potential, plus negatively impact the property values, character and aesthetics of the existing improved surrounding neighborhood.

Please see items ## 8 & 14 below for further related discussion.

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

Please see items ## 1 & 14 for related discussion.

6. Do ... all other necessary public facilities ... exist?

The North side of the Chateauroux neighborhood is susceptible to drainage problems (e.g., in the foreground of the attached photo you see a stream of water running through/draining in the yard after a rain). Any additional displaced water, or change in the runoff rate, when developing this tract will need to be addressed in a way that does not increase the drainage amount or flow rate to the South or West.

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

Yes. The tract is bordered on 3 sides by land zoned residential (the subject tract North side will also affect the view and character at this entrance to the City, and from the golf course and a two-story office building). Additionally, at least 5 Chateauroux homes have direct visibility to the tract over the existing vacant residential lot. Those homes were permitted by the City with main

floors at a level elevated above the ground level on their North sides, which will require more than a 6' perimeter fence to have any screening impact. Attached is a photo from the main floor level deck of one of those homes, to better convey the screening need (for reference, the wooden privacy yard fence is a 6' fence). So, a mix of earth berms, landscaping and perimeter fencing may be needed to accomplish useful screening. Also, terms need to require that the screening and landscaping be maintained to provide a long-term screening solution compatible with the investment level in the surrounding area.

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

Available. The request is for mini-storage. B-6 and Industrial (unsure of B-5?) permit mini-storage. Currently there are many tracts of undeveloped B-6 and Industrial land in Andover.

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

No. This proposed use does not provide employment opportunities -- the submitted plans show it as unmanned. No known need for additional mini-storage availability in this location of town rather than some other location in or outside of the City. Nobody locates a new home or business to be closer to a mini-storage site.

12. To what extent would ... approval of the zoning request detrimentally affect other property in the neighborhood?

It would detrimentally affect. Please see ##s 1, 8 & 14 for discussion.

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

No. Please see ##s 1, 8 & 14 for discussion.

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

No, because the comprehensive plan specifically advocates for "a minimum intermixing of incompatible land uses" which "reduces the effects from negative environmental factors such as traffic, noise, lights ... and unsightly visual appearances. All of the latter affect property values and reduce the quality of life, particularly in residential areas which are a dominant characteristic of Andover." The plan advocates for "a greater amount of open space to protect drainage ways, provide buffers and greenways."

The comprehensive plan, zoning code and zoning map identify how and where the City supports particular types of development. The City has determined that mini-storage is perfectly acceptable as a permitted use in areas zoned Industrial and B-6. In part, that is because those zoned areas do not intermix residential uses (e.g., the B-6 zoning code provides it: "is designed to co-mingle certain

businesses and light industrial uses whose operations are compatible in size and intensity.... The district does not permit the intermixing of residences.").

The comprehensive plan is for multiple types of additional business development to occur along and within the more arterial streets and centers, such as along Kellogg, and along and near Andover Road. The zoning map reflects this in the several types of business and industrial uses permitted in those area. In contrast, the City specifically chose the much more limited B-1 zoning for this tract and intersection. Which fits, since this area is the City's entranceway (including our "Welcome to Andover" monument sign), nearby is the City's only country club, the area includes several very nice looking office buildings, and some of the area's higher-end residential developments. The aesthetics, character and quality of architectural design and building materials of these nearby areas reflect and convey a message to our City's residents and visitors.

The City elected to limit this tract's zoning to: "designed to provide for business and professional offices with compatible institutional and public building uses. Such uses have limited evening activities and should be located along arterial streets and to serve as buffer areas between business and industrial districts and the residential districts." Because mini-storage development can be incompatible in a situation such as this one (many long metal buildings with visible flat roofs, virtually no green space, and missing architectural style consistent with the area), the mini-storage use is not permitted of right in B-1. Further, the zoning code provides that mini-storage is not a permitted right just as long as it is made subject to site review committee -- the use may not be appropriate and permissible for a neighborhood area regardless of site review conditions. Sometimes a need to add many conditions for a use to "fit" indicates the use does not in fact fit at all and should not occur in that location. The comprehensive plan and zoning code intended for this B-1 tract to serve as a transitional buffer to the residential districts. A building such as Tony Durano's down the street is an example of a contemplated transitional buffer design and use; this proposed site plan and any mini-storage site layout/use is not.

15. What is the nature of the support or opposition to the request?

I have visited with many people who live in the surrounding neighborhoods, are members at Terradyne, or otherwise have connections to Andover. Other than the applicants, none of them have told me they think mini-storage at this location is a good idea. Many express concern or disapproval. In addition to myself, several plan to oppose the request in writing or at the Planning Commission meeting.

Please know that the nature of the opposition comments others have made to me includes some of the comments I have provided in this document. The nature of my & others' opposition is not to limit the subject property from being developed and used for B-1 zoning permitted uses. The nature of the opposition is merely to protect the buffer/transitional zone contemplated by the plan, and maintain the character of this entranceway to the City and of the surrounding neighborhood.

16. Are there any informational materials or recommendations available from knowledgeable persons or expert which would be helpful in its evaluation?

Please see items ##1 and 14 for discussion.

I believe that the submitted plan is in violation of the existing 66' - wide high-pressure pipeline easement that encumbers the subject property (Misc Book 301, Page 563). That easement limits what may be constructed over the easement area. Someone should verify.

Additionally, I recommend that the Planning Commission undertake to verify the level of neighborhood or community support, enthusiasm and need for a fourth mini-storage facility in a town the size of Andover (plus, one exists already on Central just two miles to the West of this location).

I am all for supporting further compatible development of this tract for a business use, and the city receiving the corresponding higher tax, employment and synergies benefits that comes with that type of business use. I am not anti-business. The business use just needs to be compatible with the comprehensive plan and the neighborhood character. Please note that other than some property taxes (which can significantly vary depending on many factors), mini-storage does not provide the same community benefits that people seek when they intend to be "pro-business." This will not produce jobs, sales tax, guest tax or other business synergies and quality cluster development that is the real target of taking a "pro-business" stance. Quality additional businesses and development will not flock to a mini-storage area. It serves a purpose, and it best serves that purpose in and Industrial or B-6 zoned area, not at the City's front porch.

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

Yes. Please see earlier comments for explanations and reasoning.

From: jeremy.zellers@wolseleyind.com [<mailto:jeremy.zellers@wolseleyind.com>]
Sent: Thursday, September 12, 2013 10:38 AM
To: Les Mangus
Subject: zoning issue in regards to the storage facilities at 159th and Central/signage issues

Mr. Mangus,

I am the President of the Belle-Terre HOA and a very concerned homeowner. Although we are not in Andover city limits, Our neighborhood backs up to the adjacent property. We have home owners property values that will be affected by allowing this facility to be built. In addition, all our kids attend Andover Schools and frequently use the side walk that runs directly in front of this property. It will pose a safety risk.

In the past several years, the owner of the property in Wichita at the NW corner of 159th and central attempted a similar zoning change. It was denied by the City of Wichita. The only buildings allowed to be put on that corner are zoned NO which is Neighborhood office only with restrictions. I have attached the Neighborhood Office section for Wichita Base District Regulations for your review on precedent in regards to your upcoming zoning decision.

Furthermore, I am very concerned about the owners intentions of the use of signage. The Pet Care facility is in clear violation of Article 7 of Andover governing regulations. I have addressed this in the past and nothing has been done. In recent days, I attempted to sell my house and every potential buyer referenced the signage as a major concern, thus more proof of lowering home values. In addition to my opposition to the pending zoning change, I would like a response in regards to lack of action on this signage.

Please see Andover City Regulations in article 7 below regarding signage:

E. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any brightly illuminated sign located on a lot adjacent to or across the street from any residential district, which is not otherwise shaded and visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M. Any accessory external lighting fixtures attached to a sign shall maintain a clearance of nine feet to the grade directly below the fixture.

F. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted in any residential district. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature.

I appreciate your time and consideration in reviewing this document and look forward to your response in regards to both issues listed above.

Jeremy R. Zellers Belle-Terre HOA President

Red Castle Properties L.L.C.
15759 SW 50th Street
Benton KS 67017
316-806-0739

September 12, 2013

Andover Planning Commission
Attn: Les Mangus
1609 E Central Ave
Andover KS 67002

RE: Mini-Storage Use Change, Case No. SU-2013-01

Dear Commission Members:

Red Castle Properties L.L.C. and Robert Brown Homes developed Chateauroux neighborhood. We chose to pay meticulous attention to detail to give the neighborhood a unique, upscale and charming French Country style; and, one the City of Andover can take great pride in. Each home has its own unique features, and the development includes extraordinary landscaping, open spaces, water features, unique lighting, entranceway and clubhouse design.

Sale and development of our remaining five lots in the Chateauroux neighborhood will be detrimentally affected if mini-storage is allowed to go in near the neighborhood, and in some cases in direct view of our lots and other existing homes. This will not only affect us directly, but will affect the Andover property tax base and ability to draw new residents to live and work in Andover. Andover has made strides in recent years to raise its development standards in the mindset of our community. A mini storage along the main thoroughfare into the City will not be consistent with that direction.

So many homeowners have contributed to the current quality and aesthetics of the neighborhood and the surrounding area. It would be inappropriate to prioritize one landowner's desire to build mini-storage to the detriment of so many families who have already invested their worth and passion for the area, and who the City would like to remain vested in the area. The proposed mini-storage use change is incompatible with the current zoning and comprehensive plan for this 159th & Central area.

I would ask any Planning Commissioner or City Councilperson to consider the possibility of a mini storage site located in their neighborhood or backyard. For the above reasons and others, we oppose this use change application and respectfully request that it be denied. Please feel free to contact me with any questions.

Sincerely,

Red Castle Properties L.L.C.

By: 
Robert Brown, its Authorized Agent

RECEIVED

SEP 13 2013

CITY OF ANDOVER

8:47 AM
PB

Les Mangus

From: Weaver, Stewart [sweaver@faulstich.com]
Sent: Thursday, September 12, 2013 5:14 PM
To: Les Mangus
Subject: mini-storage use change proposal -- written input
Attachments: comments to zoning factors.docx

Dear Mr. Mangus,

Greetings; please pass this written communication on to the Andover Planning Commission regarding Case No. SU-2013-01 – special use application for mini-storage. I have lived in Green Valley at 232 Ridgfield Circle for 12 years, and am also law partners with Trish Voith. She shared with me her below and attached comments and information on this matter. For all of the reasons she provided, I also request that the Planning Commission deny this application.

Very sincerely,

Stewart T. Weaver

Les Mangus

From: Gaylene Alderson [gajalderson@hotmail.com]
Sent: Thursday, September 12, 2013 5:28 PM
To: Les Mangus
Cc: 'Craig & Sally Hanna'
Subject: Opposition to Mini Storage

Dear Mr. Mangus & Andover Planning Commission,

I'm writing to let you know that my household is in opposition to the special use application for mini-storage, case # SU-2013-01. I have been a resident of Andover for 8 years as a homeowner in the Chateaufort neighborhood. I enjoy living in Andover and gladly support businesses here, including the YMCA, Dillon's Marketplace, Bank of America, Walgreen's and many others along Andover Road. My family also enjoys time at the library and city park. I do not feel that a mini-storage facility in the proposed location is a good fit for the area, and I'm concerned that such a business will have a negative impact on my property value. I would rather see a business that fits the original zoning plan, and is more aesthetically pleasing in this location, especially considering this is along a corridor that's a main entrance into the city of Andover. A mini-storage facility is not the right business for this location.

I appreciate your consideration of my opinion as a voice draws near. Thank you for your attention to this matter.

Sincerely,

Joel and Gaylene Alderson

1332 Chaumont Circle

Andover, KS 67002

Les Mangus

From: Shelly Dunnegan [shelly@bigtoolstore.com]
Sent: Thursday, September 12, 2013 3:07 PM
To: Les Mangus
Cc: channa710@sbglobal.net; Voith, Petriola; Gary Dunnegan
Subject: Mini-Storage opposition Case SU-2013-01

Dear Planning Commissioners and City Staff,

My name is Shelly Dunnegan and I live in the Chateaufort neighborhood. I am the owner of family businesses that started in 1975 and 1986.

My children attend Andover schools and I am an active member of the PTO. We support Andover sports and shop Andover stores.

I would like to voice my opposition to the special use application for mini-storage located east of Kinter Vet Clinic at Central and 159th. I don't feel it is the appropriate area for mini-storage. The property is zoned B-1 and if City Planners wanted mini-storage in B-1, then it would be a permitted use instead of a special use. This land would be more appropriate for an office building, financial institution or even a senior citizen activity center as outlined in the B-1 zoning district.

I have personal experience with mini-storage. We own storage units, but ours are located in industrial zoning. Mini-Storage is not appropriate in an area surrounded by houses. There are issues with mini storage that make it unfavorable for the Andover "Gateway". Storage Facilities typically have a large number of outside lights that are on all night. Most facilities offer 24-hour access. The B-1 zoning states that businesses in B-1 should have "limited evening activities".

In addition, storage facilities face building deterioration, and these facilities are not typically "updated and remodeled." They just get older and run-down. If the buildings are metal buildings with flat roofs, they are not very attractive. From what I understand, this issue would go to a site review committee if it passes, so we have no idea the building materials or fencing materials for this project yet. In addition, I was told that is not usually a public meeting.

In regard to landscaping and screening, there is no amount of screening that will block this facility from the homes in Chateaufort. The houses are taller in that area. In addition, from personal experience, I know that any trees that are planted as a requirement for the zoning are not guaranteed to stay alive. If trees die, I know there is no legal requirement to replant them.

If this land was rural and the houses around it were not established, that would be one thing. However, that is not the case. The homes were there first.

This application might bring one, part-time job to the City. If the first phase with three buildings is built, there would not be enough units to employ a person and the owner would probably have a kiosk to rent units. There shows to be no manager's living quarters on-site.

Storage Units do not accrue sales tax, only property tax.

The preliminary plan shows the possibility of RV storage. That would look even worse than mini-storage.

This area already has water drainage issues. I am concerned about mini-storage and covering all the land with concrete in regard to storm water. I was told there would have to be a detention pond or underground drainage, but nothing is on the preliminary site plan.

I am also concerned with the placement of the Southern Star gas line as it is not on the site plan.

I disagree with City Staff that mini-storage matches the Comprehensive Plan that Andover has made. This is not an aesthetically pleasing business venture for our City's gateway.

Please do not pass this special use permit.

Sincerely,
Sheily Duncanson

Les Magnus

From: Hanna Craig D [Craig.Hanna@astrazeneca.com]
Sent: Thursday, September 12, 2013 2:27 PM
To: Les Magnus
Cc: pvoth@foulston.com; shelly@bigtoolstore.com; mrs.callyhanna@yahoo.com
Subject: Opposition Against Mini-Storage Proposal

Dear Mr. Magnus,

I am writing to you in opposition of the proposed Mini Storage that is currently being considered immediately adjacent to Kutter Veterinary Clinic. My family and I have lived in Andover since March of 2005 and have enjoyed the quality of life that I had hoped our neighborhood would bring. We have been very active within the Andover community and support the local Andover businesses whenever possible. However, we strongly feel that approving the Special Use Application for the Mini-Storage would change the dynamics of our community and potentially have negative impact on the City of Andover in the future.

We oppose this proposal for multiple reasons:

Crime – To date, there has not been any crimes or vandalism within our small community. However, there are publications that suggest businesses/homes that are in surrounding areas to a Mini-Storage or Self Storage experience an increase in crime or vandalism.

Safety – Not only is our community a safe area that the kids run and play but most of the surrounding areas also provide the safety for the neighborhood children. Alternatively, if the Mini-Storage were to be built, the level of provided safety would be drastically reduced due to the Mini-Storage customers entering and exiting the storage facility. This would be particularly problematic and concerning when the Elementary and Middle School children are walking home from school to their homes in the surrounding subdivision by having to walk by the Mini-Storage.

Appearance and Noise – If the Mini-Storage were to be constructed, there would be a significant increase in noise that would be heard throughout our subdivision at all hours throughout the day (not limited to normal business hours). This would be attributed to customers either moving into or out of the facility. Additionally, there would be visual disturbances throughout the evening due to security lighting that would significantly impact the residences immediately surrounding the facility.

Property Values – We are very concerned that our property values will be negatively impacted as a result of the Mini-Storage installation. When we purchased our home, we knew that the proposed Mini-Storage land would be developed at some point. Prior to our purchase, we inquired as to the zoning for the land and felt that the zoning would be acceptable. However, if the Mini Storage were to be granted the Special Zoning, the property values within our community would be negatively impacted. This would then lead to a drop in property value and less taxes that the City/County would receive.

There are several factors that the City of Andover Planning Commission need to consider during this review process, particularly how it may impact the City in the future.

First, a Mini-Storage facility would not be in line with the Comprehensive Plan established by the City. As it currently stands, the property is zoned for B-1, which is described as Medical/ Dental offices, etc. This would be a perfectly acceptable use and would certainly be a welcomed addition to the Andover Community.

Secondly, the Mini-Storage would not be visually appealing to potential new residence since it is in the gateway/entrance to the City. The Mini-Storage would be a deterrent and perhaps potential residents look to other cities in which to buy homes. This would certainly have negative ramifications over the next several years.

We have certainly enjoyed our time here in Andover and I know that the City of Andover can remain 'pro business' even if this proposal is not granted. There are many other locations that this would be more applicable and perhaps even welcomed within the city's limits. I ask that you not grant the request and thereby protect the master city plan and ensure a harmonious and congruent entrance into the City of Andover.

I thank you for your time.

Craig D Hanna

Sincerely,

Craig D Hanna | AstraZeneca Pharmaceuticals | District Sales Manager | Primary Care | Wichita, KS |
610.650.8514 Cell | 315.733.6710 Office |

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Les Mangus

From: Karen Williams [KarenW@tredlysusa.com]
Sent: Thursday, September 12, 2013 5:22 PM
To: Les Mangus
Cc: Craig Hanna (channa716@sbcglobal.net)
Subject: Zoning proposal

To: Andover Planning Commission
 RE: Special Use Application for mini-storage, Case No. SU-2013-01

From: Karen Williams
 1434 Chacumont Cir, Andover
 Chateauroux Addition

I am writing to express my concern and opposition to the special use application referred to above. I moved from Wichita to Andover a little over a year ago specifically for the charm and character offered by the Chateauroux addition and the City of Andover. The property, as currently zoned, allows for many great options that would be a welcomed addition to the area by preserving the integrity of the neighborhood and providing an economic benefit to the City of Andover. I fail to see any benefit that a storage unit could provide. They are an eyesore to the community, will cause a decline in the residential property values, will provide unwanted traffic 24 hours a day, will provide little to no additional jobs, will contribute no sales tax revenue to the city and are an invitation for crime.

With all due respect, I am asking you to reject this proposal and preserve the original intent for which the property was zoned.

Sincerely,

Karen Williams

Les Mangus

From: Brad Stout (bstout@adamsjones.com)
Sent: Thursday, September 12, 2013 2:47 PM
To: Les Mangus
Subject: Case No. 30-2013-01 Proposed Special Use Permit for Mini Storage
Attachments: Stout letter to Mangus 09-12-13.pdf

Mr. Mangus:

This firm represents Bill Hadwiger, who owns the home adjacent to the property involved in the referenced matter. Attached is our letter setting forth our opposition to the proposed permit. I should note that the concerns addressed in the attached letter are in addition to the concerns set forth by Patricia Voth. Although we agree with Ms. Voth's statements, we saw no reason to simply repeat those concerns at this time.

If you have any questions, please contact me.

Brad Stout
Adams Jones Law Firm, P.A.
1635 N. Waterfront Parkway
Suite 200, Wichita KS 67206
T (316) 265-8594
F (316) 265-9719
bstout@adamsjones.com



1335 N. WALES HUNT PARKWAY
SUITE 200, WICHITA, KS 67206-0629

Tel 316.265.6991
Fax 316.265.6710

www.adamsjones.com

September 17, 2013

Mr. Les Mangus
Zoning Administrator
Andover Planning Commission
1609 E. Central Ave.
P.O. Box 295
Andover, KS 67002

Via Email
lmangus@andoverks.com

Re: Case No. SL 2013-01

Dear Mr. Mangus

I am writing on behalf of Bill Hadwiger who owns the single-family home immediately adjoining the subject property on the east. He objects to the proposed special use for a mini-storage facility because it is incompatible with his home and the surrounding neighborhood in general.

The subject property is surrounded by Mr. Hadwiger's home, the Terradyne golf course, the high-end, low use office building known as Kenza Office Park, the Kutter Pet Care Center, a residential-style office building, and a residential subdivision. A mini-storage facility would become the most intensive land use in the area and introduce an industrial element into what is currently a low-intensity, high end area.

Good planning prescribes that the subject property be developed for a use that provides a transition/buffer between the Kutter Pet Care Center and Mr. Hadwiger's house.

The properties closest to the proposed mini-storage facility are Mr. Hadwiger's house and the Kutter Pet Care Center. The Kutter Pet Care Center is on the west side of the subject property, at the corner of 159th and Central. Unlike convenience stores, fast-food restaurants and other types of commercial land uses often found on corner lots, the Kutter Pet Care Center is a relatively low-traffic business housed in a single-story building with a design generally suggestive of a large residence. Mr. Hadwiger's house is on the east side of the subject property. It is a high-end luxury home with a large private pond.

Good planning practice requires that the land between the Kutter Pet Care Center and Mr. Hadwiger's single-family house be developed or reserved for a land use that is a suitable transition between these uses. Consistent with that goal, the property is zoned B-1 for business

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and professional offices which the zoning code says is to provide for "buffer areas" between residential uses and business or industrial uses. The importance of keeping the adjoining land uses as similar in character as practical is recognized in the comprehensive plan advocacy of "a minimum intermixing of incompatible land uses" and the zoning code's purpose to "form a compatible pattern of land uses and buffer areas which enhance the value of each zone."

Mini-storage is a more intensive use than any in the area.

For the subject property to be an effective transition or buffer its use should be something less intensely commercial than the Kutter Pet Care Center, and certainly not a use that has the industrial characteristic, otherwise completely absent from the neighborhood, of a mini-storage business.

Mini-storage facilities are particularly incompatible with residential uses like Mr. Hadwiger's house. The opening of overhead doors, loading and unloading of vehicles, and vehicle traffic produces noise throughout the hours of operation and throughout the entire parcel. In addition, as the site plan shows, mini storage facilities have a significant footprint and good security practices often require that the entire area be lit all night. Because they are generally open to a large number of storage tenants with little supervision of the activities that occur on the property mini-storage units provide significant opportunities for criminal activity. Apart from theft, burglaries and vandalism, remote minimally monitored enclosed areas on private property provide locations for secreted or stolen goods and other criminal activity by tenants.

A mini-storage facility is not a transition/buffer in this circumstance.

The zoning code recognizes the intensity of a mini-storage facility: "Such facilities are not allowed as a matter of right until the B-6 district which "does not permit the intermixing of residences."

Mini-storage is designated as only a possible "special use" in the B-1 district precisely because a mini-storage facility will not always serve the buffer/transition purposes of the B-1 district. Placed between a salvage yard and an apartment building mini storage would be a transition and a buffer. It is not, however, a transition or buffer between a professional office building/doctor's hospital and a single-family residence.

Under the zoning code special uses are not to be permitted except when "their proposed location is supplemented by additional conditions such as to make the use considered compatible with the surrounding property, the neighborhood, and the zoning district." There are no such "additional conditions" here.

September 12, 2013

Page 3

It is not necessary to allow a mini-storage facility on the subject property.

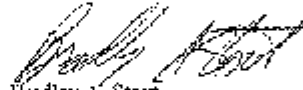
Other undeveloped land in Andover already has zoning appropriate for self-storage uses and there is no indication that the subject property could not be developed for other uses that are compatible with the neighborhood.

The subject property is not the only undeveloped land in this neighborhood. Permitting a land use with the intensity and industrial character of a mini storage facility will tend to invite other uses not suitable in the area as it has been developed to date and risk more widespread depreciation of the neighborhood.

The value and comfort of Mr. Hadwiger's home would be diminished by permitting a mini-storage facility next door. Allowing it would be inconsistent with the objective of the zoning code and contrary to good planning practice.

Very truly yours,

ADAMS JONES LAW FIRM, P.A.


Bradley A. Stout

BAS:h

Chairman Coon asked for further questions. There were none.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

SPECIAL USE REPORT *

CASE NUMBER: SU-2013-01

APPLICANT/AGENT: Ronald L. & Lori Kutter / David W. Holt

REQUEST: Special Use requested to establish a mini storage facility in the B-1 Office Business District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

CASE HISTORY:

LOCATION: On the South side of Central Avenue Street between 159th Street and Andover Road.

SITE SIZE: 2.9 acres

PROPOSED USE:

ADJACENT ZONING AND EXISTING LAND USE:

North: B-1 Office Business/R-2 Single Family – commercial building/Terradyne Golf Course

South: B-1 Office Business/R-1 Single Family – commercial building/commercial storage building

East: R-1 Single Family – single family dwelling

West: B-1 Office Business – commercial building

Background Information: The subject property is currently vacant. The property is encumbered by a drainage way on the west and a natural gas pipeline at the southeast corner.

* 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 special use recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

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 are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES

NO

STAFF: The subject property is in an upscale area with a variety of residential and commercial buildings including office businesses, a storage warehouse, single family homes, and

a golf course.

PLANNING:

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?
(See Adjacent Zoning on page 1 of 4)

YES

NO

STAFF:

PLANNING: B-1/R-1

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: The subject property is currently served by public water and has direct access to a public street. There is no sewer on or adjacent to the subject property.

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: Perimeter fencing is required. Landscaping of area adjacent to any residential zoning district is decided at the discretion of the Planning Commission. The addition of outdoor storage brings concerns of the visibility of stored materials and equipment
 X PLANNING:
 COUNCIL:
9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?
- YES NO
 X STAFF: N.A.
 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: The proposed mini-storage facility would likely not provide many employment opportunities, but would provide a service to the community.
 X PLANNING:
 COUNCIL:
11. Is the subject property suitable for 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: Visibility of stored materials and equipment from the residence adjacent to the east, nighttime lighting and activity.
- 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 zoning regulations allow the proposed mini-storage as a special use under certain conditions enumerated in the R-3 districts regulations along arterial streets.
- 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 that businesses along arterial be reviewed on a case-by-case basis.
- X PLANNING:
COUNCIL:
15. What is the nature of the support or opposition to the request?
- YES NO
- STAFF: Many unsubstantiated objections from the surrounding neighborhoods have been received citing increased traffic, lighting, and activities would decrease property values. Most objections are centered around the aesthetic impact of a proposed mini-storage facility at this locations.
- X PLANNING: Neighbors substantiated opposition as being detrimental to area property values as well as not fitting in with the architectural style of the area.
- COUNCIL:
16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?
- YES NO

X STAFF: Approval as applied for conditioned on the screening as approved by the Site Plan Review Committee.

X PLANNING:
COUNCIL:

YES 17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by **not** approving the request?
NO

X STAFF:
PLANNING:
COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the special use application, I, Ken Boone, move that we recommend to the Governing Body that Case No. SU-2013-01 be disapproved for the establishment of a mini-storage facility in the B-1 Office Business District based on the findings of the Planning Commission as recorded in the summary of this hearing, 10, 12, 15, 16, & 17. Motion seconded by Lee Butler. Motion carried 5/0/0. William Schnauber abstained from the vote.

8. Member items.

There were no member items.

9. Adjourn.

A motion was made by Ken Boone, seconded by Brian Lindebak to adjourn at 8:30p.m. Motion carried 6/0.

Respectfully Submitted by

Daynna DuFriend
Administrative Secretary

Approved this 15th of October, 2013 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.