

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
Tuesday, November 18, 2014
Minutes**

1. [Call to order.](#) 00:01:01

Lynn Heath called the meeting to order at 7:02 p.m.

2. [Roll call.](#) 00:01:01

Planning Commission members present were Lynn Heath, Ken Boone, Brian Lindebak, William Schnauber, Lee Butler and Aaron Masterson. Quentin Coon was absent. Others in attendance were Director of Public Works Les Mangus, Assistant Director of Public Works Steve Anderson, City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, City Council Liaison Sheri Geisler and Administrative Assistant Kandace Hunt.

A/V: Cindy Barrett

3. [Approval of the minutes of the October 21, 2014 meeting.](#) 00:01:01

A motion was made by Ken Boone, seconded by Lee Butler to approve the minutes of the October 21, 2014 meeting. Motion carried 4/0/2 with Aaron Masterson and William Schnauber abstaining.

4. [Communications:](#) 00:01:02

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

5. Z-2014-04- A public hearing on a proposed change of zoning district classification from the B-6 Business District and I-1 Industrial District to the B-3 Central Shopping District at 1034 N. Andover Road.

00:01:15

Les Mangus explained the subject lot was formerly owned by the City located in the industrial park. The new owner desires to build a beauty salon and training facility on the property. The lot is currently zoned for industrial type uses which does not allow for the proposed use.

Lynn Heath opened the public hearing at 7:03 p.m.

Dustin Billingsley of Young and Associates was present to represent the application. Mr. Billingsley stated the applicants are simply requesting a change of zoning district classification to be able to operate in the proposed location. He noted he has not been made aware of any objections to this request.

Lynn Heath asked if there were any further comments from the public. With there being none Lynn Heath closed the public hearing at 7:06 p.m.

ANDOVER CITY PLANNING COMMISSION
Agenda Item No.

REZONING REPORT *

CASE NUMBER: Z-2014-04

APPLICANT/AGENT:
Sami Halaseh

REQUEST: Change of zoning district classification from the B-6 & I-1 to the B-3 Central Shopping District

CASE HISTORY:

LOCATION: 1034 N. Andover Rd., Andover, KS.

SITE SIZE: ± 4.5 acres

PROPOSED USE: Beauty salon and training academy

ADJACENT ZONING AND EXISTING LAND USE:

North: B-6 Business District & I-1 Industrial District

South: B-6 Business District & I-1 Industrial District

East: I-1 Industrial District

West: B-2 Neighborhood Business District, B-3 Central Shopping District & R-2 Single-Family residences

Background Information:

The applicant desires to construct a beauty salon and training academy.

* 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:

YES NO 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)

STAFF:

PLANNING: B-6, I-1, B-2, B-3, R-2

COUNCIL:

YES NO 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)

STAFF:

PLANNING: B-6 & I-1

COUNCIL:

YES NO 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

STAFF:

PLANNING:

COUNCIL:

YES NO 4. Would the request correct an error in the application of these regulations?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 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?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 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?

STAFF: Adequate water, sewer, and streets are in place.
 PLANNING:
 COUNCIL:

YES NO 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?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

STAFF:
 PLANNING:

COUNCIL:

YES NO 11. Is the subject property suitable for the current zoning to which it has been restricted?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

X STAFF: No change from the existing permitted uses is perceived.
X PLANNING: No change perceived.
COUNCIL:

YES NO 13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 15. What is the nature of the support or opposition to the request?

STAFF: None at this time.
PLANNING: None shown.
COUNCIL:

YES NO 16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

X STAFF: Approval as applied for.
X PLANNING: Staff recommends approval as applied for.
COUNCIL:

YES NO 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?

STAFF:

PLANNING: No deterrent perceived.

COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I, William Schnauber, move that we recommend to the Governing Body that Case No. Z-2014-04 be approved to change the zoning district classification from the B-6 Business District and I-1 Industrial District to the B-3 Central Shopping District based on findings 1-17 by the Planning Commission as recorded in the summary of this hearing. Motion seconded by Ken Boone. Motion carried 6/0.

Les Mangus noted this case and effectuating ordinance will be heard by the Governing Body on December 9, 2014.

7. Public Hearing on the proposed adoption of the Andover Area, Kansas 2014-2023 Comprehensive Plan and the accompanying Andover Park System Master Plan.

00:12:46

Lynn Heath opened the public hearing 7:10 p.m.

Sasha Stiles introduced Brian McMahon of Parsons Brinckerhoff.

Mr. McMahon presented an overview of the Comprehensive Plan including the main goals of the plan which include:

1. City Shaping- Keeping Andover Special
2. Accessibility
3. Housing Diversity
4. Commercial Image
5. Quality of Life
6. Sustainable resources

Following Mr. McMahon's presentation Sasha Stiles introduced David Foster of Rice Foster Associates.

Mr. Foster presented an overview of the Andover Park System Master Plan 2013-2024 which includes the following:

1. Existing Parks Facilities and Recreational Programs
2. Park and Recreational Needs Assessment
3. Future Park & Recreation System
4. Plan Implementation & Funding.

Ken Boone commented on the growing popularity of pickle ball at the 13th Street Park facility and stated he felt it should be included in this plan. Mr. Foster noted the plan does include a recommendation for the construction of outdoor pickle ball courts.

Brain Lindebak stated there is a very nice bike trail nearby on private land and asked if any of the trusts documented in this plan could be used to acquire a private/public partnership in creating more biking trails. Mr. Foster suggested working towards this and stated it could be noted in the plan.

Lynn Heath asked if there were any comments from the public. Hearing none Lynn Heath closed the public hearing at 8:08 p.m.

I, Lynn Heath, move that the Plan Adoption Resolution as read for the Andover Area, Kansas 2014-2023 Comprehensive Plan and accompanied by the City of Andover Park System Master Plan, 2014-2024 Element, as amended, be dated November 18, 2014 and adopted; and that the Plan and accompanying Element be recommended to the Governing Body for approval by and ordinance for publication. William Schnauber seconded the motion. Motion carried 6/0.

Les Mangus noted the Plan and Element will be certified by the Secretary, William E. Schnauber, and forwarded to the Governing Body for their consideration on December 30, 2014.

8. Member items. 01:11:35

Lee Butler asked for an update on the condition of Administrative Assistant Daynna DuFriend. Les Mangus stated she remains in a Wichita hospital but is improving daily.

A motion was made by Ken Boone, seconded by Brian Lindebak to adjourn at 8:11 p.m. Motion carried 6/0.

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 16th of December, 2014, by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.