

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS**
Tuesday, April 21, 2015
Minutes

1. Call to order. 00:00:00

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

2. Roll call. 00:01:14

Planning Commission members present were Chairman Coon, Ken Boone, Lynn Heath, William Schnauber, Brian Lindebak and new member Stefanie Gillespie. Aaron Masterson was absent. Others in attendance were Director of Public Works Les Mangus and Assistant City Administrator Jenni McCausland. Lee Butler arrived late at 7:07 pm. Stephanie Gillespie was welcomed by the other members and thanked for her service to the city of Andover.

A/V: Cindy Barrett

3. Approval of the minutes of the March 17, 2015 meeting. 00:02:22

A motion was made by Ken Boone, seconded by William Schnauber to approve minutes of the March 17, 2015 meeting. Motion carried 4/0/2 Stephanie Gillespie and Brian Lindebak abstained as they were not present.

4. Public hearing on Case Z-2015-01, an application for change of zoning district classification from the B-2 Neighborhood Business District to the B-3 Central Shopping District at 742 N. Andover Rd. The applicant desires to construct the second phase of the strip center for her interior design company. The proposed showroom and storage area exceed the 5000 sq. ft. limitation in the B-2 district. Staff supports the application as it is in conformance with the Comprehensive Plan suggestion to promote shopping nodes around the intersection of Andover Rd. and Central Ave.

Les Mangus explained that the applicant owns the existing building. In the past when it was platted and zoned, it was laid out for a second building which the past owner did not initiate. The applicant is in the interior design business desires to construct the second phase of the strip center for her interior design company. The proposed showroom and storage area is approximately 9000 sq. ft. which exceeds the 5000 sq. ft. limitation in the B-2 district and that is her reason for a rezoning request to a B-3 district.

Chairman Coon asked if the lady sitting in the audience was the applicant. She responded that she was a neighbor. Then he asked if the applicant was present. She was not. Les directed the attention of the committee to the architect of said building, Don Kimble to answer any questions.

Chairman Coon asked the neighbor seated in the audience to come up and ask her questions. Mrs. Kambra Gallagher stated her name and address as 739 N. Westchester and that her backyard touched the back of said property. Her primary concern was the future consequences of rezoning this area. She was not worried about the Interior Design store but more about what other businesses the rezoning would open the area to and as far as the residents were concerned that might be a problem in the future. She also mentioned that there would probably be an increase in lighting, noise and traffic, in the way similar to when the Dollar General store started out.

Chairman Coon asked Mr. Kimble to respond. Mr. Kimble explained the dimensions of the building and addressed drainage concerns by informing the audience that a surveyor and civil engineer were specifically hired to make sure that there are no drainage issue at the back of the building and all the water is directed to the designated drainage way.

Mr. Kimble continued to state that the back of the building is planned to have no doors or access. The building is also 20 ft. away from the back property line instead of the required 10 ft. This was done to allow the back property neighbors some space. Another pertinent point that Mr. Kimble made was that there was no additional lighting going to be added in the parking lot to what already exists, except on the face of the building which is facing west. Furthermore there would be no more parking changes. When asked about the general size of the building Mr. Kimble responded that it is going to be a separate structure and as compared to the phase one existing building of approximately 8600 sq. ft., the phase two new building would have approximately 9000 sq. ft. The north walls of the building will align.

Brian Lindebak asked Les if there was a landscaping buffer and Les responded that there was not.

Chairman Coon officially closed the public hearing to allow the commission to make their own comments.

Brian Lindebak voiced concerns about changing zoning district from B2 to B3 and suggested that an intense landscape buffer to provide a vertical separation would be appropriate.

Lynn Heath added that currently the existing and proposed buildings are benign but that may change in the near future and because this is a residential area, some restrictions should be added to filter out undesirable traffic and noise. He asked about the hours of operation and if a protective overlay could be used.

Les Mangus responded that a protective overlay maybe a good idea and he had come up with a list of uses in the B3 area that were not compatible. The list included automobile body repair shops, automobile repair shops, automobile sales rooms for new but not used car sales, hotels and motels, private clubs and taverns, drive in restaurants.

Ken Boone requested to see a sketch of the building and its actual location.

ANDOVER CITY PLANNING COMMISSION
Agenda Item No. 6

REZONING REPORT *

CASE NUMBER: Z-2015-01

APPLICANT/AGENT: Nahid Holmes – Design Source Interiors/Don Kimble, Architect

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

Legal Description: Lot 1, Block 1, of the Wendt 1st Addition, City of Andover, Butler County, Kansas;
AND

CASE HISTORY: Existing commercial strip center

LOCATION: The east side of Andover Road between Central Ave. and Crescent Lakes Dr.

SITE SIZE: ± 1.9 acres

PROPOSED USE: Design Center showroom

ADJACENT ZONING AND EXISTING LAND USE:

North: B-2 Andover Church of Christ parsonage

South: B-2 Dollar General Store

East: R-2 Single Family Residential District-Crescent Lakes Addition

West: R-1 & R-2 Single Family Residential District – Single Family residences

Background Information:

* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission's considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any,

should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant's reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

FACTORS AND FINDINGS:

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:
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:
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?

X STAFF:
X PLANNING:
COUNCIL:

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

X STAFF:
X 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: Bigger building/new building
 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: The project will need to be reviewed and approved by the Site Plan Review Committee.
 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: Not in the general area
 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: N.A.
 PLANNING:
 COUNCIL:

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

STAFF:

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?

STAFF: A slight increase in traffic and activity in the area.
 PLANNING: A slight increase in traffic and activity in the area.
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?

STAFF: The proposed use is consistent with the surrounding used along Andover Rd.
 PLANNING:
COUNCIL:

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

STAFF: The proposed use provides a service in the community and is located near one of the commercial nodes.
 PLANNING:
COUNCIL:

YES NO 15. What is the nature of the support or opposition to the request?
STAFF: None at this time.
PLANNING: Concerns by neighbors of light, traffic and noise.
COUNCIL:

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

STAFF: Approval as applied for.
PLANNING:
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:
COUNCIL:

Lynn Heath proceeded to ask Les Mangus if a protective overlay could be placed on the area, keeping it as B-2. Les responded that since B-2 is more restrictive than B-3, it would only be possible to do the reverse.

Brian Lindebak suggested a list of conditions that might be considered. He stated the following to be restricted; car wash, hotels and motels, auto service or sales, night clubs, drive thru restaurants, within 200 ft. of R-2 zoning district. He wants to see an intensive landscaping buffer and no lighting to fall on the R-2 zoning district, other than down shade lighting. He also stated that the maximum height of the building should be no more than 35 ft. within 200 ft. of R-2 zoning district.

Mr. Kimble was asked to comment. Don Kimble requested an exemption for the clock tower which would exceed that height and the committee was in agreement.

Motion made by Brian Lindebak to approve changing the Zoning District from B-2 to B-3 with a protective overlay which shall prohibit the following uses; car wash, hotels and motels, auto service or sales, night clubs, drive thru restaurants, within 200 ft. of R-2 zoning district, no lighting shall be cast on the R-2 zoning district other than down shade lighting, wall packs are not allowed to be used, the maximum height of the building should be no more than 35 ft. within 200 ft. of R-2 zoning district with the exception of a clock tower amenity. Motion was seconded by Lynn Heath. Motion carried 7/0.

6. Member Items.

00:35:30

Ken Boone stated that this was going to be his last meeting as he had submitted his resignation to Mayor Ben Lawrence in January.

A motion was made by Chairman Coon, seconded by Lynn Heath to adjourn at 7:36 p.m. Motion carried 7/0.

Respectfully Submitted by

Zahra Ehtisham

Management Intern and Assistant

Approved this 16th of June, 2015 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover