

(Complete Ordinance published at www.andoverks.com on April 9, 2022.)

ORDINANCE NO. 1830

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE ANDOVER CITY PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF ANDOVER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Andover, Kansas (the "City") has received a recommendation from the Andover City Planning Commission on Case No. Z-2022-02; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. Z-2022-02 on February 15, 2022, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1. The recommendation of the Planning Commission is hereby approved. The Zoning Regulations of the City of Andover, Kansas are hereby amended to establish the following change: Change of zoning district classification from the present SF-1 Single Family Residential / Low Density District to the B-3 Retail and Service Business District with the addition of an Arterial Transition Overlay District as presented by the applicant, conditioned upon the successful dedication of satisfactory half-street road right-of-way for Andover Road. The Arterial Transition Overlay District Restrictions and General Provisions are depicted in Exhibit A and incorporated herein.

Legal Description:

Lot Numbered Twelve (12) in Block Numbered Six (6) in Allen Bales Tracts, a Sub-division in the East Half (E1/2) of the Northeast Quarter (NE1/4) of Section Numbered Thirty (30), Township Numbered Twenty-Seven (27) South, Range Numbered Three (3) East of the Sixth Principal Meridian, Butler County, Kansas.

General Location

601 S. Andover Rd., Andover, Butler County, Kansas

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

Section 3. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and publication once in the official newspaper of the City.

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PASSED AND APPROVED by the Governing Body of the City of Andover, Kansas this
29th day of March 2022.

CITY OF ANDOVER, KANSAS

[seal]

Ronnie Price, Mayor

ATTEST:

Susan C. Renner, City Clerk

EXHIBIT A

B3 Retail and Service Business District WITH Arterial Transition Overlay (ATO) Restrictions

Case Number: Z-2022-02

General Provisions

03/10/2022

LEGAL DESCRIPTION

Lot 12, Block 6, ALLEN BALES TRACTS, a subdivision in the East Half of the Northeast Quarter of Section 30, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas

Commonly known as 601 S Andover, Rd., Andover, KS 67002-8805

1. General Development Plan/Areas and Descriptions:

This Zone Change contains an overall (gross) area of 41,100 sq. ft. or 0.94 acres more or less.
(net) area of 35,620 sq. ft. or 0.82 acres more or less.

This plan allows for the development of B-3 Retail and Service Business District as per the recitals herein.

The purpose of these general provisions is to integrate the unique aspects of this property being in close proximity to a proposed Backage Road along Andover Road and to provide reasonable options for planned development and increase its potential for the highest and best uses of the property. The overall goal of these provisions is to provide for an orderly transition from the current land use of residential to non-residential with existing residential land uses occurring nearby or adjoining the subject property while acknowledging plans for transportation improvements.

2. Land Uses:

The following uses are permitted for subject property:

All allowed uses within the B-2 Neighborhood Business District that are Permitted by right (P) and the following B-3 Retail and Service Business District uses that are Conditional Uses and Special Uses,

The following Conditional Uses (C):

Charging station for electric vehicles, Level 3 or greater (rapid charging) private; Fuel dispensers as an accessory use to operations of the principal use; Outdoor Operations, including display and storage of vehicle incidental to the principal use (see setback restrictions);

The following Special Uses (S):

Vehicle Rental is allowed EXCEPT for the following types of vehicles: Bus, Commercial Motor Vehicle, Farm Tractor, Farm Trailer, House Trailer, Motor Home, Motor Vehicle, Recreational Vehicle, Semitrailer, Trailer, Travel Trailer, Truck-Camper, and Truck Tractor.

All other types of vehicles as defined in Part 2 – Unified Development Ordinance Definitions of Vehicle are permitted as rental Vehicles.

Any vehicle display and storage shall be prohibited within the Street Yard, including the Backage Road (YMCA Drive).

3. Minimum Lot Size Requirement and Bulk Regulations:

As per the B-3 Retail and Service Business District standards and/or as specified below:

Minimum zoning lot area: 10,000 square feet.

Minimum zoning lot width at front building setback 75 feet.

Minimum zoning lot depth: 100 feet.

Maximum structure height: 45 feet.

Yard setback requirements:

Minimum front yard setback: 35 feet on all sides abutting a street.

Minimum side yard setback: 10 feet.
Backage Road Front Setback (South): 35 feet.
Minimum rear yard setback: 20 feet
Maximum zoning lot coverage: 35%.

4. Streets and Sidewalks:

- A. A new public street is anticipated on the south side of the subject property; Backage Road (YMCA Drive).
- B. The primary access to the Parcel re-development will be Andover Road and the future Backage Road (YMCA Drive). The planned site layout should incorporate and provision for the future Backage Road access.
- C. Off-site cross-lot access to commercial properties is encouraged, but not required.
- D. A sidewalk shall be constructed along the frontage of Andover Road at the time of re-development at the expense of the owner.
- E. Sidewalks shall be connected to the arterial street sidewalk system linking the buildings to the sidewalks.

5. Dedications

- A. Prior to the re-development, from the current land use, the property will be required to dedicate new access control to Andover Road and future Backage Road (YMCA Drive). The access controls shall be restricted as per the US 54/400 corridor study or as follows:
 - a. Andover Road shall have complete access control over and across the east line of the subject property, EXCEPT for one opening on the north 35 feet thereof. Said opening may be further restricted to a right turn only opening upon the construction of the Backage Road.
 - b. Backage Road (YMCA Drive) shall have complete access control over and across the south line of the subject property, EXCEPT for one opening on the west 60 feet thereof.