



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
SEPTEMBER 20, 2022 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Erik Pedersen called the meeting to order at 7:00 pm.

2. ROLL CALL

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Marla Canfield, and Vance Garwood. Chairperson Erik Pedersen was absent. Staff in attendance: Les Mangus, Director of Community Development and Justin Constantino, Assistant Director of Community Development. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE AUGUST 16, 2022 MEETING

Gary Israel made a motion to approve the minutes of the August 16, 2022 meeting as presented. Motion seconded by Vance Garwood. Motion carried 3/0/1. Erik Pedersen abstained.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that the City was within one single-family residential building permit as last year at this time, so this appears to be the new normal as permits remain steady.

Mr. Israel asked if there was a breakdown of the permits being new builds versus new construction from the tornado damage. Mr. Mangus stated that tornado reconstruction is tracked separately.

Mr. Pedersen asked if Les had any information in regards to whether the supply chain has stabilized. Mr. Mangus stated that we are still far from normal in terms of material supply chain but that contractors have mentioned that they are starting to catch up to the market.

5. AGENDA

5.1 Z-SU22-0002 – PUBLIC HEARING AND RECOMMENDATION ON A SPECIAL USE APPLICATION TO ALLOW A CAR WASH ON THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF E. CLOUD AVENUE AND S. PLAZA STREET, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:03 pm.

Mr. Mangus stated that the subject properties form a fairly large site and that the applicant desires to construct a car wash. Mr. Mangus stated that the subject property is in the Marketplace PUD which dates back to the late 1990s and after several revisions and amendments in the 200s through today there are only a few undeveloped lots. Mr. Mangus stated that the property is zoned B-3, and that the B-3 zoning designation does not allow for the outright use of a car wash without a special use permit. Mr. Mangus stated that the subject property is in a peculiar position because it is located between Cloud Avenue and the future frontage roads. Mr. Mangus stated that the strip of land between the subject property and the US 54/400 right-of-way was acquired by the KDOT and the City of Andover approximately 15 years ago in anticipation of the future freeway expansion project.

Ms. Canfield asked if the future highway will have an exit onto Plaza Street. Mr. Mangus stated that Plaza Street will be east of the ramp and will therefore have direct access to the one-way frontage road.

Mr. Israel shared a brief presentation and stated that he had taken some photos of the surrounding area to provide some context for the proposed development. Mr. Israel discussed the potential configuration of the proposed Tommy's Car Wash, and provided photos of existing Tommy's Car Washes and the distinct look of their other buildings.

Adam Clements of Builders Inc., representing the applicant, stated that there has been a lot of activity near the proposed site and that utilizing the three properties will likely allow for some unused space. Mr. Clements stated that they will have a remnant of approximately 25,000 square feet on the far west side of the property that they intend to offer to Marketplace for some sort of different use.

Mr. Israel stated that traffic queuing is a concern and asked how the car wash will mitigate potential traffic issues. Mr. Clements stated that Tommy's Car Washes are designed to get customers in and out of the site quickly using license plate scanning technology that allows for quicker car washes.

Chairperson Pedersen closed the public hearing at 7:23 pm.

STAFF ITEMS

1.	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 if the change in zoning were approved?
STAFF	The subject property is served with public streets, water, and sewer
2.	If the special use request was approved, would the subject property need to be platted or replatted, or have in-lieu-of dedications made, in order to provide needed rights-of-way, easements, building setback lines, or access control?
STAFF	The subject property is platted and adequate access controls have been applied in conformance with the US-54/400 Corridor Study.
3.	If the special use request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	Screening and buffering are not required by the Unified Development Manual. However, the US-54/400 Corridor Study recommends that "The view must be considered in the design and will require higher quality architectural and design treatments. At a minimum, view termination points cannot include trash enclosures, service entrances, or truck access."
4.	What fact-based information in support of or in opposition to the requested zoning change has staff received?
STAFF	None at this time.

5. If there has been an error in the application of these Zoning Regulations to the subject property, would the requested zoning change correct the error?

STAFF | No errors are known to exist.

STAFF & COMMISSION/COUNCIL ITEMS

6. How suitable or unsuitable is the subject property for its current use?

STAFF | The subject property is suitable for its current zoning.

PLANNING | Concur.

COUNCIL

7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the special use request?

STAFF | No.

PLANNING | Concur.

COUNCIL

8. How reasonably well-suited will the requested special use of the subject property be with the current zoning of nearby properties.

STAFF | The proposed use could be compatible with surrounding uses with adequate architectural design treatments, screening, and landscaping.

PLANNING | Concur.

COUNCIL

9. Has the special use been requested because conditions in the area of the subject property have changed or are changing? If so, what is the nature and significance of these conditions?

STAFF | No.

PLANNING | Concur.

COUNCIL

10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?

STAFF | The surrounding land uses are widely mixed and proposed for transition to a more uniform mixed commercial land use pattern by the US-54/400 Corridor Study.

PLANNING COUNCIL	Concur.
11.	Would the proposed special use of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?
STAFF	The proposed use is more intense than most of the permitted uses in the B-3 zone and would therefore have detrimental effects to nearby uses if not properly designed and landscaped.
PLANNING COUNCIL	Concur.
12.	How would the requested special use conform with the City's Comprehensive Plan and other adopted master plans and policies.
STAFF	The surrounding land uses are widely mixed and proposed for transition to a more uniform mixed commercial land use pattern by the US-54/400 Corridor Study. The proposed use is contrary to the implementation of the US-54/400 Corridor Study Principle "To promote active streets, auto-oriented uses including service stations and drive through facilities should be discouraged within one-quarter mile radius of planned nodes."
PLANNING COUNCIL	Concur.
13.	Do any professional persons knowledgeable on conditions that affect this special use request have information or recommendations to provide, which would be helpful in its evaluation?
STAFF	Approval with a condition to require architectural design treatments to the proposed building, landscaping, and screening of the entrance and exit of the car wash to better conform to the US-54/400 Corridor Study Urban Design Recommendations.
PLANNING COUNCIL	Concur.
14.	How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current use to the requested use?
STAFF	Without adequate architectural design treatments to the building and screening the proposed use could have an impact to the public health, safety, and welfare, which would outweigh the hardship imposed on the applicant.

Mr. Israel stated that architectural design, landscaping, and screening have been mentioned by staff multiple times in their report and would recommend that the Site Plan Review Committee take extra care when reviewing the future site plan for the proposed project. Mr. Israel also mentioned that a traffic study should be completed by a professional traffic operations engineer to ensure that the traffic in the area isn't impeded by the proposed development. Mr. Mangus stated that he agreed with Mr. Israel particularly with the new freeway improvements looming over the next few years.

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel motioned that the Planning Commission recommend to the Governing Body that Case No. Z-SU22-0002 be approved based on the findings of the Planning Commission on findings 8, 10, and 12 as recorded in the summary of this hearing and that the applicant produce a traffic study from a professional traffic operations engineer to determine the impact of the proposed development on the traffic in the proposed location. Motion seconded by Vance Garwood. Motion carried 4-0.

6. MEMBER ITEMS

Mr. Israel asked about the status of the vacant gas station property at Andover Road and US 54/400. Mr. Mangus stated that the property is in the path of the future freeway improvements and that the uneconomic remnants of the property won't be viable for future development.

Mr. Pedersen asked about the future of the YMCA building. Mr. Mangus stated that the YMCA is slated for reconstruction after the tornado and will not be moved from its current location as a result of the freeway improvements.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Vance Garwood seconded the motion. Motion carried 4/0. The meeting was adjourned at 7:40 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 18th day of October 2022 by the City of Andover Planning Commission.