



PLANNING & ZONING
1609 E. CENTRAL AVE.
ANDOVER, KS 67002
316.733.1303

PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

MAY 16, 2023 | 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, Kirsten Barnes, and Vance Garwood. Members Marla Canfield and David Foley were 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 APRIL 18, 2023 MEETING

Gary Israel made a motion to approve the minutes of the April 18, 2023 meeting as presented. Motion seconded by Erik Pedersen. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that there was a substantial uptick in residential building permits due to The Heritage Second Addition and Courtyards at Cornerstone coming online.

5. AGENDA

5.1 FINAL PLAT – REVIEW AND APPROVAL OF THE ONEWOOD DRIVE FINAL PLAT GENERALLY LOCATED NORTH OF US 54/400 AT THE ENTRANCE OF GREEN VALLEY GREENS 8TH ADDITION, ANDOVER, KANSAS

Mr. Constantino stated that the approved Course at Green Valley Greens 8th Addition Final Plat included reserves (Reserve A) in the center median of Onewood Drive intended for landscaping, irrigation, and entry monument signage. Mr. Constantino stated that when Onewood Drive was constructed, the medians were built in error just outside of the platted reserves, and that the applicant is seeking to correct the location of the median reserves through a replat of Onewood Drive.

Mr. Constantino stated that the entrance of Onewood Drive will ultimately be affected by the expansion and widening of US 54/400 as additional right-of-way is required for Phase 1 of the project. Mr. Constantino stated that the right-of-way needed for the highway expansion project will consume the first of three medians at the entrance to the subdivision, and that this plat will serve the additional purpose of essentially relocating the first median out of the future right-of-way and further back along Onewood Drive, allowing the subdivision and HOA to retain the welcoming aesthetic of the entrance. Mr. Constantino stated that the Subdivision Committee reviewed the application at their January 10th meeting and recommended that the Planning Commission approve the final plat.

Gary Israel made a motion to approve the Onewood Drive Final Plat. Motion seconded by Vance Garwood. Motion carried 4/0.

5.2 **FINAL PUD** – REVIEW AND APPROVAL OF THE COTTAGES AT CORNERSTONE FINAL PUD GENERALLY LOCATED NORTH OF W. 21ST STREET AND WEST OF N. ANDOVER ROAD, ANDOVER, KANSAS

Mr. Constantino stated that the applicant is proposing 80 total lots on approximately 15 acres of property located within Parcels 15A & 15B of The Cornerstone Addition Preliminary PUD Plan. Mr. Constantino stated that water and sewer service for the 80 lots within the proposed Cottages at Cornerstone will be served by the City of Andover and will need to be extended to serve the newly-proposed lots. Mr. Constantino stated that the subject properties will receive access from Cornerstone Parkway to the north and will also have a 30-foot emergency access easement onto N. Andover Road.

Mr. Constantino stated that the Subdivision Committee reviewed the Final PUD at their May 9th meeting and recommended that the Planning Commission approve the Final PUD contingent upon the applicant addressing any outstanding staff comments and that comments have been addressed.

Gary Israel made a motion to approve the Cottages at Cornerstone Final PUD Plan. Motion seconded by Vance Garwood. Motion carried 4/0.

Kirsten Barnes made a motion to adjourn the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Gary Israel. Motion carried 4/0.

5.3 **BZA-V22-0005** – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE TO REDUCE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FOR MEDICAL AND DENTAL CLINICS BY 6 FROM 61 REQUIRED PARKING SPACES TO 55 PARKING SPACES GENERALLY LOCATED AT 819 E. HIGHWAY 54, ANDOVER, KANSAS

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

Mr. Mangus stated that the applicant intends to develop the subject property with one approximate 5,600 square foot building. Mr. Mangus stated that the building will be split into two distinct uses: a dental office and restaurant space, and that the applicant is seeking a variance to reduce the required number of off-street parking spaces for medical and dental clinics or offices by six from 61 parking spaces to 55 parking spaces permitted by Subsection 7-101.B2.h of the UDM.

Mr. Pedersen asked if the restaurant would be the north or south tenant. Kevin Graham of MKEC Engineering, representing the applicant, said that it would occupy the north side. Mr. Graham confirmed that they were seeking a variance strictly for the office component of the building.

Mr. Israel asked if the two tenants would be open at the same time. Mr. Graham said it was likely, but it depends on the tenants.

Chairperson Pedersen closed the public hearing at 7:27 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.

STAFF	The subject property is a part of a mixed-use shopping area, which will have multiple tenants that share a parking lot.
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BZA	Concur.
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2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
	STAFF	No detriment and/or injury to other property or improvements is anticipated.
	BZA	Concur.
3.	Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.	
	STAFF	The subject property is a part of a mixed-use shopping area, which will have multiple tenants that share a parking lot. The demand for parking for the multiple tenants is not likely to occur at the same time. Staff does not anticipate adverse effects in the neighborhood.
	BZA	Concur.
4.	The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.	
	STAFF	The applicant believes that the strict application of parking requirements would result in excessive paved parking.
	BZA	Concur.

SPECIFIC CONDITIONS TO BE MET:

1.	The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.	
	STAFF	The subject property is a part of a mixed-use shopping area, which will have multiple tenants that share a parking lot. The proposed dental clinic within a multi-tenant building is not ordinarily anticipated.
	BZA	Concur.
2.	Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.	
	STAFF	The applicant believes that the strict application of parking requirements would result in excessive paved parking.
	BZA	Concur.
3.	Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
	STAFF	The subject property is a part of a mixed-use shopping area, which will have multiple tenants that share a parking lot. The demand for parking for the multiple tenants is

	not likely to occur at the same time. Staff does not anticipate adverse effects in the neighborhood.
BZA	Concur.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The subject property is a part of a mixed-use shopping area, which will have multiple tenants that share a parking lot. The demand for parking for the multiple tenants is not likely to occur at the same time. Staff does not anticipate adverse effects in the neighborhood.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of required parking standards is to insure an adequate supply of off-street parking for individual land uses. The subject property is a part of a mixed-use shopping area, which will have multiple tenants that share a parking lot. The demand for parking for the multiple tenants is not likely to occur at the same time.
BZA	Concur.

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V23-0005. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.4 BZA-V22-0003 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 1000 SQUARE FEET FROM THE 300 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 706 BRAMERTON COURT, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:34 pm.

Mr. Mangus stated that the applicant is seeking a variance of 1000 square feet from the 300 square foot maximum floor area permitted for the purpose of constructing a 1,300 square foot accessory structure on the subject property. Mr. Mangus stated that the applicant recently purchased a 2,300 square foot rectangular parcel from the Terradyne Country Club located at the rear of the existing property, and that the the applicant desires to construct an accessory structure within the newly-acquired parcel.

Wade Bryant, the applicant, described the project and mentioned that he has discussed his plans with his neighbors to their approval.

Chairperson Pedersen closed the public hearing at 7:41 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1.	The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.	
	STAFF	The subject property is a 0.46-acre lot, including the lot area purchased from the golf course. The additional parcel provides adequate space for the proposed accessory structure while allowing adequate separation from nearby residences.
	BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
	STAFF	No detriment and/or injury to other property or improvements is anticipated.
	BZA	Concur.
3.	Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.	
	STAFF	The subject property is a 0.46-acre lot, including the lot area purchased from the golf course. The additional parcel provides adequate space for the proposed accessory structure while allowing adequate separation from nearby residences. No adverse effects are anticipated.
	BZA	Concur.
4.	The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.	
	STAFF	The applicant has declared the intended use to be a pool house structure.
	BZA	Concur.

SPECIFIC CONDITIONS TO BE MET:

1..	The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.	
	STAFF	The subject property is a 0.46-acre lot, including the lot area purchased from the golf course. The additional parcel provides adequate space for the proposed accessory structure while allowing adequate separation from nearby residences.
	BZA	Concur.

<p>2.</p> <p>STAFF</p> <p>BZA</p>	<p>Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.</p> <p>The intent of maximum accessory structure size limitations is to insure that the accessory structure does not overwhelm the neighborhood. In this case the applicant has purchased an adjacent parcel that is isolated from the adjacent neighborhood behind his residence, which provides some separation and screening from the</p> <p>Concur.</p>
<p>3.</p> <p>STAFF</p> <p>BZA</p>	<p>Granting the variance will not adversely affect the rights of adjacent property owners or residents.</p> <p>The subject property is a 0.46-acre lot, including the lot area purchased from the golf course. The additional parcel provides adequate space for the proposed accessory structure while allowing adequate separation from nearby residences.</p> <p>Concur.</p>
<p>4.</p> <p>STAFF</p> <p>BZA</p>	<p>The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.</p> <p>The subject property is a 0.46-acre lot, including the lot area purchased from the golf course. The additional parcel provides adequate space for the proposed accessory structure while allowing adequate separation from nearby residences.</p> <p>Concur.</p>
<p>5.</p> <p>STAFF</p> <p>BZA</p>	<p>The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.</p> <p>The subject property is a 0.46-acre lot, including the lot area purchased from the golf course. The additional parcel provides adequate space for the proposed accessory structure while allowing adequate separation from nearby residences or overwhelming the neighborhood.</p> <p>Concur.</p>

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V23-0003. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.5 BZA-V22-0006 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 300 SQUARE FEET FROM THE 500 SQUARE FOOT MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE, EXCEEDING THE AGGREGATE TOTAL FLOOR AREA OF ALL ACCESSORY BUILDINGS AND STRUCTURES BY 2,411 SQUARE FEET, AND EXCEEDING THE ACCESSORY STRUCTURE’S MAXIMUM PERMITTED GROSS FLOOR AREA OF 1000 BY 3,699 SQUARE FEET ON THE PROPERTY GENERALLY LOCATED AT 726 S. 159TH STREET EAST, WICHITA, KANSAS

Chairperson Pedersen opened the public hearing at 7:46 pm.

Mr. Mangus stated that the applicant is seeking a variance of 300 square feet from the 500 square foot maximum floor area of an accessory structure permitted by Subsection 7-100.E5.a(1) of the UDM for the purpose of constructing an 800 square foot accessory structure on the property. Mr. Mangus stated that because the applicant already has two accessory structures on the property, the applicant will be exceeding the aggregate total floor area of all accessory buildings and structures of 2,288 square feet by 2,411 square feet and exceeding the accessory structure's maximum permitted gross floor area of 1,000 by 3,699 square feet.

Dennis Bush, the applicant, explained the project and the layout of the proposed accessory structure on his property.

Chairperson Pedersen closed the public hearing at 7:53 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1.	The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.	
	STAFF	The subject property is a 9.8-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
	STAFF	No detriment and/or injury to other property or improvements is anticipated.
	BZA	Concur.
3.	Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.	
	STAFF	The subject property is a 9.8-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences. No adverse effects are anticipated.
	BZA	Concur.
4.	The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.	
	STAFF	The applicant has declared the intended use to be an accessory storage structure.
	BZA	Concur.

SPECIFIC CONDITIONS TO BE MET:

1.	The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.	
	STAFF	The subject property is a 9.8-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	BZA	Concur.
2.	Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.	
	STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property is 9.8-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%.
	BZA	Concur.
3.	Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
	STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property is 9.8-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%.
	BZA	Concur.
4.	The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
	STAFF	The subject property is a 9.8-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	BZA	Concur.
5.	The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
	STAFF	The intent of accessory structure limitations is to assure that the size of accessory structures does not overwhelm the single-family look and feel of the neighborhood. The subject property is 9.8-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%.
	BZA	Concur.

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V23-0006. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.6 BZA-V22-0004 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 2 FEET FROM THE REQUIRED 4-FOOT FRONT YARD FENCE HEIGHT ON THE PROPERTY GENERALLY LOCATED AT 123 W. CLOUD AVENUE, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:58 pm.

Mr. Mangus stated that the applicant is seeking a variance to construct an addition to the existing auto body repair shop located at the neighboring 115 W. Cloud Avenue, and the fence will serve as an accessory to the auto body repair shop use. The applicant has submitted a corresponding special use application to allow for an auto body shop or auto repair shop on the property located at 123 W. Cloud Avenue.

Russ Avey of Baughman Company, representing the applicant, stated that there will not be any access drives off of Cloud Avenue. Mr. Avey also provided a summary of the fence project.

Chairperson Pedersen closed the public hearing at 8:07 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.	
STAFF	The subject property is a triangular corner lot in the "Lifestyle Corridor" within the US-54/400 Corridor. The proposed body shop expansion requires careful screening of vehicles and materials stored outside of the structure, which would include a minimum 6-foot-high solid screening fence.
BZA	Concur.
2. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
STAFF	No detriment and/or injury to other property or improvements is anticipated.
BZA	Concur.
3. Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.	
STAFF	No adverse effects are anticipated.
BZA	Concur.
4. The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.	

STAFF	The proposed body shop expansion requires careful screening of vehicles and materials stored outside of the structure, which would include a minimum 6 foot high solid screening fence.
BZA	Concur.

SPECIFIC CONDITIONS TO BE MET:

1. The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.	
STAFF	The subject property is in the "Lifestyle Corridor" within the US-54/400 Corridor. The proposed body shop expansion requires careful screening of vehicles and materials stored outside of the structure, which would include a minimum 6 foot high solid screening fence.
BZA	Concur.
2. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.	
STAFF	The subject property is in the "Lifestyle Corridor" within the US-54/400 Corridor. The proposed body shop expansion requires careful screening of vehicles and materials stored outside of the structure, which would include a minimum 6 foot high solid screening fence.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	No adverse effects are anticipated.
BZA	Concur.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	No adverse effects are anticipated.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The subject property is a triangular corner lot within the "Lifestyle Corridor" in the US-54/400 Corridor. The Comprehensive Plan suggests preservation of the views and aesthetics in the corridor. The storage of vehicles in the rear of the building requires careful screening in order not to have a detrimental affect on the aesthetics of the area. The requested variance for a taller screening fence promotes the preservation of the aesthetics of the area.

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V23-0004. Motion seconded by Kirsten Barnes. Motion carried 4/0.

Kirsten Barnes made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Gary Israel. Motion carried 4/0.

5.7 Z-SU23-0004 – PUBLIC HEARING AND RECOMMENDATION ON A SPECIAL USE APPLICATION TO ALLOW AN AUTO REPAIR SHOP OR BODY SHOP ON THE PROPERTY GENERALLY LOCATED AT 123 W. CLOUD AVENUE, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 8:11 pm.

Mr. Mangus stated that the applicant owns and operates the body shop located to the east of the subject property and his intent is to expand the special use to the subject property. Mr. Mangus stated that the applicant has a special use for his existing site at 115 W. Cloud Avenue and now the applicant is requesting to expand that over to the adjacent subject property at 1234 W. Cloud Avenue.

Russ Avey of Baughman Company, representing the applicant, stated that the expansion will be utilizing the same building materials and color scheme as the existing building and will be one uniform development.

Mr. Israel asked about the size of the expansion. Mr. Avey said that the expansion would be about 18- 20 feet that would go into the platted lot. Mr. Israel asked if future expansions would require Planning Commission review. Mr. Mangus stated that the applicant would only be subject to Site Plan Review. Mr. Israel asked if the use would include a salvage yard or anything similar. Mr. Mangus stated that the language in the special use ordinance only allows for a body shop or auto repair shop.

Chairperson Pedersen closed the public hearing at 8:18 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 required by the Unified Development Manual. And, 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." To that end, Staff would recommend that any vehicle storage areas be fully screened from view to a height of at least six feet.
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 and screening of storage areas.
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	
<p>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p> <p>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.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>	
<p>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?</p> <p>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 screened.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>	
<p>12. How would the requested special use conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>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."</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>	
<p>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?</p> <p>STAFF Approval with a condition to require architectural design treatments to the proposed building, and screening of the storage area to better conform with the US-54/400 Corridor Study Urban Design Recommendations.</p>	

PLANNING	Concur.
COUNCIL	
<p>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?</p>	
STAFF	Without adequate screening the proposed use could have an impact to the public health, safety, and welfare, which would outweigh the hardship imposed on the applicant.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel moved that the Planning Commission recommend that case Z-SU23-0004 be approved based on the findings 6, 8, and 10. Motion seconded by Vance Garwood. Motion carried 4/0.

5.8 Z-SU23-0002 – PUBLIC HEARING AND RECOMMENDATION ON A SPECIAL USE APPLICATION TO ALLOW FOR CAR SALES ON THE PROPERTY GENERALLY LOCATED AT 311 W. CENTRAL AVENUE, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 8:27 pm.

Mr. Mangus stated that the property is oddly shaped and is approximately five times long as it is wide and is nonconforming for the bulk regulations of the B-4 zoning district. Mr. Mangus stated that the request for car sales would be in conjunction with the existing chiropractic office in the building.

Irving Morales, the applicant, stated that they are planning on car sales with the cars parked to the east within the property. Mr. Israel asked if the sales office would be out of the chiropractic office. Mr. Morales said yes. Mr. Israel asked about signage. Mr. Morales said that they would share signage with the chiropractor on the building.

Steven Bailey, the chiropractor and owner of the building, stated that he doesn't use the parking spaces and thinks the special use is appropriate.

Mr. Israel asked if vehicle repair work would be done on the property. Mr. Morales said no. Chairperson Pedersen closed the public hearing at 8:36 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. However, additional street right of way dedication would be required to meet the 50 foot minimum half arterial street width.
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.
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 and screening of storage areas.
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.
PLANNING	Concur.
COUNCIL	
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 comparable to surrounding properties.
PLANNING	Concur.
COUNCIL	
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 as is proposed in the Comprehensive Plan.
PLANNING	Concur.
COUNCIL	
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 dedicate street right of way to the 50 foot minimum arterial street standard.
PLANNING	Concur.
COUNCIL	

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	No loss to the public health, safety, and welfare, are anticipated which would outweigh the hardship imposed on the applicant.
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PLANNING	Concur.
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COUNCIL	
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Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel moved that the Planning Commission recommend that case Z-SU23-0002 be approved based on the findings 6, 8, 10, and 12. Motion seconded by Vance Garwood. Motion carried 4/0.

6. MEMBER ITEMS

None.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Erik Pedersen seconded the motion. Motion carried 4/0. The meeting was adjourned at 8:50 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 20th day of June 2023 by the City of Andover Planning Commission.