



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

PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

MAY 21, 2024 | 7:00 P.M.

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Garwood called the meeting to order at 7:00 P.M.

2. ROLL CALL

Committee members in attendance: Chairperson Vance Garwood; Marla Canfield; Gary Israel; David Foley; Peter Fox; and Clint Teinert.

Staff members in attendance: David Westphall, Zoning Administrator; Jennifer McCausland, City Administrator; and Jolene Graham, Assistant City Administrator.

3. APPROVAL OF THE MINUTES OF THE APRIL 16, 2024 MEETING

Gary Israel made a motion to approve the minutes of the April 16, 2024 meeting as presented. Motion seconded by David Foley. Motion carried 6/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

5.1 Z-PUD24-0003 – PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CORNERSTONE PUD; DEFERRED BY REQUEST OF THE APPLICANT TO THE JUNE 18TH MEETING OF THE PLANNING COMMISSION & BOARD OF ZONING APPEALS

Chairperson Garwood explained that the applicant had elected for this item to be deferred to the June 18th meeting of the Planning Commission. No discussion was held.

5.2 ANNEXATION PETITION – REVIEW OF AND RECOMMENDATION ON THE ANNEXATION PETITION FOR THE GREEN MEADOW PROPERTIES ADDITION

Mr. Westphall stated that this item is one the Committee has seen before, and that this annexation item is paired with the following Final Plat item. He added that the property will be connected to stormwater sewers.

Chairperson Garwood stated that on this and the following item, he will recuse himself from discussion and voting, due to his personal relationship with the property owner.

Mr. Israel asked if the road in front of the property will be paved. Mr. Westphall confirmed as much, stating that the fire turnaround is the main concern now, but that in the future the county plans to develop further along this road.

Gary Israel made a motion to recommend approval of the Green Meadow Property Annexation. Motion seconded by Peter Fox. Motion carried 5/0.

5.3 FINAL PLAT – REVIEW OF AND RECOMMENDATION ON THE GREEN MEADOW PROPERTIES FINAL PLAT, ANDOVER, KANSAS

Mr. Westphall stated that the Committee is familiar with the item, and reiterated that the fire hydrant issue which had held up this project has been resolved.

Mr. Fox asked for some clarification on the plat document depictions. Chairperson Garwood and Mr. Westphall were able to provide explanation for the drawing.

Marla Canfield made a motion to recommend approval of the Green Meadow Properties Final Plat. Motion seconded by Gary Israel. Motion carried 5/0.

5.4 FINAL PLAT – REVIEW OF AND RECOMMENDATION ON THE PRAIRIE CREEK 7TH ADDITION FINAL PLAT, ANDOVER, KANSAS

Mr. Westphall stated that this is another ongoing project, being the 7th phase of the Prairie Creek development. He added that the developers predict 1-2 more phases before the development is finished. He mentioned some plat requirements, including a reserve that will be dedicated to become a City park.

Mr. Israel asked from which road the park would be accessible. Kris Rose, the applicant with Baughman, confirmed that the entrance would be along Limestone, south of Lot 12. Mr. Rose added that the other platted reserve is a drainage area.

Gary Israel made a motion to recommend approval of the Prairie Creek 7th Addition Final Plat. Motion seconded by David Foley. Motion carried 6/0.

5.5 Z-SU24-0002 – PUBLIC HEARING ON A SPECIAL USE APPLICATION TO ALLOW FOR LONG-TERM PERSONAL VEHICLE STORAGE ON THE PROPERTY GENERALLY LOCATED AT 115 W. ALLISON STREET, ANDOVER, KANSAS

Chairperson Garwood opened the public hearing at 7:11 P.M.

Mr. Westphall introduced the subject property, zoned B-2, which the Committee is familiar with, having recently approved a Variance for a structure on the property. He stated that the intended structure will be made ADA-compliant, and will be used to store classic cars and host friends and family for small get-togethers.

Mr. Israel asked if the structure will go before the Site Plan Review Committee. Mr. Westphall responded that a Site Plan had already been looked at by Staff as part of the initial negotiation for the Variance. Mr. Israel then asked why a new metal building was being approved, assuming that the guideline of 'no new metal buildings' was still in effect. Mr. Foley clarified that this guideline is mainly for properties along Andover Road itself.

Chairperson Garwood closed the public hearing at 7:18 P.M.

STAFF ITEMS

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| 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 change in zoning were approved? |
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STAFF	The subject property is served with public streets, water, and sewer
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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	No, the property is platted.
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. The applicant has incorporated three foot shrubs in the screening plan to ensure that the parking lot meets UDM standards.
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 unusual shape and size of the lot (a product of it having been platted many decade ago) makes it difficult to suit most businesses for which it is zoned. This use would be more suitable for the property than its current use.
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	Yes, again due to the size and shape of the lot, it has remained vacant for many years. This would factor favorably into the special use request.
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 and screening.
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 predominantly B-2 and B-1 zoning districts. The character of the proposed structure would match the character and improve the condition of the surrounding neighborhood.
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	No detrimental effects are anticipated.
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 Place Type for the subject property within the City's Comprehensive plan is the Traditional Neighborhood, the proposed special use would provide local access to services.
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	No.

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	The requested change is not anticipated to impact public health, safety, and welfare because adequate screening and light control measures are outright required. The applicant has conferred with staff to make sure these controls will be implemented into the site plan and structure.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case Z-SU24-0002 be approved based on findings 6, 8, 10, and 12. Motion seconded by Peter Fox. Motion carried 6/0.

5.6 **Z-SU24-0003 – PUBLIC HEARING ON A SPECIAL USE APPLICATION TO ALLOW FOR SALE AND CONSUMPTION OF FOOD, DRINKS, ALCOHOLIC BEVERAGES, AND THE SALE OF MERCHANDISE ON THE PROPERTY GENERALLY LOCATED AT 1609 E. CENTRAL AVENUE, ANDOVER, KANSAS**

Chairperson Garwood opened the public hearing at 7:25 P.M.

Mr. Westphall explained that the Special Use permit is intended to allow the City and ASM to retain a license for the aforementioned events in Central Park, without having to obtain a catering license every time an event is held.

Mr. Israel asked what was depicted by the small square in the aerial map that is not a part of the park. Mr. Westphall stated that he believes it to be the land that the cell tower sits on. Ms. McCausland confirmed as much, stating that the City leases out the land to the cell tower owner.

Ms. Canfield asked if the Special Use permit would mean that anyone could sell alcohol in Central Park. Ms. McCausland explained that sales still require a license from the State, which this permit assists in obtaining.

Mr. Fox asked if the permit would apply across the entire park. Staff confirmed.

Catherine Ewing with ASM was in attendance. She stated that indeed the goal is to obtain the same permit classification from the state as ASM holds in Wichita for other locations.

Mr. Foley asked what types of alcoholic beverages would be sold. Ms. Ewing replied that mixed drinks, wine, beer, and soft drinks could all be served.

Chairperson Garwood closed the public hearing at 7:32 P.M.

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 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, access control?
STAFF	The property is already platted.
3.	If the special use request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	SPRC Guidelines would not require screening for this special use.
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 would be well-suited with the zoning of nearby properties.
		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 subject property is predominantly surrounded by Bulter County zoning Agricultural District 40 and used as rural private residences.
		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	No.
		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 requested special use would fit into the Comprehensive Plan's Parks and Recreation Asset Placetype that provides community recreation centers as well as a civic facility.
		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	No.

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	The change would have no foreseeable adverse impact on public health, safety or welfare.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, David Foley made a motion that the Planning Commission recommend that case Z-SU24-0003 be approved based on findings 6, 8, 10, and 12. Motion seconded by Gary Israel. Motion carried 6/0.

6 MEMBER ITEMS

Mr. Israel spoke about the recent Active Threat drills at City Hall, praising the first responders in Andover.

Mr. Foley asked if a sign to indicate the correct driveway for the Wastewater Treatment Plan could be installed, as he often has confused drivers come up his private drive before realizing that they have the wrong entrance. Ms. McCausland stated that there is a sign but it may be hard to see, so the City will look into another sign to help.

7 ADJOURN

Chairperson Garwood made a motion to adjourn the meeting. Motion seconded by Gary Israel. Motion carried 6/0.

Meeting adjourned at 7:44 P.M.