



1. CALL TO ORDER

Chairperson Allison called the meeting to order at 6:01 P.M.

2. ROLL CALL

Committee members in attendance: Chairperson Doug Allison; Brian Schwan; Jeff Adelson; Kevin Graham; and Homer Henry.

Staff members in attendance: Les Mangus, Director of Community Development; David Westphall, Zoning Administrator; Jolene Graham, Assistant City Administrator; and Connor Boyd, Planning Technician.

3. APPROVAL OF THE MINUTES OF THE MAY 7, 2024 MEETING

Homer Henry made a motion to approve the minutes of the May 7, 2024 meeting as presented. Motion seconded by Brian Schwan. Motion carried 5/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

5.1 SP-A24-0009 — REVIEW AND APPROVAL OF THE SITE PLAN FOR RENEW CONSIGN AND CAFÉ, GENERALLY LOCATED AT 403 W. CENTRAL AVENUE, ANDOVER, KANSAS

Mr. Westphall began by introducing the subject property on behalf of the applicants. He stated that the site plan consists of two items: a wooden patio, which was the original item sent for approval in 2022, and a restriping of the parking lot, which accommodates the patio, since the latter consumes three parking spaces, including encroaching into an ADA-accessible space. He elaborated on the conditions of the original submittal: in 2022, a Conditional Use permit was granted to allow for the construction of the patio during the COVID pandemic. The permit was approved with the condition that a Site Plan for the parking lot and patio be submitted within 180 days- no such plan was ever submitted. Mr. Westphall added that Staff has worked closely with the applicant to create the Site Plan presented for approval, in order to bring all elements into compliance with necessary standards.

Chairperson Allison asked what the standard size is for ADA-accessible parking spaces. Mr. Mangus and Mr. Westphall stated that the standard size is approximately 11 feet with a 5-foot buffer for loading and unloading, but that extra room was available to adjust the exact width of the spaces as needed.

Mr. Henry asked for how long the Conditional Use permit had been lapsed. Mr. Boyd answered that the permit was valid for 180 days unless a Site Plan was approved, so the permit had been



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lapsed since the end of that time period in late 2022. Mr. Boyd was not able to produce an exact number of days.

Mr. Henry then asked if the patio as it currently stands meets the Unified Development Manual requirements for such a structure. Mr. Mangus replied that yes, the structure had been inspected by the Code Enforcement department, and found to be in compliance. He added that the rest of the lot and the building itself are all Legal Nonconforming items, since they precede the current zoning code.

Mr. Henry asked if the pallet-based construction of the patio is indeed structurally sound- he noted that visually, it looks rather concerning, especially when viewed from Central Avenue. Mr. Mangus reiterated that from a building code perspective, the structure is sound, and is effectively a small unsupported deck.

Mr. Henry asked if there was a need for more railing or fencing around the outdoor seating. Mr. Mangus pointed out that vertical pallets make up the 'railing' of the patio, which are not even required given the height of the patio; and that a fence to fully enclose the area would not be necessary, since it is not being used for the sale or consumption of alcoholic beverages.

The applicants, Rene West and Taylor Julius, were in attendance. Ms. West stated that the store was closed on May 29, 2022 due to a personal injury, and was not able to re-open for some time. She explained that in the time between this and re-opening, she did not manage to submit the required Site Plan. Ms. West stated that she plans to enhance the aesthetic of the patio by fixing the business sign, staining or painting the wood, and replacing the plants with new flowers or other plantings.

Mr. Henry asked how Staff or the Committee would be able to enforce any such updates, since a visual plan was not provided as part of the Site Plan submittal. Mr. Mangus replied that the Committee can attach whatever conditions they like to a motion for approval.

Mr. Schwan asked if the applicant intended to sand down the vertical pallets in order to paint or re-stain. Ms. West replied that sanding pallet wood is difficult, but that she would do her best and would sand or repaint every two years going forward to maintain the finish.

Mr. Henry asked if approving this patio would set a precedent that vertical pallets are an acceptable form of fencing in the city. Mr. Mangus stated that there is not real precedent either way, and multiple members of Staff and the Committee stated that this type of patio fencing/railing is becoming increasingly common across the country, especially in towns with a large population of younger adults.

Mr. Henry stated that he would like to see a more concrete plan for the proposed aesthetic changes to the patio before issuing approval.

Chairperson Allison asked if the main building featured wood fascia. Mr. Julius responded that the building has a stone façade with a wood overlay, which had been painted brown. Mr. Schwan then asked if the patio could be matched to the wood of the building; the applicants



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agreed that it could. Ms. West stated that she had already planned the color to be complementary if not matching, and that she had recently replaced the umbrellas on the patio as well.

Chairperson Allison asked if the patio floor was level with the building-adjacent sidewalk. Ms. West stated that it was indeed flush with the level of that walkway.

Homer Henry made a motion to table discussion of the item until a specific aesthetic site plan was presented. Motion seconded by Brian Schwan. Discussion continued.

Mr. Graham asked if the parking lot restriping could be approved separately from the patio. Mr. Julius stated that bringing the parking lot into ADA compliance was the highest priority for him. Mr. Mangus reiterated that a motion can include any conditions that the Committee desires.

Mr. Henry stated his concerns with approving the Site Plan given how much time has elapsed since the given deadline by the Conditional Use permit from 2022. He asked how the Committee could be sure that the aesthetic changes would be made if approval was issued.

Mr. Julius stated that the restriping would be contingent on the approval of the patio, since it is only necessary if the patio remains on the site. He added that the applicants did not wish to re-pave the entire lot.

Mr. Graham stated that if the item were tabled, it would be prudent to include a specific guideline of what to return with, and if 'stain to match' is the only requirement, then that could be included as a condition for approval at this meeting rather than waiting a month.

Mr. Schwan stated that he wished to see that the railings are secured to the base of the patio. Ms. West explained that the railings are attached to the floor already, but that the patio itself is not attached to the parking lot surface and is simply sitting in place due to its own weight.

Mr. Graham asked if the building fascia was painted or stained brown. Mr. Julius replied that it is painted. Mr. Graham stated that therefore, it should be easy to match the color on the patio railings, and he is satisfied with the aesthetic of the patio otherwise.

Mr. Henry stated that the cedar floor sections look good, and that his main concern is with the vertical pallet railings.

Ms. West stated that she has more of the cedar planks that make up the floor, and she could use them as a wrap on the outside of the pallet railings. Mr. Graham stated that if the main concern is with the vertical look of the pallet wood, a horizontal slatted cedar look may help to assuage this issue.

Mr. Henry expressed his continued displeasure with approving the Site Plan given the time that the permit has been lapsed.



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Mr. Schwan stated that he is in favor of horizontal cedar wrapping around the patio to enhance the aesthetic.

The Committee briefly discussed options for the in-progress motion.

Homer Henry rescinded his motion, and Brian Schwan rescinded his second.

Homer Henry made a motion to approve the Site Plan for 403 W. Central Avenue on the condition that the aforementioned cedar planks be used to attach a horizontal wrapping to the railings. Discussion continued.

The Committee talked about setting a date for completion as part of the condition(s) of the motion.

Homer Henry amended his motion to require that the aesthetic improvements to the patio be completed by July 31st, 2024. Discussion continued.

Ms. West stated that this would be a tight time frame for her given her upcoming business obligations.

Homer Henry amended his motion to change the aforementioned completion date to August 30th, 2024. Discussion continued.

Mr. Julius stated that the re-striping would not begin until the patio was determined to be acceptably finished (and therefore, would be guaranteed to remain on the property).

Homer Henry amended his motion to include that the parking lot striping must be finished by September 31st, 2024, after completion of the patio. Motion seconded by Brian Schwan. Motion carried 5/0.

6. MEMBER ITEMS

None.

7. ADJOURN

Homer Henry made a motion to adjourn the meeting. Motion seconded by Kevin Graham. Motion carried 5/0.

Meeting adjourned at 6:50 P.M.