



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

**PLANNING COMMISSION & BOARD OF
ZONING APPEALS MINUTES**
JULY 15, 2025 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1 CALL TO ORDER

The meeting was called to order by Chairperson Vance Garwood at 7:00pm.

2 ROLL CALL

Committee Members in Attendance: Chairperson Vance Garwood; Secretary Gary Israel; Peter Fox; Clint Teinert; David Foley; and Dan Colson.

Staff Members in Attendance: Jennifer McCausland, City Administrator; Jolene Graham, Assistant City Administrator; Les Mangus, Director of Community Development; Julie Boyd, Interim Planning & Zoning Administrator; Dylan Carroll, Interim Planning Technician.

3 APPROVAL OF THE MINUTES OF THE JUNE 17, 2025 MEETING

Gary Isreal made a motion to approve the minutes of the June 17, 2025, meeting as presented. Motion seconded by Dan Colson. Motion passes 6-0.

4 COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

Julie Boyd mentioned that the 800 S. Ruth Ave Lot Split case that was continued last Planning Commission meeting has no new updates and has temporarily been put on ice by the applicant. In addition, there was a conditional use case on the agenda for tonight, but it was removed, as staff were able to work with the applicant to find a solution without needing conditional use.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5 AGENDA

RECESS THE PLANNING COMMISSION AND CONVENE THE BOARD OF ZONING APPEALS

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Seconded by Peter Fox. Motion carried 6-0.



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5. **BZA-CU25-0001 — PUBLIC HEARING ON AN APPLICATION FOR A CONDITIONAL USE TO
1 ALLOW FOR OUTDOOR SEATING FOR A FOOD SERVICE ESTABLISHMENT; ON A PROPERTY
ZONED B-3 RETAIL & SERVICE BUSINESS DISTRICT, AND GENERALLY LOCATED AT 646 E.
CLOUD AVE., ANDOVER, KANSAS**

Chairperson Vance Garwood called the next agenda pertaining to the application for conditional use to allow for outdoor seating at Freddy's, generally located at 646 E. Cloud.

The public hearing was opened at 7:05pm.

Julie Boyd stated that this was a conditional use case to allow for outdoor seating at the new Freddy's located at 646 E. Cloud. This property is zoned as B-3 Business and under the B-3 District, outdoor seating is a permitted conditional use if it does not encroach into the public right of way. This building is far from the public right of way and that staff feel this is an acceptable request.

David Foley asked what is located on the south side of the building. Julie Boyd responded that currently the building is vacant. However, there will be a dental office there in the near future.

The representatives from Freddy's were at the meeting and spoke at the podium. Kenneth Saldania and Erica Kneib were in attendance. The representatives commented that they are looking at having 48 total seats at this location, with 40 being inside and 8 located out on the patio. There will be two concrete patio tables with umbrellas.

Gary Israel asked the Freddy's representatives if there will be fencing surrounding the patio area and if the tables will be bolted down and secure. The representatives stated that there will be a fence on sides of the patio with the south side open. In addition, the tables will be bolted to the concrete to ensure they do not tip over.

Public hearing was closed at 7:08pm.

1. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards; unless a concurrent application is in process for a variance.

STAFF | Yes.

BZA | Concur

2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.

STAFF | Staff anticipates no such negative effects.

BZA | Concur



3.	<p>The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:</p> <ul style="list-style-type: none">a. The location, nature, size and height of building, structures, walls and fences on the site; andb. The nature and extent of landscaping and screening on the site.
STAFF	<p>The requested conditional use will not dominate the immediate neighborhood or prevent development of the surrounding area.</p>
BZA	<p>Concur</p>
4.	<p>Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 5 of these regulations. Such areas will be screened from adjoining residential uses and located so as to protect such residential uses from injurious effects.</p>
STAFF	<p>Yes.</p>
BZA	<p>Concur</p>
5.	<p>Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.</p>
STAFF	<p>Yes. All are currently in place.</p>
BZA	<p>Concur</p>
6.	<p>Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads.</p>
STAFF	<p>Yes.</p>
BZA	<p>Concur</p>

Gary Israel made a motion to approve the conditional use and authorize the Chairperson to sign the resolution granting the conditional use. Seconded by David Foley. Motion carried 6-0.



**5. BZA-V25-0009 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 5 FEET FROM
2 THE 20 FOOT MAXIMUM HEIGHT OF A POLE SIGN; ON A PROPERTY ZONED B-3 RETAIL &
SERVICE BUSINESS DISTRICT, AND GENERALLY LOCATED AT 2035 N. ANDOVER RD.,
ANDOVER, KANSAS**

Chairperson Vance Garwood called the next agenda item pertaining to the application for a variance regarding a pole sign at the Jumpstart generally located at 2035 N. Andover Rd.

The public hearing was opened at 7:13pm.

Julie Boyd stated that this is an application for a variance relating to a pole sign at the Jumpstart located at 2035 N. Andover Rd. There is an existing monument sign at the location and the applicant seeks to replace this monument sign with a 25-foot pole sign. The max height allowed for pole signs in this district is 20 feet, the applicant is seeking a 5-foot variance. Staff feel that this application for a variance does not have a lot to set it apart to justify the variance. There are no topographic features or large developments nearby that would necessitate the need for an additional 5 feet. Staff do not feel there is a proven need for the variance.

Clint Tienert asked what the height of the sign located across the street at Casey's is. Les Mangus responded that it is a monument sign of no more than 10 feet. In response, David Foley asked what the max height for a monument sign is. Mr. Mangus stated that the max height for a monument sign is 15 feet.

A representative from the applicant was in attendance. Anders Herpolsheimer was present and spoke at the podium regarding the variance request. He stated that the monument sign that is currently on the property was inherited by Jumpstart and had to be modified to fit their needs. The brand standard for Jumpstart is the 25-foot double pole, pole sign. He stated that the reasoning for the 25-foot sign is the clearance it gives under the signage, allowing people to walk under and see through the base. In addition, he stated that anything under 25 feet would make the sign to close to the ground and potentially hard to see from the road.

Chairperson Vance Garwood asked what the general height of signs at other Jumpstart locations are. The representative responded that at a minimum they are 25 feet, but Jumpstart likes to push them higher if possible.

Gary Israel asked staff if there was a minimum height requirement for the underside of the sign, off the ground. Les Mangus stated that the sign is not in a walkway nor adjacent to a walkway and there is no minimum clearance required.

Gary Israel asked the representative if they had scaled the sign down to 25 feet and how it looked. The representative responded that they had scaled it and to them, it looked awkward and too low to the ground. Peter Fox asked if the digits on the sign could be made slightly smaller to accommodate the 20-foot sign. Mr. Herpolsheimer stated that they potentially could, but he was not certain. Mr. Israel pulled out his calculator and calculated that there would be 4 1/2 feet under the bottom set of numbers, which means it would not be sitting on the ground and would be plenty visible to the public. He went on to state that he understands the desire to compete with Casey's and have a larger sign than them, but that he is certain they could scale the sign to 20 feet and be more than acceptable.



Chairperson Garwood asked if there are any other examples of this in town. Les Mangus responded that the key point here that should not be lost is that in order to grant a variance, the applicant must demonstrate there is a unique need for the variance and not simply because it is what the applicant wants. Gary Israel stated in response that earlier in the day he was driving West on 21st street and he was able to see the top of the Jumpstart canopy from far away, near the high school. Mr. Herpolsheimer responded that just because you can see the canopy from far away does not mean that people are able to see the gas prices and that may cause them to seek another station to refuel.

The public hearing was closed at 7:26pm.

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 corner lot on a relatively busy intersection. None of the surrounding development features structures that are taller than usual. A sign of the normal maximum height would be adequately visible.
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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 is expected.
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BZA	Concur
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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 such effects are anticipated.
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BZA	Concur
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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 wishes to install a taller-than-permitted pole sign, which would act as advertising for the business. This may indicate a desire to make more money out of the property by increasing visibility to customers.
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BZA	Concur
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5. 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 fairly typical for its zoning district. It is over four times the minimum area for the B-3 district, but this is not uncommon for similar businesses which feature a large parking area. The property does not feature any unique topographic elements which would render the existing monument sign insufficient.

BZA | [Concur](#)

6. 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 | No such hardship is expected under current conditions.

BZA | [Concur](#)

7. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF | No such adverse effects are anticipated.

BZA | [Concur](#)

8. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF | No such adverse effects are anticipated.

BZA | [Concur](#)

9. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF | Were it to be approved, the requested Variance is unlikely to affect public health, safety, morals, comfort, or general welfare in the City.

BZA | [Concur](#)

David Foley made a motion to disapprove the variance and authorize the Chairperson to sign a resolution not granting the variance. Dan Colson seconded. Motion passed 6-0.



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ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE PLANNING COMMISSION

Chairperson Vance Garwood made motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Seconded by Gary Israel. Motion carried 6-0. Planning Commission reconvened at 7:32pm.

5. **FINANCE PRESENTATION — REVIEW AND APPROVAL OF THE 2026-2030 ANDOVER CAPITAL 3 IMPROVEMENT PLAN**

Chairperson Garwood called the next agenda item, pertaining to the review and approval of 2026-2030 Andover Capital Improvement Plan.

Jolene Graham stated that this summary of the Capital Improvement plan for 2026-2030 was the result of multiple budget workshops that have happened between staff and the City Council in April & June. She stated that state statute says that a Planning Commission that has approved a Comprehensive Plan must also approve the city's Capital Improvement Planning. This is the intersection of good community planning and financial planning. This document is a living document and changes through the years and plans change and funding becomes available. That being said, everything listed for 2026 will be part of the budget that will be presented at the August 26th public budget hearing. Jolene stated that she was proud to say that as a result of the work that was done on the budget as well as the items on the CIP plan, they are able to present a budget that is a reduction in the mill levy of 0.824 mills. With the total mill levy being 42.981 mills, a reduction from last year.

Gary Israel stated that the total amount being budgeted is a little over \$20.5 million and asked if prices were to rise on certain things, will the city attempt to maintain that total by eliminating or pushing off items to future years. In response, Jolene stated that once the budget is adopted, the city is held to that spending authority. The only way that the spending authority can be raised is if the City Council approves a budget amendment.

David Foley pointed out that self-contained breathing apparatuses are budgeted at \$550,000 and asked the reasoning behind it. Jolene stated that these SCBAs are required to be replacement approximately every 5 years. Mr. Foley asked how many firefighters the city currently employs. Jennifer McCausland stated that the city employs approximately 20 full-time firefighters with an additional 10 part-time or reservists as well and they are all required to have their own SCBA. Mr. Foley did the math and calculated that each apparatus was approximately \$27,000. Jennifer McCausland stated that the city has been told that their grant application for SCBAs looks good and that they are hopeful the city will be awarded some money to cover the costs. However, regardless of if the city gets the grant or not, the city must have the budget authority to purchase them.

Chairperson Garwood pointed out that the golf course will be getting a robotic mower to help maintain the grass. Mr. Teinert provided insight into the operation of robotic mowers on sloped areas and some of the difficulties operating them.



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Peter Fox stated that he had compared the numbers between last year's budget and the proposed budget this year and that there is an approximate increase of \$3.7 million. He stated he was a bit concerned with this number and asked how the city intends to pay for the increase and asked what is mainly driving the increase. Jolene stated that the most likely cause of the increase is the Wastewater Treatment Plant expansion, which accounts for approximately \$2 million of the increase. In addition, the city received a \$1 million grant to pay for the construction of the new Lodge. This allowed the city to add back in some projects from the Parks Department. Les Mangus stated that the key here is that Butler County sets the mill levy rate for the year based on the budget and that is all the funds that can come from property taxes, there are many other revenue sources such as grants and reserve funds that can be used to cover projects. There is a fluctuation of the total dollars based on each project year, but the key is property tax collection. Peter Fox said he was mainly focused on 2026 because of the increase, but if you look at the other 3 years of the budget, we are actually spending a bit less. Mr. Mangus stated that we have a \$3.2 million Founder's Parkway project that skipped a year of funding from the KDOT Corridor Management Construction Program grant which contributes to the many different funding streams.

Jolene stated what was important for the Planning Commission to evaluate with this CIP plan, is if the city is following the Comprehensive Plan that has been laid out in years past and if this budget is sticking to it.

David Foley asked about the line item pertaining to an engine replacement for the Fire Department. Jennifer McCausland stated that the city is going to try and lease the engine.

Gary Israel asked how often the city replaces computers and other technology. Jolene responded that we are on a 3-year maintenance schedule for workstations and tablets and it is good practice to stick to a maintenance schedule. In response, Mr. Israel asked what happens to used computers and tablets. Jolene responded that when the city can, we resell them and if they cannot be resold, they are recycled.

Peter Fox asked about the HVAC line item. Jolene and Les responded that the system will hopefully be replaced soon as it is nearly 15 years old and finnicky.

Gary Israel stated that he appreciates the effort made by city staff and the City Council to dig into this budget and fully flush it out.

Gary Israel made a motion to approve the 2026-2030 Capital Improvement Plan as presented. Seconded by Peter Fox. Motion passed 6-0.

6 MEMBER ITEMS

Gary Israel mentioned the influx of restaurants that have opened in Andover recently or on track to open within the year and that is an exciting development. David Foley stated that he would like to see a Golden Corral here in Andover. Peter Fox asked about potentially a second grocery store located in Andover. Les Mangus responded that the city has reached out to many grocery providers and so far, none have come to the table.



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7 ADJOURN

Gary Israel made a motion to adjourn the meeting. Seconded by Peter Fox. Motion passed 6-0. Meeting adjourned at 7:58pm.