



1 CALL TO ORDER

The meeting was called to order by Acting Chairperson Marla Canfield at 7:01pm.

2 ROLL CALL

Committee Members present: Acting Chairperson Marla Canfield, Gary Israel, Dan Colson, and Peter Fox. Clint Teinert arrived at 7:37pm.

3 APPROVAL OF THE MINUTES OF THE AUGUST 19, 2025 MEETING

Peter Fox made a motion to approve the minutes of the August 19, 2025 meeting as presented. Seconded by Gary Israel. Motion passed 4-0.

4 COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

None.

5 AGENDA

5. **Z-PUD25-0009 — PUBLIC HEARING ON AN APPLICATION TO ESTABLISH THE
1 THOROUGHbred PRELIMINARY PLANNED UNIT DEVELOPMENT; ON A PROPERTY ZONED
A-1 AGRICULTURAL TRANSITION DISTRICT, AND GENERALLY LOCATED AT 515 W. HWY 54,
ANDOVER, KANSAS**

Acting Chairperson Canfield called the first agenda item pertaining to the public hearing on an application to establish the Thoroughbred preliminary planned unit development, on the property zoned A-1. This property is generally located at 515 W. Hwy 54.

Julie Boyd introduced the item as a preliminary PUD that is for a new planned development on the parcel directly south of the Buffalo Ridge apartment across US 54. The parcel is currently A-1 agricultural, and the applicant seeks to split the parcel into a few different parcels. Parcel 1 on the south end of the property would be zoned MXR multi-family residential and then Parcels 2 & 3 would be zoned B-5 business highway corridor. Parcel 4 on the north end of the property is expected to become right of way for KDOT's US-54 improvement project. There will likely be a frontage road running through parcel 4 when the improvement project is completed. There are currently two structures on the property that will be removed during construction, a billboard and an existing building. She further stated that the road cutting through the middle of the proposed PUD is an extension of Clyde/Cloud Street. It was brought up by Fire Marshall Mike Roosevelt last week during the Subdivision Committee meeting that it could be potentially confusing for residents with the different name changes along the same stretch of road and that it should be kept as Cloud Ave. Julie stated that the existing hedgerow along the east and west side of the



PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 16, 2025 | 7:00 P.M.

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

property will be staying and contribute to the screening required. This proposed PUD does align with the City of Andover's comprehensive plan. The applicant intends to work in phases, with phase 1 potentially being the construction of an apartment complex.

The applicants and engineer Brian Lindebak was in attendance to answer any questions from the Planning Commission.

Brian Lindebak spoke at the podium and stated that MKEC has worked diligently with city staff to craft this PUD, and he believes that this is a good plan that is being presented. He spoke a bit about how a PUD works and how it attempts to integrate the planned zoning in with the surrounding zoning.

Gary Israel asked about construction timelines. Brian stated that it is hard to say exact timing as much of this project is based around the construction schedules of KDOT, with a successful application here, they hope to mirror the development of the KDOT project.

Peter Fox asked a question regarding the location and extension of Cloud/Clyde Street. Brian stated that Cloud Ave. currently terminates at Allen St., but the plan is to extend it to the west during phase 1 of the highway improvement project.

Keith Trevolt of 403 W Feather Pl spoke at the podium about some potential concerns and questions he had regarding the proposed development. He stated that he has been living on this property for a little over 45 years and it has been a docile and quiet life. He stated that he realizes that there will be progress, but with the construction of the Holiday Inn to the north of his property, he believes he has had to deal with more problems. The Holiday Inn project has brought drainage issues to his neighborhood and is worried the new development would make these problems even worse. He stated his major concern was that he has no idea what is actually going on, the letter did not give him any actual information about what the developers are planning to build there. Julie Boyd stated this meeting does not actually establish what is going to be constructed on this land, it is just to discuss the underlying zoning.

Mr. Trevolt asked about how he could receive a copy of the zoning plans/PUD. Julie stated that this is all public information and that it can be found on the City of Andover website.

Brian Lindebak came up to the podium and reiterated that this hearing is about setting the land uses and parameters of development. These parameters give a range of what can be built on the property. He further stated that the developers intend to place multi-family residential buildings on the south end of the property, and the market will dictate what is built on the northern parcels.

Acting Chairperson Marla Canfield asked either Brian or Staff to further explain how this project will coincide with the KDOT project. Brian stated that it has been relayed to him that the first phase of the KDOT project will start by the end of this year/early 2026 and that it could potentially take 2



PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 16, 2025 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

years to complete, with phase 2 starting directly after completion of phase 1. This could lead to it feeling like construction may never end. There will be a lot of construction activity in this area for many years to come and there will be a lot of change in this corridor when it comes to land use and building construction.

Julie Boyd added to what Brian had to say about the various land uses outlined in this PUD by stating that the PUD can be accessed on the city's website and it lays out exactly what can and cannot be built or constructed on these parcels.

Gary Israel read directly from the City of Andover Comprehensive Plan that states the intended future land uses of this property, designating it as part of the city corridor, and anticipating denser mixed-use development. Furthermore, the development is well supported by the comp plan for the area near the highway.

Caden Andrews of 641 S Allen St., spoke at the podium regarding his concerns with the proposed development. He stated his property is directly south of the proposed development, his family has lived on this parcel for many years, and he is extremely familiar with the area. He stated he has concerns about the extension of Cloud Ave. and the construction of more apartment buildings, particularly with Buffalo Ridge already built across the street. In addition, he had similar concerns to Mr. Trevolt in regard to the surrounding infrastructure. He is concerned about the continued drainage issues in the area and the plan to extend asphalt to Feather Pl and not any further down Allen St. He further stated that he is concerned about the nature landscape and the tranquility of the area that can potentially be disrupted by the increased noise and light pollution from the proposed development. Caden also addressed the proposed drainage area at the south end of the property, he was concerned about safety of the area as well as wildlife.

Julie Boyd addressed his concerns regarding the extension of Clyde St. by stating that the proposed plan is to have it run all the way to 159th St., creating a travel corridor for all residents. In regard to the drainage concerns, Julie stated that the developers and engineers are required to make sure that the drainage characteristics do not affect property owners in the area different than they do now.

Peter Fox stated that as part of the proposed plan, there are to be stormwater lines running to the south of the property towards the reserve. He feels confident that the water drainage will be addressed sufficiently. He stated he is concerned about the Holliday Inn drainage problem and wanted some assurances that the same problem will not be allowed to happen at the Thoroughbred PUD. Brian Lindebak stated that MKEC handles drainage very well and they consider many different factors when it comes to drainage, including safety and aesthetics.

Keith Trevolt spoke at the podium again and stated that he believes there may been some environmental issues to address at the site, as it was the place of a former car junkyard/salvage yard. He asked if that potential issue was going to be addressed. He further addressed the



drainage issues by stating that the water has begun to wash away parts of the road on Allen St. and that the problem needs to be addressed in some way. Brian Lindebak stated that it is on the owners of the property to determine if they will carry out a phase 1 or phase 2 environmental assessment based on findings of fact.

Dan Colson encouraged anybody in the audience to speak at the podium regarding any issues or concerns that they may have. He stated that the Commission does not often get to hear from constituents regarding their concerns and this is an important step in the process.

Gary Israel asked if Staff would require the applicant to do an environmental study due it is former nature as a salvage yard. Julie Boyd stated that it may come up further along in the process but not as a part of the preliminary PUD process.

Public hearing was closed at 7:39pm.

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 | Public facilities are in place and adequate or could be readily extended to serve the property.

2. If the zoning change 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 Preliminary PUD would be followed by application for a Final PUD, which includes a final plat, and will include such dedications and easements as needed.

3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?

STAFF | The applicant has submitted a conceptual landscaping plan for screening the site, which will be elaborated upon at the time of final platting. Several hedgerows are already in place around the perimeter of the parcel, and are expected to remain there.

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 error is known to exist.

STAFF & COMMISSION/COUNCIL ITEMS

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

STAFF | The property is physically suitable for its current zoning, but it currently features several legal nonconformances, which are expected to be remediated by development.

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 zoning change request?

STAFF | The subject property has been undeveloped for some time. The incoming KDOT highway improvements are expected to spur growth in the area, and lead to redevelopment around the subject property.

PLANNING | Concur

COUNCIL

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

STAFF | The requested zoning change is well-suited to the current zoning of nearby properties. The subject property is adjacent to similar residential and business uses, and conforms to the City's future land use planning for the area.

PLANNING | Dan Colson stopped the reading and stated that he feels this is the root question for the PUD. He wanted to make sure that the entire Committee does concur that the requested zoning change is well suited.

Concur

COUNCIL



9. Has the zoning change 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 The subject property will be affected by the incoming KDOT project along US 54/400, which will create a frontage road and encourage redevelopment near the site.

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 currently largely vacant, with one small structure to the north. The property to the west is similar in use. To the east, business and medium-density residential developments are present.

PLANNING Concur

COUNCIL

11. Would the proposed zoning change of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?

STAFF Construction on the subject property will increase noise, traffic, etc., but is not expected to introduce undue negative effects on nearby properties.

PLANNING Concur // Concur w/ Reservation (Colson)

COUNCIL

12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?

STAFF The Comprehensive Plan suggests the City Corridor and Mixed Residential Neighborhood Place Types for the area, which is consistent with the applicant's proposal. The layout of the PUD takes into account the US 54/400 corridor and its upcoming expansion.

PLANNING Concur



COUNCIL	
13. Do any professional persons knowledgeable on conditions that affect this zoning change request have information or recommendations to provide, which would be helpful in its evaluation?	
STAFF	Staff supports the establishment of the PUD.
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 zone to the requested zone?	
STAFF	No detriment to the public health, safety and welfare is perceived. Any changes in light, traffic, or noise can be sufficiently mitigated with adequate screening and buffering.
PLANNING	Concur
COUNCIL	

Gary Israel moved to recommend to the Governing Body that case number Z-PUD25-00009 by approved based on the findings of fact by the Planning Commission on finding number 8,10,12, & 14. Seconded by Clint Tienert. Motion carried 5-0.

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 at 7:54pm. Seconded by Peter Fox. Motion passed 5-0.

5.
2

BZA-V25-0012 — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 20 FEET FROM THE 35 FOOT MINIMUM FRONT YARD SETBACK; ON A PROPERTY ZONED B-3 RETAIL AND SERVICE BUSINESS DISTRICT, AND GENERALLY LOCATED AT 123 W. CLOUD AVE., ANDOVER, KANSAS

Acting Chairperson Marla Canfield called the next agenda item pertaining to the application for a variance of 20 feet from 35 foot minimum front yard setback, for the property generally located at 123 W. Cloud Ave.

Public hearing was opened at 7:54pm.



Julie Boyd stated that the applicant is applying for a variance to extend the north part of the proposed building into a portion of the front yard setback. If the building were to be constructed as presented, a small corner of the north face of the building would extend into the front yard setback, due to the curvature of Cloud Ave. The southern portion of the building has been reviewed and approved by the Site Plan Review Committee. This new addition will be reviewed as well.

Peter Fox and Gary Israel asked about the use of the building and its place on the lot. Julie Boyd stated that the building cannot be moved further south due to mechanical units on the southern half of the property. The rear yard setback, location of mechanical equipment and the south property owners access driveway all contribute to the placement of the proposed building.

The applicant and owner Jeff Coykendall was in attendance and spoke to the Planning Commission about his application. He stated that the current building has almost completed construction and is approximately 8,000 sq ft. He is seeking to add an additional 4,000 sq ft to the north half of the building.

A resident, Robert Simmons located at 602 S Daisy, spoke at the podium during the public comments portion of the public hearing. He stated that he has concerns about the expansion of the property and the added light and noise pollution in his backyard. He further stated that the lighting on the building's shines directly in his backyard. In addition, he raised concerns about the screening fence location on the south end of the subject property, there is a gap under the fence that he has requested the property owner to fix.

Julie Boyd pointed out that this variance is not deciding whether or not they can put a building there, as the building is already under construction. It is just deciding whether they can build into the front yard setback along Cloud Ave. The building under construction went through the Site Plan Review Committee and was approved.

In response, Jeff Coykendall stated that he has already talked with the homeowner multiple times about remedying the fence. He stated they are in the process of pouring concrete to fill the gap under the fence.

Julie Boyd stated that the Planning Commission is only debating the approval of encroachment of the front yard setback by approximately 10 feet, the Commission is not debating or approving the proposed building as it has already been approved and currently under construction.

Gary Israel asked if the applicant has met all the requirements laid out by the Site Plan Review Committee. Julie Boyd responded that as the project is not finished yet, a final inspection has not been carried out. She further stated that Staff will take a look at the screening and lighting concerns of the property owner to the South.

Gary Israel asked about any utility easements in the area around Cloud Ave. and if there was any fencing. Julie stated that there are no utility easements present and there is already a fence along Cloud Ave. that screens the front of the buildings.

Peter Fox asked about the potential for increased noise/traffic due to the proposed addition. Julie stated that Staff does not anticipate any additional issues with the issuance of the variance.

The public hearing was closed at 8:10pm.



DOES THE EVIDENCE DEMONSTRATE THAT:

15. 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 oddly shaped due to the curve of W. Cloud Ave. to the north. This results in less buildable space on the west side of the property when compared to the east.

BZA Concur

16. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.

STAFF No such detriments are expected.

BZA Concur

17. 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 detriments are expected.

BZA Concur

18. 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 expand their existing business by adding to an existing 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 oddly shaped due to the curve of W. Cloud Ave. to the north. This results in less buildable space on the west side of the property when compared to the east.

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	Strict application of the Zoning Regulations in this case would result in the applicant being confined to a smaller building than can otherwise be supported, which would not align with the existing structures along W. Cloud Ave.
BZA	Concur
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	No such 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 such 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	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

Dan Colson made a motion to authorize the Chairperson to sign a resolution granting the variance.
 Seconded by Peter Fox. Motion carried 5-0.

5.3 BZA-CU25-0003 — PUBLIC HEARING ON AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR OUTDOOR PATIO SEATING; ON A PROPERTY ZONED B-3 RETAIL AND SERVICE BUSINESS DISTRICT, AND GENERALLY LOCATED AT 520 E. CLOUD AVE., ANDOVER, KANSAS

Acting Chairperson Marla Canfield called the next agenda item, pertaining to the application for a conditional use permit to allow patio seating at 520 E. Cloud Ave.

Public hearing opened at 8:15pm.

Julie Boyd stated that this case is for an application for a conditional use at the currently under construction Chipotle located at 520 E. Cloud Ave. The property is zoned B-3 and under the B-3 district, outdoor patio

seating is a conditional use that is not permitted outright. This is very similar to other restaurants in the area. In fact, the Planning Commission approved the exact same conditional use request at the Freddy's that is located just East of the Chipotle. Staff feel that this is very much the same request. The only requirements given are that the seating cannot encroach on the right of way, and the proposed patio seating is far away from that right of way. Staff feel that this request is exceptionally reasonable.

Peter Fox about the location of the patio and about the safety of people dining on the patio. Julie Boyd responded that there will be fencing surrounding the patio area and it will be located north of the building by the drive-thru lane.

Public hearing was closed at 8:17pm.

19.	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
20.	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
21.	<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; and b. The nature and extent of landscaping and screening on the site.
STAFF	The requested conditional use will not dominate the immediate neighborhood or prevent development of the surrounding area.
BZA	Concur



22. 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.

STAFF Yes.

BZA Concur

23. Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.

STAFF Yes. All are currently in place.

BZA Concur

24. 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.

STAFF Yes.

BZA Concur

Dan Colson made a motion to authorize the Chairperson to sign a resolution granting the conditional use. Seconded by Gary Israel. Motion carried 5-0.

ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE PLANNING COMMISSION

Chairperson Marla Canfield made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission at 8:22pm. Seconded by Gary Israel. Motion carried 5-0.

6 MEMBER ITEMS

None.

7 ADJOURN

Acting Chairperson Marla Canfield made a motion to adjourn the meeting. Seconded by Gary Israel. Motion carried 5-0.

Meeting adjourned at 8:22pm.



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

**PLANNING COMMISSION & BOARD OF
ZONING APPEALS MINUTES**
SEPTEMBER 16, 2025 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.