

**ANDOVER CITY PLANNING COMMISSION /**  
**BOARD OF ZONING APPEALS**  
**April 21, 2009**  
**Minutes**

The Andover City Planning Commission met for a regular meeting on Tuesday, April 21, 2009 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:01 p.m. Commission members present were Lynn Heath, Jan Cox, John Cromwell, Byron Stout, Dan Beck and Ken Boone. Others in attendance were City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus, City Council member Dave Tingley and Administrative Secretary Kandace Hunt. City Council Liaison Member J.R. Jessen and Assistant City Administrator Shane Coehlo were absent.

Call to order

**Review the minutes of the March 17, 2009 Planning Commission meeting.**

*Byron Stout made a motion to approve the minutes as presented. Dan Beck seconded the motion. Motion carried 6/0/1 with Lynn Heath abstaining.*

Review the minutes of the March 17, 2009 Planning Commission meeting.

Communications

**Communications:**

**Review the minutes of the February 24, 2009, March 10, 2009 and March 31, 2009 City Council meetings.** The minutes were received and filed.

**Review the minutes of the March 3, 2009 Site Plan Review Committee meeting.** The minutes were received and filed.

**Review the minutes of the March 10, 2009 Subdivision Committee meeting.** The minutes were received and filed.

**Review the Potential Residential Development Lot Report.**

Les Mangus informed the Commission housing permit activity is about 25 to 30 percent of what it has been the past few years.

Les Mangus introduced new City Council member Dave Tingley and informed the Commission Mr. Tingley is looking to be appointed as the City Council Liaison to the Planning Commission.

**SU-2009-03-** A public hearing on a request for a special use to allow sales and service of new and used lawn and garden equipment, and small agricultural and construction equipment in the B-5 Highway Business District.

SU-2009-03

**From Les Mangus' Memo:** This application for special use is the result of Prairieland Partners, Inc. lease/purchase of the former Walnut Valley Country Store. The proposed store concept is similar to the former operation, only the applicant intends to bring the line of small tractors and construction equipment from the Suburban Equipment dealership on East Kellogg that they have recently purchased. The garden center and farm supplies retail will remain, in addition to a full parts and small service operation. Staff supports the application as applied for with the condition that all servicing of

equipment be done within an enclosed building.

Les Mangus explained there is an existing special use that allowed the Walnut Valley Country Store to operate as it did, Prairieland Partners is here asking for an additional special use to allow for the sale of lawn care equipment as well as compact tractors and construction equipment. All are permitted as special uses in the B-5 Highway Business District.

Marc Conrady and Loren Balzer of Prairieland Partners were present to represent the application. Mr. Conrady said the applicants hope to target small agricultural operations in the Andover area. Mr. Conrady provided members with brochures showing the type of equipment the business would like to sell. He continued by saying Prairieland is happy to be in Andover.

The Commission had no questions for Mr. Conrady.

Chairman Coon opened the public hearing at 7:10 p.m. With no public input Chairman Coon closed the public hearing at 7:10 p.m.

Ken Boone asked how the City plans to enforce the requirement that servicing of equipment be handled in an enclosed building. Les Mangus said it will be enforced by the City's code officers. He continued by saying the only maintenance they intend to handle outside is washing of equipment.

#### **ANDOVER CITY PLANNING COMMISSION**

Agenda Item No. 5

#### **REZONING REPORT \***

CASE NUMBER: **SU-2009-03**

APPLICANT/AGENT: **Prairie Land Partners, Inc.**

REQUEST: **Special use to allow sales and service of new and used lawn and garden equipment, small agricultural and construction equipment in the B-5 Highway Business District**

CASE HISTORY: **Former Walnut Valley Country Store**

LOCATION: **307 W. US-54**

SITE SIZE: **3.1 acres**

PROPOSED USE: **John Deere farm and home equipment store**

#### **ADJACENT ZONING AND EXISTING LAND USE:**

North: **R-2 vacant land**

South: **B-5 & B-3 vacant property owned by the developer**

East: **B-5 vacant property owned by the developer**

West: **B-5 Holiday Inn Express hotel and vacant property owned by the developer**

#### **Background Information:**

\* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17

factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission's considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant's reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

**FACTORS AND FINDINGS:**

1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES    NO

STAFF:

PLANNING: Subject property: B-5 Highway Business District; North: R-2 vacant land; South: B-5 and B-3 vacant property owned by the developer; East: B-5 vacant property owned by the developer; West: B-5 Holiday Inn Express hotel and vacant property owned by the developer.

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES    NO

STAFF:

PLANNING: Current zoning: B-5 Highway Business District; North: R-2 vacant land; South: B-5 and B-3 vacant property owned by the developer; East: B-5 vacant property owned by the developer; West: B-5 Holiday Inn Express hotel and vacant property owned by the developer.

COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES    NO

STAFF:

PLANNING:

COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES    NO

STAFF:

PLANNING:

COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES    NO

		<input checked="" type="checkbox"/> STAFF:
		<input checked="" type="checkbox"/> PLANNING:
		<input type="checkbox"/> COUNCIL:
6. 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?		
YES	NO	<input checked="" type="checkbox"/> STAFF:
		<input checked="" type="checkbox"/> PLANNING:
		<input type="checkbox"/> COUNCIL:
7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?		
YES	NO	<input checked="" type="checkbox"/> STAFF:
		<input checked="" type="checkbox"/> PLANNING:
		<input type="checkbox"/> COUNCIL:
8. Would a screening plan be necessary for existing and/or potential uses of the subject property?		
YES	NO	<input checked="" type="checkbox"/> STAFF:
		<input checked="" type="checkbox"/> PLANNING:
		<input type="checkbox"/> COUNCIL:
9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?		
YES	NO	<input checked="" type="checkbox"/> STAFF: N.A. – Special use
		<input checked="" type="checkbox"/> PLANNING: N.A. – Special Use
		<input type="checkbox"/> COUNCIL:
10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?		
YES	NO	<input checked="" type="checkbox"/> STAFF:
		<input checked="" type="checkbox"/> PLANNING:
		<input type="checkbox"/> COUNCIL:
11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?		
YES	NO	<input checked="" type="checkbox"/> STAFF:
		<input checked="" type="checkbox"/> PLANNING:
		<input type="checkbox"/> COUNCIL:
12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?		
YES	NO	<input checked="" type="checkbox"/> STAFF: No detriment to the public is perceived
		<input checked="" type="checkbox"/> PLANNING: No detriment to the public is perceived
		<input type="checkbox"/> COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES    NO

STAFF:  
 PLANNING:  
 COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES    NO

STAFF: Pg. 8-14 regional highway businesses along US-54/400  
 PLANNING:  
 COUNCIL:

15. What is the support or opposition to the request?

YES    NO

STAFF: None at this time  
 PLANNING: None noted during the public hearing.  
 COUNCIL:

16. Is there any information or are there recommendations on this request available from knowledgeable persons which would be helpful in its evaluation?

YES    NO

STAFF: Approval as applied for, with the condition that all servicing of equipment be done within an enclosed building.  
 PLANNING: Staff recommends approval as applied for with the limitation of servicing of equipment being done in an enclosed building.  
 COUNCIL:

17. If the request was not approved, would this result in a relative gain to the public health, safety and general welfare which would outweigh the loss in property value to or the hardship experienced by, the applicant?

YES    NO

STAFF:  
 PLANNING:  
 COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I, John Cromwell, move that we recommend to the Governing Body that Case No. SU-2009-03 be approved to allow sales and service of new and used lawn and garden equipment, and small agricultural and construction equipment in the B-5 Highway Business District with the condition that all servicing of equipment be done within an enclosed building based on findings 6, 10, 11, 13, 14 and 16 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Byron Stout. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.*

Les Mangus informed everyone that this special use ordinance will be heard by the City Council on May 12 at 7 p.m.

Mr. Balzer thanked the Commission for their time and noted that Prairieland has brought 10 new jobs to the community in the last three weeks and is still hiring. He continued by saying John Deere representatives will also be traveling to Andover and will patronize local restaurants and hotels.

**A public hearing on an amendment to Section 4-117 of the Zoning Regulations pertaining to the Floodplain District to make minor amendments in the text to accommodate the change to new Federal Flood Insurance Rate Maps and Federal Insurance Study of Butler County, Kansas and Incorporated Areas as prepared by the Federal Emergency Management Agency.**

Amendment to Section 4-117 of the Zoning Regulations pertaining to the Floodplain District.

**From Les Mangus' Memo:** FEMA has recently updated the flood insurance rate map (FIRM) for Butler County. There are little, if any, changes to the map within the City from the 2002 maps, only that the aerial photography format was added, and division of what is currently two maps into multiple maps have changed. This public hearing is necessary in order to include the reference to the new maps in the text of the Zoning Regulations.

Les Mangus explained FEMA has updated its flood insurance rate map for Butler County and a public hearing is required to amend the zoning regulations to include the reference to the new maps in the text. Few changes were made to the maps as boundaries and elevations remained the same. The only changes include the addition of the aerial photography format, making it easier to see the creeks located within the floodplain, and the division of the existing two maps into nine maps.

Chairman Coon asked if the nine maps covered the entire County or only the City. Les Mangus said the nine maps cover only the City.

Les Mangus noted the term "100 year flood" is no longer used; it is now referred to as "the one percent chance".

Les Mangus informed the Commission the ordinance adopting these changes has been approved by the chief engineer of the Department of Agriculture and is on schedule to be adopted by the City Council on April 28, 2009, becoming effective on June 2, 2009.

Chairman Coon opened the public hearing at 7:23 p.m. With no public input Chairman Coon closed the public hearing at 7:23 p.m.

*Lynn Heath made a motion to recommend the proposed ordinance to amend Section 4-117 of the Zoning Regulations pertaining to floodplains for the City of Andover be adopted and approved by the City Council and be effectuated by publication. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.*

**Review and approve the Final Planned Unit Development Plan of The Village At Flint Hills – First Phase Of Riverstone Reserve Planned Unit Development.**

Review and approve the Final Planned Unit Development Plan Of the Village At Flint Hills – First Phase of Riverstone Reserve Planned Unit Development.

**From Les Mangus' Memo:** The proposed plat of the Village at Flint Hills is a revision to the Riverstone Reserve first phase. The developer has encountered wetland issues along the drainage way at the Northeast corner of the site where Lonetree Street was originally a loop to connect to Clearfalls Court. Otherwise the plat is virtually the same as the Riverstone Reserve plat that was approved but never filed. Staff supports the plan as submitted with the corrections and additions noted in the checklist.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained the Commission has seen this plat before under the name Riverstone Reserve.

During the engineering process wetland issues along the Northeast corner arose causing a change in the layout of the streets and the need for re-platting. The new plat also changes the name of the area from Riverstone Reserve to The Village at Flint Hills – First Phase of Riverstone Reserve Planned Unit Development. Staff comments as well as those received by Planning Consultant Bickley Foster have been addressed.

Phil Meyer of Baughman Company was present to represent the application.

Mr. Meyer explained because of the wetlands Clearfalls Court was moved to the south and no longer connects to Lonetree Street. The location of the swimming pool has also been moved to avoid additional tree demolition. Mr. Meyer continued by saying a few drainage issues still need to be resolved, but the developers will provide the City Engineer with the revisions.

Chairman Coon asked how the wetlands issue was found. Mr. Meyer said the issue was discovered during an on site project review.

Mr. Meyer noted the developer is ready to begin engineering on the 68 lots of phase one. Lynn Heath informed the Commission the streets will be private streets.

*Jan Cox made a motion to approve the Final Planned Unit Development Plan of The Village At Flint Hills – First Phase Of Riverstone Reserve Planned Unit Development Plan. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.*

**Review for recommendation to the Butler County Planning Commission  
Butler County Case RZ-09-04 a request for a change in zoning  
classification from AG-40 to Rural Residential on 12.50 +/- acres at 14554  
SW 60<sup>th</sup> Street.**

Butler County Case  
RZ-09-04

**From Les Mangus' Memo:** This case lies at the northern boundary of the Andover Planning area on Republican Creek, just west of Prairie Creek Road. The subject property is +/- 12.5 acres that is currently occupied by a single family residence. The applicant intends to divide the property and build a second single-family home. The property lies outside of the current boundaries for gravity sewer service to the Andover Wastewater Facility, within the Rural Water District 5 Service Area, is encumbered by a regulated flood hazard area, and is in the Circle School District, which would all have affects on the future development to urban standards. Staff is not opposed to the rezoning as applied for.

Les Mangus explained this property is on the edge of the City's extra territorial jurisdiction and beyond the ridge allowing the City to serve the properties with gravity sewer service. The applicant is asking to change the property to rural residential in order to construct a second home on his 12.5 acres of land. The City Subdivision regulations allow for this because two parcels greater than five acres could be created.

Chairman Coon asked if the change of zoning will allow houses to be built anywhere on the 12.5 acres. Les Mangus said houses can be built anywhere the County Zoning Regulations allow. County Zoning Regulations require a minimum of 330 feet of frontage, but they have been known to take exception to the requirement.

*Lynn Heath made a motion to recommend the Butler County Planning Commission approve Butler County Case RZ-09-04 as presented. John Cromwell seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.*

**Annual review of the Comprehensive Development Plan.**

**From Les Mangus' Memo:** Staff knows of no real issues that would affect the area, which would require an update to the Comprehensive Plan. If all of the members would take a moment to review the plan, and bring any issues to the May meeting an update could be put together if necessary.

Les Mangus explained at this time he does not have any items that need to be included as an annual update to the Comprehensive Plan, but if the Commission desires the discussion can be continued to May's meeting giving them more time to review the plan.

Chairman Coon noted the Comprehensive Plan says the City is to have four neighborhood parks south of Highway 54 and as of today there are none. Les Mangus explained the City is taking neighborhood parks as opportunities come along with the platting process. The Ami Lane subdivision south of 31<sup>st</sup> Street will have a five acre neighborhood park. There has also been discussion with the City of Wichita Parks and Recreation Department about a joint park project on the 80+- acres it purchased at the southwest corner of Pawnee and 159<sup>th</sup>.

Ken Boone asked how often the Comprehensive Plan is updated. Les Mangus said state law requires it be reviewed annually.

*Lynn Heath made a motion to continue the review of the Comprehensive Plan to the May 19<sup>th</sup> Planning Commission meeting. Jan Cox seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.*

**Member Items:** John Cromwell congratulated Dan Beck on his recent marriage and wished him many years of happiness.

Member Items:

Chairman Coon asked for the schedule of the south Andover Road construction. Les Mangus said the project is on KDOT's letting schedule for June 17 which means the construction will not begin until a week or two after July 4. The hope is to have the project completed by early to mid fall of 2010.

Byron Stout asked what construction is being done on 159<sup>th</sup> Street. Les Mangus said the pavement on the south approach to the turnpike bridge has deteriorated and has base failures. With this project the asphalt is being removed, the sub-grade is being stabilized and is being replaced with concrete pavement and barrier wall tie-ins to the existing turnpike bridge. Byron Stout asked for a time frame. Les Mangus said depending on weather, the project should be complete in 90 days or less. Jan Cox asked if the road would remain two lanes. Les Mangus said yes.

Byron Stout stated he is unhappy with the new sensors used on the stoplights as he has had to stop several times when no other traffic is around. Les Mangus said the old sensors had timers and if nothing was detected they would regularly change out. The new video detectors are much cheaper to

Annual review of the Comprehensive Development Plan.

maintain and install, and more accurate. But periodically the sensor detects some form of movement and runs the lights through a cycle.

*John Cromwell made a motion to adjourn the meeting at 7:51 p.m. Byron Stout seconded the motion. Motion carried 7/0.*

Respectfully Submitted by

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Kandace Hunt  
Administrative Secretary

Approved this 19<sup>th</sup> day of May 2009 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.