

**ANDOVER CITY PLANNING COMMISSION/
BOARD OF ZONING APPEALS**
Wednesday, June 19, 2013
Minutes

1. [Call to order.](#)

Chairman Quentin Coon called the meeting to order at 7:00 p.m.

2. [Roll call.](#)

Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Brian Lindebak, Ken Boone and Aaron Masterson. Others in attendance were Director of Public Works and Community Development Les Mangus, Assistant Director of Public Works Steve Anderson, City Administrator Sasha Stiles, City Council Liaison Kris Estes and Administrative Secretary Daynna DuFriend. Not in attendance were members Lee Butler and William Schnauber.

A/V Staff: Cindy Barrett

3. [Approval of the minutes of the April 16, 2013 meeting.](#)

A motion was made by Lynn Heath, seconded by Ken Boone to approve minutes of the April 16, 2013 meeting. Motion carried 5/0

4. [Communications:](#)

- A. City Council minutes.
- B. Committee and Staff Report.
- C. Potential Residential Development Report.

5. [Z-2013-02- Public hearing on a proposed change to establish a new Planned Unit Development \(PUD\) to the Walnut Valley at the River Addition to allow medical and office uses in the B-5 zoning.](#)

Russ Ewy, Baughman Company was present to represent the applicant.

Russ Meyer, WVCS Real Estate Co., LLC was present to represent the applicant.

Chairman Coon asked if the drives and access to Riverview would remain the same.

Mr. Ewy answered yes, that was his understanding.

Aaron Masterson asked if there would be any physical changes to the property.

Les Mangus replied that there are two users for the property.

Mr. Ewy stated that they are creating two separate parcels. The Planned Unit Development agreement requires that they provide the City with a cross lot access agreement. All three access points will be equally usable by both properties.

Chairman Coon inquired as to the Right-of-Way on the North side.

Les Mangus said that this property matches the minimum setback requirements of the US 54 Corridor management agreement.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-2013-02

APPLICANT/AGENT: WVCS Real Estate Co., LLC

REQUEST: Establish a planned unit development

CASE HISTORY: The subject property was platted as The River Subdivision a few years ago. Since that time the Walnut Valley Country Store and Garden Center were built on the site. The owner desires to split the lot into two independent parcels and allow more retail and office business uses. The PUD allows the flexibility in uses and bulk regulations to accommodate the existing buildings and proposed uses.

LOCATION: 307 W. Hwy 54, Andover, KS.

SITE SIZE: +/- 3 acres

PROPOSED USE: Retail, service, and office.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Single Family Residential vacant lot

South: R-2 Single Family Residential

East: B-5 Highway Business & B-3 Central Shopping vacant lot owned by the applicant

West: B-5 Highway Business vacant lot owned by the applicant and Holiday Inn Express

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 are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES NO

STAFF:

PLANNING:

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change? See Adjacent Zoning on page 1 of 4)

YES NO

STAFF:

PLANNING: B-5

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

STAFF:
 PLANNING:
 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

STAFF: All are in place and adequate
 PLANNING:
 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

STAFF: A final PUD plan is required
 PLANNING:
 COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

STAFF:
 PLANNING:
 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

STAFF: N/A
PLANNING: N/A
COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF:
 PLANNING:
 COUNCIL:

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

YES NO

STAFF:
 PLANNING:
 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

STAFF: No detriment is perceived
PLANNING: No detriment is perceived
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

X X

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

X X

STAFF: The US-54 Corridor Study suggests mixed commercial uses
PLANNING:
COUNCIL:

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

YES NO

STAFF: None at this time
PLANNING: None at this time
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

X X

STAFF: Approval was applied for
PLANNING:
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

X

STAFF:
PLANNING:
COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Lynn Heath, move that we recommend to the Governing Body that Case No. Z-2013-02 be approved to establish a Planned Unit Development District Based on the findings of the Planning Commission as recorded in the summary of this hearing. Based upon factors 6, 10, 13 & 14. Motion seconded by Ken Boone. Motion carried 5/0.

6. Review and approve the Final PUD Plan of Walnut Valley at the River Addition.

Les Mangus stated that the applicant has satisfied all comments and there are documents that will be filed with the plat for the cross lot access.

A motion was made by Lynn Heath, seconded by Ken Boone to approve the Final PUD Plan of Walnut Valley at the River Addition as presented. Chairman Coon asked if there was any further discussion. Motion carried 5/0.

7. Organization meeting.

A motion was made by Lynn Heath, seconded by Ken Boone to accept the Chairman, Vice-Chairman and Secretary for the Planning commission as they were last year. Motion carried 5/0.

A motion was made by Lynn Heath, seconded by Ken Boone to accept the Chairman, Vice-Chairman and Secretary for the Subdivision Committee as they were last year. Motion carried 5/0.

8. Member items.

There were no member items.

9. Adjourn.

A motion was made by Lynn Heath, seconded by Ken Boone to adjourn at 7:23p.m. Motion carried 5/0.

Respectfully Submitted by

Daynna DuFriend
Administrative Secretary

Approved this 16th of July, 2013 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.