

**ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS**  
**Tuesday, July 15, 2014**  
**Minutes**

1. Call to order. 00:00:10

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

2. Roll call. 00:00:14

Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Brian Lindebak, William Schnauber and Lee Butler. Others in attendance were Assistant Director of Public Works Steve Anderson, City Administrator Sasha Stiles, Administrative Assistant Daynna DuFriend and Administrative Assistant Paula Babb. Members Ken Boone and Aaron Masterson were not in attendance.

A/V: Cindy Barrett

3. Approval of the minutes of the June 17, 2014 meeting. 00:00:28

*A motion was made by Brian Lindebak, seconded by William Schnauber to approve the minutes. Motion carried 5/0.*

4. Communications: 00:01:07

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

5. VA-2014-03- Public hearing on a petition for a vacation of all existing easements and Aldrich Drive road Right-of-Way on property located at 1435 S. Aldrich Drive, Andover, KS. 00:01:48

Steve Anderson explained that this petition is for 2 separate areas. The first one is for the vacation of the street right-of-way. Staff supports this request. The City would like to retain the entire strip for a utility easement with reduction of rights that it would become usable private property subject to the easements.

Secondly, regarding the vacation of utility easements located on the property and subject to additional information received from Westar Energy, staff will support the vacation of easements on the property.

Dan Davis, 208 E. Derby Hills Dr., Derby, KS, property owner, was present to represent the application.

Mr. Davis explained that the easements perpendicular to west side of the property are what he is asking to be vacated. The easement along the rear property line will be left.

Brian Lindebak asked what the easements were platted for.

Steve Anderson answered that the small rectangle (center, rear yard) is a stub easement to be used for a down-guide anchor for a power pole. Others are unknown. The rear-yard easement should be retained for future utility usage. The side-lot easements do not extend full depth of the lot. If there is no utility equipment currently located in the other easements and subject to a confirmation letter from Westar Energy they should be allowed to be vacated.

Terry Huelskamp, 550 N. 159<sup>th</sup> E., St. 104, Wichita, KS, attorney, was present to represent homeowners Thomas and Jane Warren, of 219 E. Hamlin Rd., Andover, Kansas. The Warren's had a prior commitment and were unable to attend this meeting. They are requesting additional information regarding the right-of-way and the easements.

David Sharp, 1441 S. Aldrich Dr., Andover, requested access to his yard from the north along Aldrich Dr. for service vehicles.

Steve Anderson explained that when vacated the public no longer has access to traverse that right-of-way legally. Lot 7 appears to have access at the end of Aldrich Dr.

Lee Butler asked for clarification of where Aldrich Dr. is proposed to end.

Steve Anderson explained the road right-of-way located in front of the owners' property is the maximum that can be petitioned to be vacated.

Mr. Davis explained that the request is for only the portion of the road right-of-way located from the southern corner of the property north to where a large tree is currently located in the middle of the road right-of-way.

Brian Lindebak suggested that a survey be provided by the applicant with legal description of the vacated areas.

Chairman Coon closed public hearing.

*A motion was made by Brian Lindebak, seconded by Lynn Heath to defer the petition for vacation for VA-2014-03 until applicant could provide a sufficient professional survey for each portion of property to be vacated. Motion carried 5/0.*

**Recess the Planning Commission and Convene the Board of Zoning Appeals**

*A motion was made by Lynn Heath, seconded by William Schnauber to recess the Planning Commission and Convene the Board of Zoning Appeals. Motion carried 5/0.*

6. [BZA-CU-2014-01- Public hearing on a application filed by YMCA of Greater Wichita to allow establishment of outdoor recreation/sports facilities, indoor athletic facilities, accessory structures, and associated paved parking on property zoned as R-3 Multi-Family Residential and a small section northeast of B-2 Neighborhood Business District.](#) 00:37:50

Steve Anderson explained that the specifics of the use request and the adjoining area should be looked at with the concerns being; 1. Drainage and impact on downstream properties, if approved this could be deferred to the Preliminary Plat. 2. Traffic and off site impacts, a traffic engineering study has been completed, and 3. Residential neighborhood to the east and future residential use to the south. The Site Plan Review Committee will address issues for lighting and any necessary buffering.

Greg Allison, MKEC Engineering was present to represent the application.

Mr. Allison explained that this athletic facility will be approximately 115,000 sq.ft., and will be completed in 2 phases. Phase I will include an indoor basketball/volleyball sports facility, 2 outdoor soccer fields along the east property line, parking lot areas for both areas and the access drive to Yorktown Street. Phase II will include an indoor soccer sports facility, 2 additional outdoor soccer fields near the south property line and 2 additional parking lot areas. Over 700 total parking stalls will be installed. Reconfiguration of the drainage is being looked at as possibly being a dry detention area along the south property line. Previous requirements and approvals will be kept. Traffic flow onto Kellogg from Yorktown and YMCA Drive was discussed.

William Schnauber asked what hours the facility would be operating.

Dennis Schoenebeck stated that the hours will be approximately 5:30-10pm during the weekday. As this is a sports facility targeted towards youth sports, weekends would be busier. No lighting will be on the fields, only in parking lots.

Lynn Heath asked for definition of drainage process with artificial turf.

Mr. Allison stated that final details will be brought with the final plat submittal. A rock layer with perforated pipe will be used under the artificial turf to drain the area.

William Schnauber asked if there would be fencing around the soccer fields.

Anthony Bolen, 757 S. McCandless, Andover, expressed concern of privacy fencing, noise levels and drainage. Preference would be to have a wall constructed.

Marvyn Rock, 801S. McCandless, Andover, expressed the same concerns. Additionally, they can hear the PA system that is at the YMCA pool.

Dennis Schoenebeck said that forms of screening will be reviewed and that there would not be an exterior PA system at this facility.

Chairman Coon closed the public hearing.

### **CONDITIONAL USE REPORT**

CASE NUMBER: BZA-CU-2014-01

APPLICANT/ AGENT: YMCA of Greater Wichita

REQUEST: Establishment of outdoor recreation/sports facilities, indoor athletic facilities, accessory structures, and associated paved parking.

CASE HISTORY: A plan for a multifamily development was submitted some years ago, but not acted on.

LOCATION: Southeast of intersection of Yorktown Street and YMCA Drive.

SITE SIZE: ±28.578 acres.

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

North: B-3 Central Shopping District

South: AG-40 Agricultural District 40

East: R-Residential District

West: R-2 Single-Family Residential Reflection Lake Subdivision/B-3 Central Shopping Districts Prairie Creek Elementary School

**NOTE:** This report is to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing in order to decide whether a conditional use as an exception should be granted with the evidence and reworded as necessary to reflect the Board of Zoning Appeals 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.

**BACKGROUND INFORMATION:**

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**HAS THE APPLICANT SUBMITTED STATEMENTS ATTACHED TO THIS REPORT COMPLYING WITH SECTION 10-108A 1-4? Yes X No \_\_\_\_\_**

If no, provide explanation: \_\_\_\_\_

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**IN WHAT ZONING DISTRICT(S) IS THE CONDITIONAL USE REQUESTED EXPRESSLY AUTHORIZED TO BE PERMITTED?**

R-3 Multiple Family Residential District

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**DOES THE EVIDENCE SUPPORT THE CONCLUSION THAT:**

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. **No specific deviations from the bulk regulations have been proposed. PC- agree.**
2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood. **Preventative measures can be placed on the site to minimize the effects of additional activity, traffic, and lighting on the adjacent properties. PC- Residential neighborhood to East.**
3. 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:

- a. The location, nature, size and height of building, structures, walls and fences on the site; and **The proposed site is surrounded on the east and south sides by a mature hedgerow, which will provide buffering between uses.**  
**PC- Additional screening may be needed.**
  - b. The nature and extent of landscaping and screening on the site. **The proposed site is surrounded on the east and south sides by a mature hedgerow, which will provide buffering between uses. Additional screening and buffering may be required by the Site Plan Review Committee as deemed necessary. PC- Refer to Site Plan Review Committee.**
4. 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. **Screening and buffering will be imposed by the Site Plan Review Committee in accordance with adopted Guidelines. PC- Lighting will be addressed by Site Plan Review Committee.**
5. Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees. **Drainage and utility improvements will be required by the Building Official. PC- agree.**
6. 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. **A traffic report will be prepared to demonstrate the effect of the proposed development on traffic in the area, and proposed mitigation strategies if necessary. PC- Traffic report has been submitted.**

*Having considered the evidence at the hearing for Case No. BZA-CU-2014-01 and determined that the findings of case in the conditional use report support the conclusions which are necessary for granting a conditional use as set out in Section 10-108C of the Zoning Regulations. I Lynn Heath, move that the Chairperson be authorized to sign a Resolution granting the conditional use as requested, subject to the following conditions; 1. Strong considerations by Site Plan Review Committee for screening to address sound and light pollution along Eastern property boundary line, 2. Drainage plan submitted to address drainage with no net increase in drainage impact to residential neighborhood to the East. Lee Butler seconded the motion. Motion carried 4/0/1. Brian Lindebak abstained due to professional conflict of interest.*

**Adjourn the Board of Zoning Appeals and Reconvene the Planning Commission**

*A motion was made by Lynn Heath, seconded by William Schnauber to adjourn the Board of Zoning Appeals and Reconvene the Planning Commission. Motion carried 5/0.*

***A motion was made by Lynn Heath for a 5 minute recess at 8:23 p.m. Motion seconded by Brian Lindebak.***

***Chairman Coon called the meeting to order at 8:29 p.m.***

**7. Review of the Preliminary Plat for the YMCA Andover First Addition.** 01:33:55

Steve Anderson explained that the Preliminary and Final Plat were both approved by the Subdivision Committee. The Final Plat is being deferred until next month in order to finish the traffic engineering and drainage. The unresolved issues involving details on access control and drainage and utility easements will be worked out for the Final Plat. Staff supports what has been submitted.

Chairman Coon asked if a drainage plan would be included in the Final Plat.

Steve Anderson replied that it would and details are being worked on.

Sasha stated that the details will be most important on the Final Plat. Any comments for the applicant to take back will be important.

***A motion was made by Lynn Heath, seconded by William Schnauber to approve the Preliminary Plat for YMCA Andover First Addition as presented. Motion carried 4/0/1. Brian Lindebak abstained due to professional conflict of interest.***

**10. Member items.** 01:40:16

There were no member items.

**11. Adjourn.** 01:30:29

***A motion was made by Lynn Heath, seconded by William Schnauber to adjourn at 8:40 p.m. Motion carried 5/0.***

Respectfully Submitted by

Daynna DuFriend  
Administrative Assistant

Approved this 19<sup>th</sup> of August, 2014 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover