



**PLANNING & ZONING**  
1609 E. CENTRAL AVE.  
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**PLANNING COMMISSION  
& BOARD OF ZONING APPEAL MINUTES**  
**JANUARY 15, 2019 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

William Schnauber called the meeting to order at 7:00pm.

**2. ROLL CALL**

Commissioners in attendance: William Schnauber, Gary Israel, Lynn Heath, Alex Zarchan and Eric Pedersen.

Staff in attendance: Mark Detter, City Administrator; Les Mangus, Director of Public Works & Community Development; Steve Anderson, City Engineer & Building Official; Mike Roosevelt, Deputy Fire Chief & Fire Marshall and Lance Onstott, Stormwater/GIS/Planning Technician. A/V services provided by WAV Services.

**3. APPROVAL OF THE MINUTES OF THE DECEMBER 19, 2018 MEETING**

*Lynn Heath made a motion to approve the minutes of the December 19, 2018 meeting as presented. Motion seconded by Gary Israel. Motion carried 4/0/1. Alex Zarchan abstained.*

**4. COMMUNICATIONS**

- A. COMMITTEE & STAFF REPORT**
- B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

**5. ELECTION OF PLANNING COMMISSION CHAIRPERSON TO SERVE UNTIL REGULAR OFFICER ELECTIONS ARE HELD AT THE MAY 2019 MEETING**

*Lynn Heath made a motion to nominate William Schnauber as Chairperson. Motion seconded by Alex Zarchan. Motion carried 4/0.*

William Schnauber indicated the need for the election of a replacement Vice Chairperson.

*Lynn Heath made a motion to nominate Eric Pedersen as Vice Chairperson. Motion seconded by Gary Israel. Motion carried 4/0.*

William Schnauber indicated that Gary Israel will continue as Secretary.

**6. Z-2018-06 – REVIEW OF AND RECOMMENDATION ON THE HERITAGE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN LOCATED AT THE SOUTHWEST CORNER OF SOUTH YORKTOWN PARKWAY AND EAST DOUGLAS AVENUE, ANDOVER, KANSAS**

Jason Gish, MKEC Engineering Inc., was in attendance to represent the application.

Les Mangus stated that the agent for the applicant wishes to make a presentation regarding this plan.

Mr. Gish stated the plan was designed to meet the intent of what is included in the City's Comprehensive Plan, and more specifically in the US 54/400 Corridor Study. They have been working through the details with City staff for some time. The subject property has been zoned for some time, and they are requesting updated zoning classifications to allow for zero lot line residential development.

Mr. Gish indicated the development includes two residential parcels. The east parcel is a zero lot line neighborhood with lot dimensions of approximately 48 ft. by 130 ft. This EPCON® community design can be

found in other cities within the metropolitan area, as well as hundreds if not thousands throughout the United States. This parcel will immediately abut the soon-to-be constructed Yorktown Parkway. The neighborhood has traditional design elements, as in it includes more of a grid layout. This layout provides better vehicular and pedestrian connectivity, which allows this neighborhood to be a walkable community. The main entrance will be off Yorktown Parkway. A clubhouse with pickle ball courts will be included. The community is maintenance free. A central park with open green space is also planned. A drainage way divides the two proposed parcels. Eight different models are available with a myriad of options. These homes have side-yard courtyards, which require the zero lot line allowance. There are models with rear-focused courtyards, which are expected to be built in areas near amenities such as green-spaces.

Gary Israel asked if the landscaping would be done by the community.

Mr. Gish stated that home-buyers can customize their landscaping with exception to the turf selection.

Mr. Gish presented the utility plan, which includes an off-site sanitary sewer extension to serve the subject properties. There are reserves along the east side of Yorktown Parkway that will ensure the existing hedgerow remains. The hedgerow along the south of Douglas Avenue will also remain.

Eric Pedersen asked if the homes would have optional basements.

Mr. Gish responded that all homes are planned for slab-on-grade construction based on their close proximity. Options for rated safe rooms are available. The particular buyers of these homes enjoy the lack of stairs at the entrances to the homes.

Mr. Gish presented the proposed typical street cross-sections. There will be enough room to park in the drive way on this parcel, even though the covenants may restrict it.

Mr. Gish stated the west parcel has the same zoning classification request, as it will also be a zero lot line neighborhood with lot dimensions of approximately 34 ft. by 80 ft. Examples of this type of neighborhood can be found around the country. With lots this narrow, and the priority of keeping the architecture pleasing, the garages are planned to be located at the back of the homes. Garages will be accessed via alleys. Shay Road will continue as the collector going south, and will eventually tie into Willowbrook Street. The main drainage way that separates the two parcels is intended to be a City park. Additional amenity space, planned for a pool/cabana, is included for this neighborhood. A park space is also planned on the west side, which will also act as a buffer to the existing residential areas to the west. Street trees will be included between the roadway and sidewalks. Two-story homes with front porches are planned. The front setbacks are short, with the intention of providing walkability and interaction. A lot of time has been spent with utility companies to refine their locations. Some homes directly south of Douglas Avenue include parklets in order to avoid having homes front onto a collector street.

Gary Israel asked if there were any examples of this type of development within the metropolitan area.

Mr. Gish responded that the best example of the feel/intent may be in the Riverside area of Wichita.

Mr. Gish presented the utility plan for this neighborhood. Utility locations need to be more exact for a development of this type, so a lot of time has been put in with City staff and utility providers to design the plan. There will be no parking in the rear of the homes either in the alley or in the driveway beside what is available within the garage. The side yards will be setup similar to the east neighborhood in that they will be zero lot line. He presented typical street cross-sections. They have worked closely with Chief Roosevelt on emergency access. Templates were also used to ensure larger personal vehicles and trash trucks would be able to navigate the alleys.

Lynn Heath asked if parking was available at the front of the homes within the west parcel.

Mr. Gish confirmed the streets are wider within this neighborhood to allow for on-street parking on both sides of the street and two-way traffic.

Chairperson Schnauber asked if any member of the public wished to speak regarding this application.

Gary Adams, 428 E. Willowbrook St., stated he was concerned about the additional traffic generated on what is now a gravel road, especially during/after it rains. He asked if there were plans to pave the road.

Les Mangus stated that traffic circulation within the west neighborhood has been looked at closely. Shay Road has been realigned from its originally proposed alignment, which called for its connection to Sunset Drive. As presented this evening, Shay Road will eventually connect directly with Willowbrook Street, keeping the major function traffic off the currently unpaved Sunset Drive and the portion of unpaved Willowbrook Street. The applicant has done a good job of designing the development to minimize the impact on the neighbors and the adjoining streets.

Jason Gish added that the exact configuration and relationship of the development near Sunset Drive and Willowbrook Street may be revised at the time of the final PUD submittal as well.

Les Mangus stated that the proposed phasing on the development starts at the north end of the property. It wouldn't be until the final phases that conversations regarding the paving of Willowbrook Street and Sunset Drive, or portions thereof, would be discussed. Additionally, the connection to Willowbrook Street is also planned during the final phases.

Kenneth Boone, 235 S. Sunset Dr., stated he was concerned with the drainage. Currently, the east side of Sunset Drive holds water during rain events. He asked what plans there are for drainage.

Mr. Gish stated that the water currently along Sunset Drive will be captured, ran through a park-like setting using a swale, enter a culvert under Shay Road and eventually deposit into a detention facility within the proposed neighborhood.

Chairperson Schnauber closed the public hearing.

1.	<b>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?</b>
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STAFF	Adequate public infrastructure exists in the area and be feasibly extended to service the subject property. The improvement of Yorktown Parkway adjacent to the subject property is under contract.
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2.	<b>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?</b>
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STAFF	The subject property would need to be platted as parcels are developed.
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3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?	STAFF  The proposed land uses would not be required to screen or buffer adjacent parcels.
4. What fact-based information in support of or in opposition to the requested zoning change has staff received?	STAFF  No evidence has been submitted other than the application and supportive materials.
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 known error exists.
6. How suitable or unsuitable is the subject property for its current zoning?	STAFF  The property is suitable for the existing permitted land uses  PLANNING  <b>Agree with Staff.</b>  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  Staff doesn't believe the existing zoning is a factor in the property being undeveloped.  PLANNING  <b>Agree with Staff.</b>  COUNCIL
8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.	STAFF  Adequate connections to public collector streets and separation from nearby properties is provided.  PLANNING  <b>Agree with Staff.</b>  COUNCIL

<p>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?</p>		
STAFF	<p>The real estate market has shown a need for alternative residential housing configurations.</p>	
PLANNING	<p><b>Agree with Staff.</b></p>	
COUNCIL		
<p>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p>		
STAFF	<p>The subject property is bordered by older single family residences on large lots on the east and west sides, two-family rental dwellings and an elementary school on the north, and undeveloped commercial property on the south.</p>	
PLANNING	<p><b>Agree with Staff.</b></p>	
COUNCIL		
<p>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?</p>		
STAFF	<p>The proposed land use would allow higher density single family residences than the current zoning, thus more traffic and activity could be expected as opposed what is allowed.</p>	
PLANNING	<p><b>Agree with Staff.</b></p>	
COUNCIL		
<p>12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</p>		
STAFF	<p>The following goals from the Comprehensive Plan support the proposed land uses:</p> <ul style="list-style-type: none"> <li>— In the future, new residential, commercial, and school developments should be constructed so as to promote active transportation. That is, these uses should be developed in such a way that makes it easier to walk or bike to a destination than it would be to drive. Possible methods include shorter block lengths, design standards geared towards improving the walking environment, increased street connectivity, higher residential and commercial density, and greater mixes of land use. For example, bringing buildings to the street's edge rather than having them set back surrounded by a sea of parking make them easier for pedestrians to access and makes the street more</li> </ul>	

	<p>interesting to walk along. Creating compact, mixed use, walkable corridors and nodes will also promote walking and the accompanying health benefits. At the same time, these techniques have been proven to increase property values as well.</p> <ul style="list-style-type: none"> <li>— The inclusion of smaller housing units into a neighborhood offers more affordable housing choices for older adults, one- or two-person families, persons with disabilities living alone, and others.</li> <li>— Provide more housing diversity and affordability.</li> <li>— Use planned unit development (PUD) tool to provide greater housing choice through a mixture of small lot single family structures (less than 10,000 square foot lots), attached housing, townhomes, multifamily, and others within each development.</li> <li>— Increase the current limit of 35% ground area occupied by buildings in a PUD to provide more layout flexibility.</li> </ul>
PLANNING	<b>Agree with Staff.</b>
COUNCIL	
13.	<p><b>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?</b></p> <p>STAFF      Approval as applied for.</p> <p>PLANNING      <b>Agree with Staff.</b></p> <p>COUNCIL</p>
14.	<p><b>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?</b></p> <p>STAFF      Staff perceives no detriment to the public health, safety or welfare from the proposed changes.</p> <p>PLANNING      <b>Agree with Staff.</b></p> <p>COUNCIL</p>

Gary Israel asked if the neighborhoods will allow renter-occupied homes.

Mr. Gish did not know for sure.

Gary Israel stated the maintenance-free aspect of these neighborhoods is appealing.

Alex Zarchan asked to confirm that both neighborhoods will be maintenance-free.

Mr. Gish confirmed both will be maintenance-free.

Gary Israel asked if a homeowner's association is legally able to prevent a homeowner from renting their property.

Les Mangus indicated he does not believe it to be legal. He is aware of that restriction being in some subdivision covenants, but they are often the topic of lawsuits.

Alex Zarchan asked about the addressing for the lots that have no public street frontage.

Les Mangus replied that the addressing details will be finalized during the final PUD process.

*Having considered the evidence at the hearing and the factors to evaluate the application, I Gary Israel, move that we recommend to the Governing Body that Case No. Z-2018-06 be approved to create a Planned Unit Development District and establish a Preliminary Planned Unit Development Plan of The Heritage based on the findings 1, 6, 9, 10 and 12 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 5/0.*

**7. RECOMMENDATION TO THE GOVERNING BODY FOR THE INTENT TO ANNEX PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH YORKTOWN PARKWAY AND EAST DOUGLAS AVENUE, ANDOVER, KANSAS**

Lance Onstott indicated this item represents phase 1 of the annexation of this general area. Phase 1 includes 91 individually-owned tracts encompassing approximately 71 acres. All qualify for unilateral annexation per State statute. All properties are currently served with sanitary sewer service by the City of Andover. No public potable water service is available to the majority of the properties proposed for annexation, as most are assumed to have private wells. Public water mains currently exist along US 54/400 and are planned as part of the Yorktown Parkway project. This infrastructure will be able to be utilized to extend potable water service at such time it is needed/requested. Residents have contacted the City about the possibility of getting public water dating back to at least 2011, which is not possible without annexation. The included zoning exhibit clearly demonstrates the annexation area being surrounded by the current City limits to the north, south and west. Current land uses in the area are predominantly residential, with a few commercial properties directly north of US 54/400 and one vacant/undeveloped tract. A major portion of the proposed annexation falls within the boundary of the US 54/400 Corridor Study. Financially, the owner of a \$100,000 home would pay approximately \$187 in additional annual property tax upon annexation. Conversely, the monthly sewer rate would decrease from \$53 to \$35 dollars, resulting in an approximate decrease of \$216 annually for sewer alone. Additionally, depending on individual rates, there is the possibility that residents would experience additional savings in regards to trash and recycling rates as they would be eligible for City rates upon annexation. The recommendation of the Planning Commission will be forwarded onto the Governing Body at their January 29, 2019 meeting, at which time they will consider the adoption of a resolution declaring the City's intent to annex. That resolution will set the date, time and location of the official public hearing and initiate the formal notification process.

Gary Israel asked if the Planning Commission was able to allow the public to speak regarding the item at this meeting.

Lance Onstott replied that it would be up to the Commission to make that decision.

Ashley Placke, 329 S. McCandless Rd., stated he is opposed to the annexation. He would like to see the adjacent property to the west to be developed before any annexation is completed. He stated that in addition to the increase in property tax, there will also be a stormwater fee imposed on the properties.

Lance Onstott stated that the stormwater fee for a single-family home on 1.0 acre or less is \$2.00 per month or \$24.00 annually.

*Gary Israel made a motion to recommend the City Council consider the annexation. Motion seconded by Lynn Heath. Motion carried 5/0.*

**8. REVIEW OF AND RECOMMENDATION ON AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 680 OF THE CITY OF ANDOVER, KANSAS; PROVIDING FOR ESTABLISHMENT OF THE ANDOVER CITY PLANNING COMMISSION, AND THE NUMBER, QUALIFICATIONS AND MANNER OF APPOINTMENT OF COMMISSION MEMBERS; DESCRIBING THE COMMISSION'S POWERS AND DUTIES; DESIGNATING IT AS THE BOARD OF ZONING APPEALS; PROVIDING A PROCESS FOR FUNDING ITS OPERATIONS; AND AMENDING THE CODE OF THE CITY OF ANDOVER TO INCORPORATE THESE CHANGES**

Lynn Heath asked what the current membership number is.

Les Mangus responded that there are currently eight members, which creates a quorum of five members. Staff believes the reduction from eight to seven members is adequate, and would create a new quorum of four members. The Commission membership will still require at least two members from outside the City limits. Additionally, this will combine the bylaws of the Planning Commission and Board of Zoning Appeals.

Eric Pedersen asked if replacements for the Commission are filled as soon as possible, or if there is a cycle that must be adhered to.

Les Mangus replied that the Mayor makes annual appointments each January.

Lynn Heath stated that the Commission hasn't had eight active members for quite some time. Seven would be the minimum in his opinion.

Les Mangus agreed. Any lower would create the situation where the two required members from outside the City limits could constitute the majority of a quorum.

*Lynn Heath made a motion to approve agenda item #8. Seconded by Gary Israel. Motion carried 5/0.*

**9. REVIEW AND ADOPT AMENDED BYLAWS OF THE ANDOVER CITY PLANNING COMMISSION AND BOARD OF ZONING APPEALS EFFECTIVE FEBRUARY 10, 2019 PENDING THE ADOPTION OF AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 680 OF THE CITY OF ANDOVER, KANSAS**

*Alex Zarchan made a motion to approve and adopt the amended bylaws. Motion seconded by Eric Pedersen. Motion carried 5/0.*

**10. MEMBER ITEMS**

Gary Israel thanked William Schnauber and Eric Pedersen for taking on additional responsibilities on this Commission.

William Schnauber encouraged all Commissioners to attend the employee appreciation event this weekend.

**11. ADJOURN**

*Lynn Heath made a motion to adjourn. Motion seconded by Gary Israel. Motion carried 5/0. Meeting adjourned at 8:16pm.*

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Respectfully submitted by:



Lance Onstott  
Stormwater/GIS/Planning Technician

Approved on the 19<sup>th</sup> day of March, 2019 by the City of Andover Subdivision Committee.