



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEAL MINUTES**
MARCH 19, 2019 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson William Schnauber called the meeting to order at 6:58pm.

2. ROLL CALL

Commissioners in attendance: Chairperson William Schnauber, Vice Chairperson Erik Pedersen, Secretary Gary Israel, Lynn Heath, Marla Canfield and Brian Davidson. Commissioner Alex Zarchan arrived at 7:00pm. Staff in attendance: Les Mangus, Director of Public Works & Community Development; Steve Anderson, City Engineer & Building Official; and Lance Onstott, Stormwater/GIS/Planning Technician. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE JANUARY 15, 2019 MEETING

Gary Israel made a motion to approve the minutes of the January 15, 2019 meeting as presented. Motion seconded by Erik Pedersen. Motion carried 4/0/2. Marla Canfield and Brian Davidson abstained.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

Les Mangus welcomed Marla Canfield and Brian Davidson as new members, and thanked them for volunteering.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. Z-2019-01 – PUBLIC HEARING ON AN APPLICATION REQUESTING TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM SF-2 SINGLE-FAMILY RESIDENTIAL/MEDIUM DENSITY DISTRICT TO MF-2 ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 1109 NORTH MAIN STREET, ANDOVER, KANSAS

Les Mangus stated that the neighborhood has seen several large lots rezoned and redeveloped into more single-family or multiple-family houses over the last ten years. A paving project was completed in 2006-2007 that added curb and gutter, storm sewer and replaced some waterlines in the neighborhood.

Erik Pedersen asked for clarification of what MF-2 Attached Single-Family Residential District entails.

Les Mangus indicated it would include a duplex not an apartment complex. The applicant property is large lot that would accommodate more than one duplex.

Erik Pedersen stated that just north of the applicant property is a construction site, and asked if that project is similar to this application.

Les Mangus replied that the project just north of this application consists of two- and three-family houses. A completed apartment project is around the corner on Mike Street. Across the street from the Mike Street apartments is another lot that has been rezoned to allow a duplex though construction has not been started.

Alex Zarchan asked if the project proposed includes a single duplex.

Paul Gray, 13902 E. Rockhill St., Wichita, KS 67230, was in attendance to represent the application.

Mr. Gray responded that the property is approximately 360 feet long along May Street. The existing single-family home is dilapidated and needs demolished. The intention is to place four duplex properties on the lot. Originally, they planned for five duplexes, but ultimately decided it would be too crowded. Four properties will allow for standard residential side setbacks. The project will be very similar to the project currently under construction three lots north of this property.

Erik Pedersen asked if the properties will be facing south.

Mr. Gray confirmed the properties will face south.

Alex Zarchan asked to confirm that a total of eight residences are planned.

Mr. Gray confirmed that eight residences are planned. He stated that the homes he is building in the Cornerstone Addition in Andover are on what are considered large lots with approximate widths of 80-85 feet. The 360-foot width of this lot will reasonably be divided into four lots. Mr. Gray added that they do not intend to subdivide the lot, and the property has already been platted. Replatting would take 3-4 months and cost approximately \$15,000. He is willing to explore additional dedications if necessary, but questions if replatting is absolutely necessary.

Les Mangus indicated that platting is the preferred option. He believes that dedications and easements can be provided for through separate instruments.

Chairperson Schnauber asked to confirm if the existing plat is sufficient.

Les Mangus indicated the neighborhood has a plat of survey completed in the 1940s-1950s. The dedications of right-of-way and easements of the time were not of modern standards. There are no utility easements in some cases. He believes that dedications can be worked out with the applicant.

Gary Israel asked if the units will have basements.

Mr. Gray responded that no final decision has been made. They are monitoring other projects in the area.

Gary Israel asked how drainage will be handled.

Mr. Gray responded that the large lot size allows for room to work with drainage, and to get water to shed from the properties. The assumption is that the drainage will continue to follow the existing drainage pattern. Details will be worked out during the site plan phase of development in order to ensure the property drains effectively and to ensure no surrounding properties are negatively impacted.

Lynn Heath asked if all units will be rental properties.

Mr. Gray confirmed all units will be rental properties, and they intend to own them.

Chairperson Schnauber opened the public hearing at 7:12pm. No members of the public wished to speak.

Chairperson Schnauber closed the public hearing at 7:12pm.

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 water, sewer, and streets are in place and adequate. A water extension might be necessary along May St. depending on the configuration of future houses.
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	Platting would be required. <i>Original staff comments revised to reflect the above being provided through dedications only.</i>
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	Screening would not be required.
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 errors are known to exist.
6.	How suitable or unsuitable is the subject property for its current zoning?
STAFF	The large lot is suitable for redevelopment.
PLANNING	<i>Agree with Staff.</i>
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	No.	
PLANNING	Agree with Staff.	
COUNCIL		
8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.		
STAFF	There is a trend in the area toward redevelopment of the large lots into multifamily that is supported by the availability of public improvements and underutilized land. The majority of the properties in the neighborhood are not owner occupied.	
PLANNING	Agree with Staff.	
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	There is a trend in the area toward redevelopment of the large lots into multifamily that is supported by the availability of public improvements and underutilized land.	
PLANNING	Agree with Staff.	
COUNCIL		
10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?		
STAFF	The existing 1940's-1960's large lot single family neighborhood is in transition. There is a trend in the area toward redevelopment of the large lots into multifamily that is supported by the availability of public improvements and underutilized land. The majority of the properties in the neighborhood are not owner occupied.	
PLANNING	Agree with Staff.	
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	There would be a slight increase in traffic and activity.	
PLANNING	Agree with Staff.	
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 supports the notion of providing more housing diversity and affordability.	
PLANNING	Agree with Staff.	
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 knows of no reason not to support the proposed change.	
PLANNING	Agree with Staff.	
COUNCIL		

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-2019-01 be approved to change the zoning district classification from SF-2 Single Family Residential/Medium Density District to the MF-2 Attached Single Family Residential District based on the findings 6, 8, 9, 10 and 12 of the Planning Commission as recorded in the summary of this hearing with the following conditions: 1) Dedication of necessary right-of-way and easements. Motion seconded by Lynn Heath. Motion carried 7/0.

6. REVIEW AND ACCEPT THE USD 385 – MEADOWLARK ADDITION FINAL PLAT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 159TH STREET EAST AND WEST 13TH STREET NORTH, ANDOVER, KANSAS

Les Mangus stated the school district purchased this property with the intent to build an elementary school and a CAPS program building. The Site Plan Review Committee has approved the elementary school project. Staff and the City Engineer have worked to develop a plan for infrastructure improvements. The applicant has completed an extensive traffic study. This plat encompasses about 2/3 of the property owned by the school district. The district does not have a firm plan on what they are going to do with the southern portion of their property, so they have chosen to not plat it at this time.

A motion was made by Erik Pederson to approve the USD 385 – Meadowlark Addition Final Plat as presented. Motion seconded by Lynn Heath. Motion carried 7/0.

**7. REVIEW AND ACCEPT THE HERITAGE FIRST FINAL PLANNED UNIT DEVELOPMENT PLAN
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH YORKTOWN PARKWAY AND
EAST DOUGLAS AVENUE, ANDOVER, KANSAS**

Les Mangus stated the applicant and staff have worked for over a year on this project.

Gary Israel asked if the language revisions discussed at the Subdivision Committee have been addressed.

Les Mangus confirmed all text revisions requested by the Subdivision Committee have been made. The only language that may be in question involves Reserve E and its relation to the tax increment financing process.

Alex Zarchan asked for clarification of the Shay Rd. alignment.

Les Mangus indicated that Shay Rd. will be the through street. Sunset Dr. will be redirected to connect into Shay Rd.

Alex Zarchan asked about the tree row along Douglas Ave.

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

Mr. Gish stated that the owner of this property desires to maintain and own this tree row. The school district originally dedicated a portion of the Douglas Ave. right-of-way and agreed to vacate it. The vacation was completed, and thus the vacated land reverted to the dedicating entity, which in this case was the school district. The applicant approached the district about quitclaim deeding the property to them. The item was included on the latest school board meeting agenda, but was subsequently tabled. The property in question is not included in the plat.

Les Mangus stated that the status of this vacated portion of right-of-way does not impact the plat as presented at this meeting.

A motion was made by Gary Israel to approve The Heritage First Final Planned Unit Development Plan as presented. Motion seconded by Lynn Heath. Motion carried 6/01/1. Brian Davidson abstained.

**8. RECOMMENDATION TO THE GOVERNING BODY FOR THE INTENT TO ANNEX UN-PLATTED
TRACTS GENERALLY LOCATED NORTH OF US HIGHWAY 54/400 BETWEEN SOUTH ARCHER
DRIVE AND SOUTH SUNFLOWER LANE**

Les Mangus stated the tracts are in the direct area of The Heritage development. Staff is also working on the unilateral annexation of properties directly east of The Heritage development. After working through the timeline for the tax increment financing district and the unilateral annexation proceedings, staff is recommending that only the one tract abutting the Andover Crossing apartments be annexed at this point by petition. The other two properties included in this agenda item will be included in the unilateral annexation proceeding. The one tract proposed to be annexed by petition is currently surrounded by the City on all four sides.

Alex Zarchan indicated it makes sense to annex the subject property.

A motion was made by Gary Israel to recommend to the Governing Body to approve the annexation of the tract located near Sunflower Ln. and Willowbrook St. Motion seconded by Erik Pedersen. Motion carried 7/0.

9. MEMBER ITEMS

Gary Israel welcomed the new Planning Commission members.

10. ADJOURN

Gary Israel made a motion to adjourn. Motion seconded by Lynn Heath. Motion carried 7/0. Meeting adjourned at 7:38pm.

Respectfully submitted by:



Lance Onstott
Stormwater/GIS/Planning Technician

Approved on the 16th day of April, 2019 by the City of Andover Subdivision Committee.