



**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners in attendance: Chairperson William Schnauber, Secretary Gary Israel, Lynn Heath, Marla Canfield, Alex Zarchan and Brian Davidson. Vice Chairperson Erik Pedersen was absent. Staff in attendance: Mark Detter, City Administrator; Les Mangus; Director of Public Works & Community Development; and Lance Onstott, Stormwater/GIS/Planning Technician. A/V services provided by WAV Services.

**3. APPROVAL OF THE MINUTES OF THE APRIL 16, 2019 MEETING**

*Gary Israel made a motion to approve the minutes of the April 16, 2019 meeting as presented. Motion seconded by Lynn Heath. Motion carried 6/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Les Mangus stated that building, zoning and platting activity are up substantially from the last couple of years.

**5. REVIEW OF THE PROJECT PLAN FOR THE ANDOVER REDEVELOPMENT DISTRICT 2019, ALSO KNOWN AS "THE HERITAGE", FOR CONSISTENCY WITH THE INTENT OF THE COMPREHENSIVE PLAN**

Jerry Jones, Jones Commercial Development Co.; Mike Lies, Lies Properties, LLC; and Lance Biel, Lies Properties, LLC were in attendance to represent the project plan.

Les Mangus stated that The Heritage development is split into a residential component and commercial, mixed-use component. A tax increment finance (TIF) district is proposed, which will help pay for the infrastructure aspects of the development. In order to be approved, the Planning Commission must review the proposed project to determine whether it is in compliance with the Comprehensive Plan.

Mr. Jones stated that numerous steps have been completed to date on this project. Last year Lies Properties, LLC dedicated land for Yorktown Parkway, which is currently under construction, in addition to additional right-of-way along US 54/400 as envisioned by the US 54/400 Corridor Study. Early this year, a development agreement was approved by the City Council with Lies Properties, LLC and Perfection Builders, LLC. Last week, the City Council approved a resolution creating a tax increment financing (TIF) district. The task now is to present the project plan for the TIF district to the Planning Commission.

Mr. Jones described the boundaries of the district, and stated that the property consists of approximately 100 acres. This infill development project is the type that is described in the City's Comprehensive Plan, as it is compact and improves currently underutilized land.

Mr. Jones presented the site master plan. The north of the property will be residential, and the south will be commercial/mixed-use. A number of the planning considerations found in the Comprehensive Plan and US

54/400 Corridor Study have been implemented into the master plan, such as multi-modal connectivity both internal and external to the development. Mr. Jones quoted from the US 54-400 Corridor Study concerning the "Lifestyle Corridor", "The conventional, low density, big-box format does not match the stated goals of the Lifestyle Corridor, which calls for a more vibrant, high density, mixed-use development." This type of development is the goal of this project. The residential development, already approved by the Planning Commission, is higher density in concept. The goals of mixed-uses and higher density has been incorporated into the commercial portion of the project as well. The US 54-400 Corridor Study continues, "However, this more appealing format will result in higher overall development costs related to construction, amenities, parking and other factors adding risk to the project from the developer's perspective. As a result, these types of higher density, mixed-use developments are often financially infeasible based on current achievable rents available in the market." In the Wichita area, you don't see this type of development in suburban locations for that reason. Some of this type of development can be seen in parts of Wichita, such as Old Town. The US 54/400 Corridor Study continues, "This does not necessarily mean the City needs to decide between accepting new development in the short-term that does not fit well with the long-term vision or enforcing the requirements of the vision on proposed developments. Once a financial gap between the two formats has been determined, a wide variety of revenue generating mechanisms are available in the State of Kansas to help subsidize new development." Tax increment financing will help establish the network of streets and parks up front that will help set the pattern of development in the area. This pattern will be unique.

Mr. Jones presented various renderings of the proposed commercial/mixed-use component. The project includes a town square, known as "Heritage Square", at the center of the site, that will serve as a gathering place for the community. A couple of City Council members have referred to this as Andover's "downtown." Buildings are pushed up close to the street. On-street parking is provided. Restaurants are depicted on both sides of Heritage Square. A hotel/conference center is included. Parking lots are tucked behind buildings. Heritage Square is designed to be an active space. Wide sidewalks will be provided. Commercial space will include first-floor business/retail and office/residential on the second floors. Amenities, such as street lights, street furniture and street art, are included in the project plan.

Mr. Jones presented vision boards for the residential component of the project. The Courtyards at the Heritage is on the east side of the site, and is an Epcon® concept. This concept has been successful in the Wichita region. Perfection Builders, LLC has probably sold more homes than anyone in the region over the last 5 years. This concept has proven to be appealing to empty-nesters. Homes are close together, have two-car garages and orient onto private courtyards. Heritage Commons, on the west portion of the property, is targeted more towards young families. The neighborhood concept is more traditional, much like what is seen in the Riverside and College Hill areas in Wichita. Homes are close to the street, on-street parking is provided, sidewalks are on both sides of the street, include prominent front porches and alleys behind the houses providing access to two-car garages. Again, this is a more-compact development as proposed by the Comprehensive Plan and US 54/400 Corridor Study. The courtyard homes will range from \$300,000-\$500,000, and the traditional concept will range from \$200,000-\$250,000.

Mr. Jones presented a phasing plan for the improvements proposed to be funded using tax increment financing, which include streets, parks and Heritage Square. Phase I will largely include street improvements around US 54/400 and Yorktown Parkway, which is designed to help activate the area. Phase I will also include some infrastructure extensions into the residential component, grading and stormwater detention of the parks and improvements to Shay Road. Phase II would complete the parks, the backage road and Sunset Drive. Phase III would include Heritage Square and the main street. The backage road concept was proposed by the US 54/400 Corridor Study, and is well-represented in this project plan. The development is focused off the backage road as compared to US 54/400. The projects total approximately \$12.5 million, and the cost of each phase is split somewhat evenly. Streets and related utilities represent approximately 62% of the cost, and parks constitute approximately 38%. The financial feasibility study concluded that the tax increment created

by the project far exceeds the cost of the infrastructure projects. Projections, assuming no major market disruptions, conclude that the bonds issued could be retired in as soon as ten years.

Alex Zarchan asked what happens if the development does not meet the revenue goals.

Mr. Jones responded that there is a sharing of risk on this project. A letter of credit has been submitted that can be utilized if the City cannot collect the increment taxes to make the bond payments. The phasing of the project has taken risk into account. The residential development is planned first, which will generate new property tax revenue immediately. Their agreement with the City is that they will not proceed to Phase II until Phase I is performing.

Mark Detter stated that the City has a \$3 million letter of credit submitted by the development team. The total project costs are \$12.5 million. The City anticipates the residential property tax revenue will begin to pay the debt service on the bonds once issued. The residential development alone is projected to make the bond payments for the entire project. If there is a shortage in the increment, the letter of credit provided by the developers will be tapped. The City is hoping there will be a surplus, which would provide the City the option to complete other projects in the district not associated with the private development, such as a pedestrian overpass over US 54/400. The City does have risk in the project, but staff feels the risk has been somewhat mitigated with the letter of credit and has confidence in this particular development team.

*I, Gary Israel, move to approve The Heritage Project Plan as being part of the "Lifestyle Corridor" that has been depicted by the City and part of the Comprehensive Plan for future land use. Motion seconded by Lynn Heath. Motion carried 5/0/1. Brian Davidson abstained.*

**6. Z-2019-04 – PUBLIC HEARING AND RECOMMENDATION ON A ZONING AMENDMENT APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM THE I-1 INDUSTRIAL DISTRICT AND MXI MIXED INDUSTRIAL/COMMERCIAL DISTRICT TO THE B-3 RETAIL AND SERVICE BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 1108 NORTH ANDOVER ROAD, ANDOVER, KANSAS**

Cary and Christine Anderson were in attendance to represent the application.

Les Mangus stated that this case is a downzoning from the current industrial zoning to retail/business zoning. The site is located at a corner along Andover Road in an area that is identified in the Comprehensive Plan as a potential mixed-use development area.

Mr. Anderson stated that the existing business has outgrown its existing facility in the City. The building will be approximately 6,000 sf. The site is currently vacant.

Alex Zarchan asked if the site will be accessed from Commerce St. or Andover Rd.

Mr. Anderson responded that the primary access will be off Commerce St., but there will be a secondary access off Andover Rd.

Gary Israel asked about enrollment at the facility.

Mr. Anderson stated approximately 120 current enrollees, but they are currently turning away new enrollees based on their current facility's limitations. The goal is to double enrollment at the new site. The plan allows for a second phase, consisting of 2,800 sf., should it be necessary in the future.

Gary Israel asked what age groups are served.

Mr. Anderson responded that ages range from 2.5 to 18 years old.

Alex Zarchan asked to confirm that the operation is currently located in Andover.

Mr. Anderson stated that their current facility is further south along Andover Rd. near the Dollar Store. The current facility is approximately 1,900 sf., which is simply too small.

Alex Zarchan asked what the expected completion date of the new building is.

Mr. Anderson responded that they are hoping it to be done by the end of the year.

Chairperson Schnauber opened the public hearing at 7:36pm.

Chairperson Schnauber closed the public hearing at 7:36pm.

Alex Zarchan asked about the potential mixing of traffic between the Vornado facility and this operation.

Les Mangus responded that the natures of both facilities, he would not anticipate conflicts.

Gary Israel asked the applicant what their hours of operation are.

Mr. Anderson stated that the heaviest use is in the evening. Daytime activity at the site will be minimal. Typical closing is 9:00pm.

Gary Israel asked if they hold recitals/performances at the site.

Mrs. Anderson responded that recitals are generally off-campus.

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.
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	The property is currently platted and no additional dedications are anticipated.
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	Compliance with Site Plan Review Committee Standards would 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 error is known to exist.

6. How suitable or unsuitable is the subject property for its current zoning?

STAFF      The property is suitable for mixed light industrial/commercial uses.

PLANNING      **Concur.**

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      **Concur.**

COUNCIL

8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.

STAFF      The proposed use would be compatible with the surrounding uses.

PLANNING      **Concur.**

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      The former industrial/heavy commercial area is transitioning to a more retail and service business area.

PLANNING      **Concur.**

COUNCIL

10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?

STAFF	The surrounding uses are a mixture ranging from industrial manufacturing to retail and service businesses to residential uses on the west side of Andover Rd.
PLANNING	Concur.
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	Staff believes the proposed uses are less impactful than the currently permitted mixed industrial/commercial uses.
PLANNING	Concur.
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 projects mixed uses along the Andover Rd. Corridor at this location.
PLANNING	Concur.
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	Approval as applied for.
PLANNING	Concur.
COUNCIL	

14. 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?

STAFF	Staff perceives no detriment to the public health safety and welfare from the proposed downzoning.
PLANNING	Concur. Additional opportunities for the youth improves public health and welfare.
COUNCIL	

*Having considered the evidence at the hearing and the factors to evaluate the application, I, Brian, move that we recommend to the Governing Body that Case No. Z-2019-04 be approved to change the zoning district classification from the present I-1 Industrial District and MXI Mixed Industrial/Commercial District to the B-3 Retail and Service Business District on property generally located at 1108 North Andover Road, Andover, Kansas based on the findings 6, 10 and 11 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 6/0.*

Chairperson Schnauber's closing remarks:

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of June 11, 2019. The recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the case, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, June 4, 2019 at 4:30pm. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the City and not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all members of the City Council.

**7. PETITION FOR ANNEXATION – RECOMMENDATION ON THE INTENT TO ANNEX AN UNPLATTED TRACT LOCATED AT THE NORTHEAST CORNER OF NORTH ANDOVER ROAD AND EAST 21<sup>ST</sup> STREET NORTH, BUTLER COUNTY, KANSAS**

Les Mangus stated that area is adjacent to the Cornerstone Subdivision and just north of 21<sup>st</sup> St. Public sanitary sewer is across the street. The subject property is within the service area of Rural Water District 5, which has infrastructure in the area. Some extensions may be necessary to service this tract.

Alex Zarchan asked what the purpose of this annexation is.

Les Mangus responded that the tract is the subject property of the next zoning case on tonight's agenda.

*I, Gary Israel, move that we recommend that the Governing Body annex the unplatte tract located at the northeast corner of North Andover Road and East 21<sup>st</sup> Street North. Motion seconded by Lynn Heath. Motion carried 6/0.*

**8. Z-2019-05 – PUBLIC HEARING AND RECOMMENDATION ON A ZONING AMENDMENT APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT 40 (BUTLER COUNTY) TO THE B-3 RETAIL AND SERVICE BUSINESS DISTRICT AND SF-2 SINGLE-FAMILY RESIDENTIAL/MEDIUM DENSITY DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH ANDOVER ROAD AND EAST 21<sup>ST</sup> STREET, ANDOVER, KANSAS**

Kirk Miller, KE Miller Engineering PA, was in attendance to represent the application.

Les Mangus stated the applicant desires to create a neighborhood that has a residential and commercial development. The Comprehensive Plan does not support further commercial development along the Andover Rd. corridor north of 21<sup>st</sup> St., but it does support residential development of the property.

Chairperson Schnauber asked how the commercial and residential is divided.

Lance Onstott stated that if the east boundary of the Bruno Township Cemetery was extended south, west of that line would be the commercial parcel and east of that line would be residential.

Lynn Heath stated that the B-3 district is a good business district.

Chairperson Schnauber stated that the Comprehensive Plan does not support any commercial in the area.

Alex Zarchan asked what the difference is between the B-2 and B-3 districts.

Les Mangus responded that the B-2 district is less-intense business uses, more neighborhood oriented as opposed to pass-through traffic oriented. The original Cornerstone PUD proposed an elementary school across from this site on the portion currently zoned B-2. The school district ultimately elected to build the school on the west side of the Cornerstone PUD along 159<sup>th</sup> St.

Mr. Miller stated that they have requested commercial zoning for the parcel adjacent to Andover Rd. Commercial zoning exists directly across the street currently. The owner would like for some commercial zoning to be approved. B-3 was applied for as the owner has mentioned the possibility of having a café that allows for outdoor seating, which is not listed as a permitted, special or conditional use in the B-2 district. Otherwise, B-2 would be fine for what the owner wants to do. They would like to get at least some commercial zoning from that portion of the site, at least across the street from what is currently zoned commercial.

Alex Zarchan asked for details regarding the residential development, and how many homes are proposed.

Mr. Miller responded that the average lot size will be 80 ft. by 120 ft., and will be single-family homes. It will be a multi-phase project, but would eventually include 100+ homes.

Gary Israel asked if the residential or commercial development is planned first.

Mr. Miller stated that residential will be developed first. There are no set commercial plans as of yet.

Lynn Heath stated that he would prefer B-2 zoning over the proposed B-3, and the Planning Commission could allow a restaurant with outdoor seating.

Les Mangus stated they would need to come back to the Planning Commission for that.

Chairperson Schnauber opened the public hearing at 8:04pm.

Catherine and William Sheldon, 2401 N. Gilmore Dr., stated that have lived in their home for 19 years. They can see the cemetery from their yard. They can see the wildlife as well. They enjoy their privacy and the quiet. Adding 200-some homes will disrupt that. Noise and traffic will also increase. The northwest corner of 21<sup>st</sup> St. and Andover Rd. has been marketed as commercial property for a long time, so they don't understand why commercial zoning is necessary. She requests that the Commission consider how this application will impact the rest of the area. Mr. Sheldon asked if their property will be annexed.

Chairperson Schnauber closed the public hearing at 8:12pm.

Lynn Heath asked staff how can the Planning Commission recommend not approving the commercial zoning on this property with B-2 and B-3 zoning across the street.

Les Mangus stated the zoning across the street has been there since 2000. The current Comprehensive Plan recognizes that the City has an overabundance of commercial property, and to add more cannibalizes the

existing commercial properties that are already zoned and have public improvements for commercial development.

Alex Zarchan stated that the commercial across the street was designed for a specific use but has gone unutilized.

Les Mangus indicated that he has had several discussions with the developer of the Cornerstone PUD, and they are working on a revision to reflect the property across the street no longer being planned for a school site, and to reflect the current market for commercial property along 21<sup>st</sup> St not being supported.

Alex Zarchan asked if this revision will convert the commercial to residential.

Les Mangus replied that a conversion to some sort of residential is a possibility.

Lynn Heath stated that after this discussion, he believes it best to approve the subject property for only residential zoning, and if the area develops in the future, the owner can reapply for commercial zoning at that time.

Alex Zarchan agreed.

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>
STAFF	Public sewer is available along the west side of Andover Rd adjacent to the subject property. The subject property is within the service area of Butler County Rural Water District #5, which is constructing a new large pipeline along SW 50th St. for future capacity. The subject property is adjacent to Andover Rd., which easily support transportation access to the site.
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>
STAFF	Platting would be required.
3.	<b>If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</b>
STAFF	If commercial zoning were approved adjacent to residential uses screening would be required.
4.	<b>What fact-based information in support of or in opposition to the requested zoning change has staff received?</b>
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.
6.	How suitable or unsuitable is the subject property for its current zoning?
STAFF	The subject property is suitable for its current agricultural use.
PLANNING	Concur.
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	Concur.
COUNCIL	
8.	How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.
STAFF	The requested zoning would not be incompatible with surrounding uses with adequate screening and buffering.
PLANNING	Concur.
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	No.
PLANNING	Concur.
COUNCIL	

10.	What are the current land uses, character and condition of the subject property and the surrounding neighborhood?
STAFF	The adjacent property north and east of the subject are used for agriculture, with the exception of the Bruno Township Cemetery. There are lot single family residences adjacent to the south. The Cornerstone PUD abuts the subject property to the west with developed single family residences and undeveloped commercial property.
PLANNING	<b>Concur.</b>
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	The proposed business uses adjacent to Andover Rd. could create increased noise, lighting, traffic etc., which could have a detrimental effect if not adequately screened.
PLANNING	<b>Concur.</b>
COUNCIL	
12.	How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.
STAFF	The subject property is adjacent to an area proposed for residential uses. Further, the Comprehensive Plan suggests that commercial uses should be limited to the "core segment" of Andover Rd. south of 21 <sup>st</sup> St. and along the "medical" node at 21 <sup>st</sup> St. and Andover Rd.
PLANNING	<b>Concur.</b>
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	Approval of the entire subject property for residential uses.
PLANNING	<b>Concur.</b>
COUNCIL	

14. 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?

STAFF	The potential loss to the applicant by not approving the requested commercial zoning would be outweighed by the gain to the public by not allowing the commercial uses, which the Comprehensive Plan suggests that there is an overabundance of commercially zoned property available to support the needs in the foreseeable future.
PLANNING	Concur.
COUNCIL	

Gary Israel asked the applicant if the Commission was to approve only residential zoning, would they proceed with the residential development of the area.

Mr. Miller indicated they would continue with the residential development.

Gary Israel asked the applicant if they would consider larger lots.

Mr. Miller replied that the three homes per acre stated earlier is an average. There will be open space for detention ponds and neighborhood amenities. 80x120 lots are decent size lots. There will also be cul-de-sac lots which will be larger as well.

Les Mangus stated that the minimum lot size for the Caywood neighborhood is 7,800 sf., but the average is closer to 10,000 sf. The same can be said for the Prairie Creek neighborhood. It is fairly rare that the average lot size gets close to the minimum lot size, because of the front, side and rear yards in addition to lot coverage maximums.

Mr. Miller added that the configuration of roads also plays a role. It's much easier to have consistent lot sizes in a grid configuration, but no one does grids anymore.

*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-2019-05 be modified & approved to change the zoning district classification from the present Agricultural District 40 (Butler County) to the SF-2 Single-Family Residential/Medium Density District based on the findings 8, 11, 12, 13 and 14 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 6/0.*

Chairperson Schnauber's closing remarks:

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of June 11, 2019. The recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the case, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, June 4, 2019 at 4:30pm. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the City and not counting public street

rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all members of the City Council.

*I, Lynn Heath, move that we recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Gary Israel. Motion carried 6/0.*

**9. BZA-V-2019-01 – PUBLIC HEARING ON A VARIANCE APPLICATION REQUESTING A VARIANCE OF 220 SF. FROM THE 500 SF. MAXIMUM FLOOR AREA OF A STRUCTURE USED EXCLUSIVELY FOR STORAGE PERMITTED BY ARTICLE 7.100.E5(1) FOR THE PURPOSE OF CONSTRUCTING A 720 SF. STORAGE STRUCTURE ON PROPERTY GENERALLY LOCATED AT 421 WEST EPP STREET, ANDOVER, KANSAS**

Charles Page was in attendance to represent the application.

Les Mangus stated that this is a typical request for an oversized detached garage. Several detached garages over 500 sf. exist adjacent to the subject property.

Lynn Heath asked if staff knew the sizes of the detached garages in the area.

Les Mangus replied that he believes the garage southwest of the subject property that is along Prosperity St. is approximately 30 ft. by 40 ft. He believes the garage south of the subject property may be 30 ft. by 36 ft. Both are a little larger than what the applicant is proposing.

Mr. Page stated they have requested the variance to build a detached garage that may be eventually connected to the house at some point in the future.

Alex Zarchan asked for confirmation of the proposed location of the garage on the lot.

Mr. Page responded it will be north of the existing house.

Les Mangus stated that it appears the original intent was for Broadview Ln. to extend south to Central Ave., but for some reason, it did not. If it did, the applicant property would front Broadview Ln. As it stands now, the front of the house does not face the street.

Lynn Heath asked for the location of the driveway.

Les Mangus replied it is along the east property line.

Alex Zarchan asked if the lot to the southeast of the subject property is vacant.

Les Mangus confirmed it is a vacant lot, which is currently zoned B-4 Central Business/Mixed Use District.

Alex Zarchan asked how the proposed structure will be accessed.

Mr. Page confirmed that it will tie into the existing driveway.

Alex Zarchan asked if the structure will be a two-car garage, and if the openings will face east.

Mr. Page confirmed.

Gary Israel asked if the building will be metal.

Mr. Page confirmed.

Alex Zarchan asked what the building height restriction in the area is.

Les Mangus replied that the zoning district has a 35 ft. height restriction.

Chairperson Schnauber opened the public hearing at 8:41pm.

Cory Hagemeister, 502 W. Central Ave., stated his support for the application.

Chairperson Schnauber closed the public hearing at 8:42pm.

1.	<b>The physical surroundings, shape or topography of the property would result in a practical difficulty, as distinguished from a mere inconvenience, for the owner, lessee or occupant.</b>
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur.
2.	<b>Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.</b>
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur.
3.	<b>Granting the variance will result in an inadequate supply of light or air to adjacent property, substantially increase traffic congestion, increased fire risk, or substantially diminished property values in the neighborhood.</b>
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur.
4.	<b>The request for a variance is not based exclusively on a desire of the owner, lessee, occupant or applicant to make more money out of the property.</b>
STAFF	The existing house has a single attached garage. The applicant simply desires to have more garage space.
BZA	Concur.

5. The requested variance arises from a condition unique to the property in question, which is not ordinarily found in the same zoning district, and which was not created by any action of the property owner or the applicant.	
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur.
6. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship for the owner, lessee or occupant of the land or structures.	
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur.
7. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur. The Planning Commission noted the support indicated during the public hearing.
8. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The subject property is about a 2/3-acre lot in an area with similar large lots, which provide adequate space for separation from adjacent residences and streets.
BZA	Concur.
9. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The variance requested is not out of character for a house on a large lot to have a two-car detached garage as there are several residences in the area with similarly sized detached garages.
BZA	Concur.

*Having considered the evidence at the hearing and determined that the findings of fact have been found to exist that support all five conditions set out in Article 11.106.B2 of the Zoning Regulations and K.S.A. 12-759(e), I, Lynn Heath, move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2019-01 as requested. Motion seconded by Alex Zarchan. Motion carried 6/0.*

Chairperson Schnauber's closing remarks:

A Resolution will be prepared and made available to the applicant as soon as reasonably possible but no later than July 5, 2019. If anyone is aggrieved by this decision, a further appeal can be made to the District Court to determine its reasonableness within 30 days after the Resolution is signed and filed with the Zoning Administrator.

*I, Lynn Heath, move that we adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Gary Israel. Motion carried 6/0.*

## **10. ELECTION OF PLANNING COMMISSION OFFICERS**

Alex Zarchan asked if they should make any considerations for Vice Chairperson Erik Pedersen.

Les Mangus replied that Mr. Pedersen is doing better and hopes to return soon.

*I, Lynn Heath, move that the current officers remain. Motion seconded by Alex Zarchan. Motion carried 6/0.*

## **11. APPOINTMENT OF SUBDIVISION COMMITTEE MEMBERS**

Lynn Heath offered to join the Committee if needed. He also encouraged new members to the Planning Commission to consider joining the Committee, as it provides good experience.

Alex Zarchan agreed, and indicated his willingness to remain on the Committee.

Gary Israel asked staff how many members are preferred.

Les Mangus replied that three members is sufficient.

*I, Lynn Heath, move that the current membership remain. Motion seconded by Gary Israel. Motion carried 6/0.*

## **12. MEMBER ITEMS**

Gary Israel asked if staff agreed that The Heritage project has the potential to become Andover's "downtown."

Mark Detter said the expectation is for it to become a major retail spot and gathering point for the community.

Les Mangus stated that he believes it to be downtown-esque, in that is it walkable and on-street parking is provided.

Mark Detter added that this corridor may be the busiest area in town when completed, and possibly one of the busiest in the Wichita area, when you factor in all the projects in the area, of which The Heritage is one.

## **13. ADJOURN**

*Gary Israel made a motion to adjourn. Motion seconded by Lynn Heath. Meeting adjourned at 8:56pm.*

Respectfully submitted by:



Lance Onstott  
Stormwater/GIS/Planning Technician

Approved on the 18<sup>th</sup> day of June, 2019 by the City of Andover Planning Commission.