



**PLANNING & ZONING**  
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## **PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES**

**MAY 19, 2020 | 7:00pm**

VIRTUAL MEETING BROADCAST ON CHANNEL 7 AND YOUTUBE  
(ANDOVERKSCITY)

### **1. CALL TO ORDER**

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

### **2. ROLL CALL**

Commissioners in attendance: Chairperson William Schnauber, Vice Chairperson Erik Pedersen, Secretary Gary Israel, Brian Davidson, and Alex Zarchan. Members Marla Canfield and Matthew Rossi were absent. Staff in attendance: Jennifer McCausland, City Administrator; Lance Onstott, Assistant City Administrator; Les Mangus, Director of Community Development; and Justin Constantino, Assistant Director of Community Development. A/V services provided by Craig Brown, IT Director

### **3. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2020 MEETING**

*Erik Pedersen made a motion to approve the minutes of the February 18<sup>th</sup>, 2020 meeting as presented. Motion seconded by Gary Israel. Motion carried 5/0.*

### **4. COMMUNICATIONS**

#### **A. COMMITTEE & STAFF REPORT**

None.

#### **B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Les Mangus stated that building activity in the City of Andover has stayed steady through the pandemic and that home building has been as steady as it was a year ago.

### **5. Z-2020-03 / PRELIMINARY PLANNED UNIT DEVELOPMENT – REVIEW OF AND RECOMMENDATION ON THE ANDOVER ESTATES PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANDOVER ROAD AND DOUGLAS STREET, ANDOVER, KANSAS**

Chairperson Schnauber opened the public hearing at 7:15 pm.

Mr. Mangus stated that the applicant has responded positively to comments made from staff and Subdivision Committee members but that the City is still seeking a letter from the applicant's traffic engineer. Mr. Mangus stated that it is the applicant's intent to delay the traffic report until the Final PUD phase when the applicant has a better idea for building layout on the subject property.

Mr. Zarchan asked if there was any new information pertaining to the drainage plan. Mr. Mangus stated that the applicant has included language in the Preliminary PUD document that addresses the drainage being discussed at the future Final PUD or site plan stages.

Brian Lindebak, MKEC Engineering, stated that the proposed project allows for both commercial and multi-family land uses along the Andover Road corridor and that he is in agreement with both staff comments and the staff report.

Mr. Zarchan asked about the extent of the multi-family housing that will be available on the property. Mr. Lindebak stated that under General Provisions #1 on the PUD plan it states that the maximum density allowed on the PUD is 10 dwelling units per acre and the subject property is 4.75 acres, resulting in 48 maximum units.

Chairperson Schnauber asked if the barrier on the east side of the subject property would cause any issues due to its proximity to the existing mobile homes. Mr. Lindebak stated that existing homes would be moved and that the owner would address any movement of the existing homes. Mr. Mangus stated that the main sewer line is located three to four feet west of the property line and that a 10' easement is shown on the west side of the existing pipe.

Chairperson Schnauber closed the public hearing at 7:15 pm.

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	Adequate public water, sewer, and streets are in place. However, the traffic report required for the final planned unit development plan may reveal the need for street improvements i.e. turn lanes to accommodate the increased traffic generated by redevelopment.
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	Replatting is required to establish adequate rights of way and easements.
3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?	STAFF	A landscape buffer consisting of planting materials and a screening fence is required between the proposed B-3 uses and the existing MH-1, SF-1, and SF-2 single family uses by the Site Plan Review Standards Table of Required Landscape Buffers.
4. What fact-based information in support of or in opposition to the requested zoning change has staff received?	STAFF	Staff has received no commentary from the public.
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 subject property is not suitable for the existing permitted manufactured home park use due to the traffic and activity of Andover Rd.
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. The property owner has held the property in anticipation of future commercial use.
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 uses are similar in nature to the existing uses on the west side of Andover Rd. and north of Rhondda St. The majority of the residential uses adjacent to the proposed change are owned by the applicant.
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. The subject property has remained undeveloped by the property owner's choice.
PLANNING	Concur.
COUNCIL	

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

STAFF

The subject property is zoned to be a mobile home park, but is undeveloped, and is adjacent to a very busy segment of Andover Rd. Traffic volumes are near 20,000 AADT. The properties adjacent to the north and west are commercial in nature and generally built in the past 20 years. The mobile home park adjacent to the east is owned by the applicant. The two single family residences adjacent to the existing B-2 Neighborhood Business District at the southeast corner of the subject property are in good condition.

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

The proposed uses would definitely allow increased activity, noise, lighting, etc. But those effects would be similar to the effects already experienced from neighboring uses and the traffic of Andover Rd. Structures, parking lots, and yards would actually buffer the adjacent mobile home park from the traffic on Andover Rd. The adjacent single family residences at the southeast corner of the subject property would experience no effects that are not already allowed by the existing B-2 Neighborhood Business District on that portion of the subject property.

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 future land use map in the Comprehensive Plan depicts the subject property to be "mixed use", which is proposed by the applicant

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

Staff relies heavily on the Comprehensive Plan, which suggest that the subject property is suited for mixed uses in supporting the proposed amendment. The proposed uses seem to fit the already existing mix of uses in the area. The traffic generated by the redevelopment of the subject property and must be addressed in a detailed traffic report at the time of the final planned unit development plan.

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

There has been no evidence presented to Staff that would indicate any loss or gain to the public health, safety, or welfare resulting from the proposed change if appropriate traffic controls are implemented with the final planned unit development plan.

PLANNING

Concur.

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-2020-03 be approved based on the findings of the Planning Commission on findings: 6,8,10, and 12 as recorded in the summary of this hearing with the stipulation that a traffic study is submitted to City staff for the Final PUD. Seconded by Erik Pedersen. Motion carried 5/0.*

**6. FINAL PLANNED UNIT DEVELOPMENT – REVIEW OF AND RECOMMENDATION ON THE CORNERSTONE 5<sup>TH</sup> ADDITION FINAL PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED AT CORNERSTONE PARKWAY AND NORTH ANDOVER ROAD, ANDOVER, KANSAS**

Mr. Mangus stated that the applicant has responded positively to all of the comments from both staff and the Subdivision Committee.

Phil Meyer, Baughman Company, stated that he was in agreement with staff comments.

Mr. Zarchan asked to confirm the lot frontage measurements for Lots 9-11. Mr. Meyer stated that he had made some minor adjustments to Lot 9, which shifted measurements for Lots 10 and 11, all of which were measured from the building setback line and meet the subdivision requirements.

*I, Alex Zarchan, make a motion to approve the Cornerstone 5<sup>th</sup> Addition Final Planned Unit Development Plan generally located at Cornerstone Parkway and North Andover Road, Andover, Kansas. Motion seconded by Gary Israel. Motion carried 5/0.*

**7. Z-2020-04 – PUBLIC HEARING AND RECOMMENDATION ON A ZONING AMENDMENT APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM SF-2 SINGLE-FAMILY RESIDENTIAL/MEDIUM DENSITY DISTRICT TO THE MXR MULTIPLE-FAMILY / MIXED RESIDENTIAL DISTRICT LOCATED AT 312 W. MIKE STREET, ANDOVER, KANSAS**

Chairperson Schnauber opened the public hearing at 7:32 pm.

Mr. Mangus stated that this case is in conjunction with a larger parcel located to the north. Mr. Mangus stated that the applicant has assembled three parcels in order to have access to Main Street and May Street for the larger development. Mr. Mangus stated that City staff had consulted with the applicant and determined that the zoning request be reduced to MF-2 Attached Single-family Residential District to be more in line with the intent and purpose of the zoning district and that the applicant was in agreeance.

Paul Gray, applicant, stated that he would like to officially amend his request from MXR Multiple-family / Mixed Residential District to MF-2 Attached Single-family Residential District. Mr. Gray stated that the subject property has an abandoned home and he is seeking to make the property usable and provide value to the neighborhood.

Mr. Israel asked the applicant if he would continue to have access off of Mike Street. Mr. Gray stated that he does not have desire to have access to Mike Street but that he intends to maintain the property.

Mr. Mangus stated that the City received one comment from a nearby neighbor concerned about the project.

Chairperson Schnauber closed the public hearing at 7:43 pm.

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| 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? |
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STAFF	Public sewer and water are available adjacent to the subject property and can be readily extended to serve the proposed uses. May Street terminates at the northwest corner of the subject property and can be extended into the development.
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| 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? |
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STAFF	Platting would be required.
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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? |
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STAFF	A Landscape Buffer would be required per the Site Plan Review Committee Standards.
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| 4. | What fact-based information in support of or in opposition to the requested zoning change has staff received? |
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STAFF	Staff has received comments from an adjacent neighbor who opposes the further conversion of uses in the area to allow multifamily development.
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| 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? |
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STAFF	No error is known to exist.
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6.	How suitable or unsuitable is the subject property for its current zoning?	STAFF PLANNING COUNCIL	The subject property is suitable for single family use.  Concur.
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 PLANNING COUNCIL	No. The subject property currently has a single family dwelling.  Concur.
8.	How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.	STAFF PLANNING COUNCIL	The proposed MXR Multiple Family/Mixed Use Residential District allows building sizes that are not compatible with the surrounding large lot one and two family residences. The lack of direct connectivity to a collector or arterial street is contrary to the intent of the district.  Concur.
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 PLANNING COUNCIL	Yes. The area is experiencing redevelopment from large lot older single family dwellings to allow two-family and townhouse multifamily dwellings.  Concur.
10.	What are the current land uses, character and condition of the subject property and the surrounding neighborhood?	STAFF PLANNING COUNCIL	The surrounding properties have a mixture of uses of older single family dwellings, and new two-family and townhouse dwellings.

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 development would increase activity and traffic in the neighborhood. At the maximum density in the proposed MXR District 6 dwelling units with a maximum height of 45 feet would be allowed. If developed at the maximum height the buildings would overwhelm the surrounding one and two family dwellings.	
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 Future Land Use Map proposes the use of the subject property for residential use, and further recommends "more housing diversity and affordability." However, the Plan does not recommend multifamily housing 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	Staff does not support the building size allowed by the proposed MXR District at this location because of the adverse effects on adjacent single family residences, but would recommend the MF-2 Attached Single-family Residential District.	
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	The public health, safety and welfare would be negatively affected by the overwhelming size of the buildings allowed.	
PLANNING	Concur.	
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-2020-04 be approved and changed to MF-2 based on the findings of the Planning Commission on findings: 2,3,9, 10 and 13 as recorded in the summary of this hearing. Seconded by Brian Davidson. Motion carried 5/0.*



**8. Z-2020-05 – PUBLIC HEARING AND RECOMMENDATION ON A ZONING AMENDMENT APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM THE SF-1 SINGLE-FAMILY RESIDENTIAL / LOW-DENSITY DISTRICT TO THE MXR MULTIPLE-FAMILY / MIXED RESIDENTIAL DISTRICT GENERALLY LOCATED AT 327 W. TURNPIKE ROAD & 1127 N. MAIN STREET ANDOVER, KANSAS**

Chairperson Schnauber opened the public hearing at 7:55 pm.

Mr. Mangus stated that the tract was over 10 acres and has remained undeveloped.

Paul Gray, applicant, stated that it was his intent to assemble the subject property as multi-family in conjunction with the property located at 312 Mike Street. Mr. Gray stated that the purchase of the property located at 312 Mike Street was to provide better access to May Street and the acquisition of 1127 N. Main Street was to get circular access to the proposed development.

Mr. Zarchan asked if there was a proposal to build any units on the property located at 1127 N. Main Street. Mr. Gray stated that it would be subject to where the access road would be placed. Mr. Zarchan asked if the current proposal would funnel the traffic from the development through the extension on Main Street. Mr. Gray stated that his intent is to have an additional access point added. Mr. Zarchan stated that he was unsure why the property located at 1127 N. Main Street would be rezoned to MF-2. Mr. Mangus stated that it was the applicant's intent during platting for the subject property to be considered as a right-of-way. Mr. Zarchan asked how many units the MF-2 zoning district would allow on the property located at 327 W. Turnpike Road. Mr. Mangus stated that the maximum number of units would remain the same as allowed in MXR in gross but that number could potentially be lessened by one unit down.

Mr. Gray stated that he is formally requesting to amend his application from MXR Multiple-family / Mixed Residential District to MF-2 Attached Single-family Residential District.

Mr. Israel asked how quickly Mr. Gray was intending to start construction once zoning is approved. Mr. Gray stated that he would have to go through the platting process and hopes to potentially have infrastructure installed within 2020, with building occurring during the winter and units available to the public in Spring 2021.

Mr. Mangus stated that the City received one inquiry from a neighbor concerned with the potential multi-family land use.

Chairperson Schnauber closed the public hearing at 7:43 pm.

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 sewer and water are available adjacent to the subject property and can be readily extended to serve the proposed uses. May Street terminates at the Southwest corner of the subject property and can be extended into the development. The applicant proposes to use the 1127 N. Main Street property for a second point of access to connect to N. Main St.
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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.
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3.	<p>If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</p> <p>STAFF     A Landscape Buffer would be required per the Site Plan Review Committee Standards.</p>
4.	<p>What fact-based information in support of or in opposition to the requested zoning change has staff received?</p> <p>STAFF     Staff has received comments from an adjacent neighbor who opposes the further conversion of uses in the area to allow multifamily development.</p>
5.	<p>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?</p> <p>STAFF     No error is known to exist.</p>
6.	<p>How suitable or unsuitable is the subject property for its current zoning?</p> <p>STAFF     The subject property is suitable for single family use, but the 10.4 acres devoted to one single family home is not efficient use of the land.</p> <p>PLANNING     Concur.</p> <p>COUNCIL</p>
7.	<p>Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?</p> <p>STAFF     No. The applicant has chosen to hold the property in its current condition for many years in anticipation of development.</p> <p>PLANNING     Concur.</p> <p>COUNCIL</p>
8.	<p>How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</p> <p>STAFF     The proposed MXR Multiple Family/Mixed Use Residential District allows densities and building sizes that are not compatible with the surrounding large lot single family residences. The lack of direct connectivity to a collector or arterial street is contrary to the intent of the district.</p> <p>PLANNING     Concur.</p> <p>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?

STAFF Yes. The area is experiencing redevelopment from large lot older single family dwellings to allow two-family and townhouse multifamily dwellings.

PLANNING Concur.

COUNCIL

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

STAFF The surrounding properties have a mixture of uses from older single family dwellings, and new two-family and townhouse dwellings, to the Terradyne Golf Course.

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 The proposed uses would allow increase activity and traffic in the neighborhood. At the maximum density permitted in the proposed MXR District 151 dwelling units with a maximum height of 45 feet would be allowed, which would overwhelm the surrounding neighborhood. If developed at the maximum density, the Institute of Traffic Engineers Trip Generation table would estimate +/-900 trips per day would be generated by the development connecting to a substandard local street system.

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 Future Land Use Map proposes the use of the subject property for residential use, and further recommends "more housing diversity and affordability." However, the Plan does not recommend multifamily housing 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	Staff does not support the density and building size allowed by the proposed MXR District at this location because of the adverse effects on adjacent single family residences and street system, but would recommend the MF-2 Attached Single-family Residential District.
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	The public health, safety and welfare would be negatively affected by the overwhelming size of the proposed development and increased traffic on the substandard street system.
PLANNING	Concur.
COUNCIL	

Mr. Zarchan asked if the recommendation should include language stating that the property located at 1127 N. Main Street should be utilized as an additional access point to the property. Mr. Mangus stated that would likely be deferred to the platting stage to see how the property is laid out.

*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-2020-05 be approved and changed to MF-2 based on the findings of the Planning Commission on findings: 1,2,3,9,10 and 13 as recorded in the summary of this hearing. Seconded by Erik Pedersen. Motion carried 5/0.*

## 9. 2020 ANNUAL REVIEW OF THE COMPREHENSIVE PLAN 2014-2023

Mr. Israel stated that he was happy to see that the Comprehensive Plan was slated to be updated in 2022.

Mr. Mangus stated that staff uses the existing plan document for the installation of public improvements and changes in land use and that he looks forward to updating the plan in a few years.

## 10 REVIEW OF THE DRAFT 2021 CAPITAL IMPROVEMENT PLAN

Lance Onstott stated that Kansas statute requires that the Planning Commission review and approve the Capital Improvement Plan and that the City of Andover uses a 5-year capital planning horizon. Mr. Onstott stated that the plan was a living document and is a planning tool that informs the City's annual operating budget.

Mr. Onstott presented the Capital Improvement Program in total, including estimated expenditures from 2021-2025 and stated that the City is projecting the construction of a second fire station in 2023. Mr. Pedersen asked if land had been identified for the second fire station. Mr. Onstott stated that the City has identified several properties based on the Fire Department's needs and that the City is in the property identification stage for the proposed location.

Mr. Israel asked how the capital outlay for the 2021 expenditures compares to previous years. Mr. Onstott stated that he would be happy to take a historical look at the numbers and present to the Planning Commission at a future meeting.

Mr. Schnauber asked the date range for the data gathered. Mr. Onstott stated that the information presented is reflective up to May 11<sup>th</sup>.

Mr. Schnauber asked how the COVID-19 pandemic affects our Capital Improvement Program and revenue projections. Mr. Onstott stated that the City has responded by taking conservative measures and has anticipated reductions in revenue. Jennifer McCausland stated that every revenue stream received by a local government has been impacted by the pandemic and that the City won't see the true financial impact for close to a year.

Mr. Onstott discussed the operational categories of the plan, included where the capital purchases were made by operational category and project categories. Mr. Onstott explained the funding categories and highlighted several 2021 projects.

*Gary Israel made a motion to approve the 2021 Capital Improvement Plan as presented. Seconded by Alex Zarchan. Motion carried 5/0.*

## **11 MEMBER ITEMS**

Mr. Schnauber commended the City staff for successfully organizing and running the virtual meeting. Ms. McCausland thanked the Planning Commissioners for their flexibility and informed the Planning Commission that the City would be moving to the next phase for the upcoming in-person City Council meeting with social-distancing measures in place.

*Gary Israel made a motion to adjourn. Seconded by Erik Pederson. Motion carried 5/0. Meeting adjourned at 8:46 pm.*

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Respectfully submitted by:

Justin Constantino  
Assistant Director of Community Development

Approved on the 16<sup>th</sup> day of June 2020 by the City of Andover Planning Commission.