



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
JANUARY 19, 2021 | 7:00pm
VIRTUAL MEETING*
MEETING LINK

1. CALL TO ORDER

Vice Chairperson Erik Pedersen called the meeting to order at 7:03 pm.

2. ROLL CALL

Commissioners in attendance: Vice Chairperson Erik Pedersen, Secretary Gary Israel, Marla Canfield, and Alex Zarchan. Chairperson William Schnauber, Kirsten Barnes, and Brian Davidson 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 WAV Services.

3. APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2020 MEETING

Gary Israel made a motion to approve the minutes of the December 15, 2020 meeting as presented. Motion seconded by Alex Zarchan. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that single-family residential permits were up 47% from last year in the City of Andover and up 30% across the region and that he anticipates 2021 to remain active. Mr. Pedersen asked if the materials supply chain was keeping up with the market. Mr. Mangus stated that there were some lags due to custom orders and that the price of materials has increased.

5. AGENDA

**5.1 FINAL PLANNED UNIT DEVELOPMENT – REVIEW OF AND RECOMMENDATION ON THE
PRAIRIE CREEK ADDITION – SIXTH PHASE FINAL PLANNED UNIT DEVELOPMENT PLAN
GENERALLY LOCATED EAST OF PRAIRIE CREEK ROAD AND NORTH OF E. 13TH STREET,
ANDOVER, KANSAS**

Mr. Constantino stated that the item was approved by the Subdivision Committee at their January 12th meeting contingent upon the addition of access between lots 11 and 12 in Block A to Reserve F and minor revisions based on staff comments. Mr. Constantino stated that staff received an updated utility plan before the meeting that has been added to the Planning Commission agenda packet and that the updated plan reflects the newly proposed sanitary sewer location.

Mr. Zarchan asked for clarification regarding the dedication of land for public purposes. Mr. Mangus stated that the developer is responsible for dedicating the street right-of-way and any public utility easements as well as any improvements that the developer makes.

Alex Zarchan made a motion to approve the Prairie Creek Addition - Sixth Phase Final Planned Unit Development Plan (PUD) and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Marla Canfield. Motion carried 4/0.

**5.2 FINAL PLAT – REVIEW AND APPROVAL OF THE REVISED ADAMS ACRES II FINAL PLAT
GENERALLY LOCATED SOUTH OF W. HARRY STREET AND EAST OF S. 159TH STREET EAST,
ANDOVER, KANSAS**

Mr. Constantino stated that the final plat was originally approved by the Planning Commission at their December 15th, 2020 meeting but the applicant has submitted a revised final plat shifting the location of the sanitary sewer easement to better fit the design of the sanitary sewer.

Gary Israel made a motion to approve the Adams Acres II Subdivision Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Alex Zarchan. Motion carried 4/0.

**5.3 Z-2020-11 – PUBLIC HEARING AND RECOMMENDATION ON A CHANGE OF ZONING
DISTRICT CLASSIFICATION APPLICATION FROM THE SF-1 SINGLE-FAMILY RESIDENTIAL /
LOW DENSITY DISTRICT TO THE MF-1 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL
DISTRICT ON THE PROPERTY GENERALLY LOCATED AT 615 S. RUTH AVENUE, ANDOVER,
KANSAS**

Mr. Pedersen opened the public hearing at 7:23 pm.

Mr. Mangus stated that there was a similar case heard by the Planning Commission approximately one year ago across from the subject property. Mr. Mangus stated that the subject parcel is within the Highway 54 Corridor Study and that the study suggests residential uses which includes multifamily residential uses. Mr. Mangus stated that there is a considerable amount of multifamily in the neighborhood but the subject property is unplatte and the street right-of-ways are inadequate and unpaved.

Mr. Israel asked if there was a threshold for when the City requires that streets be paved. Mr. Mangus stated that there was no minimum or maximum threshold. Mr. Israel asked if the residents of the Mecca Subdivision could ask the City for the streets to be paved. Mr. Mangus stated that property owners could petition for the street to be paved.

Mr. Israel asked if W. Clyde Street was paved or not. Mr. Mangus stated that W. Clyde Street is paved and Ruth Avenue is paved from W. Clyde Street to Highway 54. Mr. Mangus stated that the US 54 Highway Corridor Plan shows Clyde Street becoming a backage road that runs parallel to the frontage roads for local access to the adjacent properties.

Mr. Pedersen asked if the lot size was sufficient in going from single-family to multi-family. Mr. Mangus said that the property was 1.1 acres.

James Eric Triplett, representing the applicant, stated that this was an opportunity to provide low-cost housing for people in the workforce and doesn't foresee the existing structure being viable on the property for more than 20 years. Mr. Triplett stated that they would likely construct a new multi-family unit in the future. Mr. Triplett stated that the existing house was built in 1959 and he intends to convert the garage to an efficiency apartment to make the existing structure an attached multi-family unit.

Mr. Zarchan asked about the driveway connection to Ruth Avenue. Mr. Triplett stated that there are two driveways to the property and that the driveway to the north approaches the garage while the driveway to the south approaches the existing house.

Mr. Zarchan asked about access to the back of the property. Mr. Triplett stated that the back of the property would be common use access and remain open.

Mr. Israel asked where the occupants would park their vehicles if the garage was being used as an apartment. Mr. Triplett stated that they would park in the full length driveway to the north and there will be separate walkways constructed for each dwelling unit.

Mr. Pedersen asked about the dwelling to the west of the house. Mr. Triplett stated that the building is a shed that has been removed.

Mr. Zarchan asked about the size of the proposed dwelling that will occupy the former garage space. Mr. Triplett stated that it will maintain the same footprint and that the garage will be rebuilt and the walls will be replaced and the garage door removed. Mr. Triplett stated that the new unit will be one bedroom and one bath.

Mr. Zarchan asked if there were current occupants of the house. Mr. Triplett said no.

Mr. Israel asked if the current or future owner wanted to build a traditional multifamily duplex then the new zoning would be in place. Mr. Mangus said yes.

Mr. Israel asked if the addressing would be changed if a new residence is added. Mr. Mangus stated that the new dwelling unit would be assigned a separate address.

Mr. Pedersen closed the public hearing at 7:47 pm.

STAFF ITEMS

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. Access to the subject property is from Ruth St., a gravel road in poor condition. Roadside drainage is poor.
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 would be required to be platted or the dedication of street right-of-way in lieu of platting would be required.
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?	STAFF No Landscape Buffer would be required per the Site Plan Review Committee Standards.
4.	What fact-based information in support of or in opposition to the requested zoning change has staff received?	

STAFF | Staff has received no comments

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.

STAFF & COMMISSION/COUNCIL ITEMS

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

STAFF | The subject property is suitable for single family use, but the 1.1 acres devoted to one single family home is not efficient use of the land.

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 MF-1 Single and Two Family Residential District allows densities and building sizes that are compatible with the surrounding large lot single family residences and nearby multifamily residential developments.

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 | Yes. The area is experiencing redevelopment from large lot older single family dwellings to allow two-family dwellings.

PLANNING | Concur.

COUNCIL |

10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?	<p>STAFF The surrounding properties have a mixture of uses from older single family dwellings to two-family dwellings.</p> <p>PLANNING Concur.</p> <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 The proposed uses would allow increased activity and traffic in the neighborhood. Increased traffic would be a burden on the existing gravel street.</p> <p>PLANNING Concur.</p> <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 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".</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
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?	<p>STAFF Staff supports the density and building size allowed by the proposed MF-1 Single and Two Family Residential District. However, platting of a public street right of way would be required. Staff is concerned with the burden created by additional traffic generated by the proposed change.</p> <p>PLANNING Concur. The Planning Commission is satisfied with the dedication of street right-of-way by separate instrument.</p> <p>COUNCIL</p>
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?	<p>STAFF The public health, safety and welfare would not be negatively affected by the size of the proposed development and increased traffic with the required street improvements.</p>

Mr. Pedersen asked if the Planning Commission could ask for the condition that the road be paved. Mr. Mangus stated that the condition would be that the property be platted and that during the platting process the street be improved.

Mr. Zarchan stated that he still has concerns with traffic conditions surrounding the property. Mr. Mangus stated that the proposed use would allow for one additional single-family attached residence and that the east side of the road proposes multi-family, while the west side of the road is either attached or detached single-family. Mr. Israel stated that there will likely be one additional car and continue to look like a single-family dwelling.

Mr. Israel asked if more multi-family units continue to be built in the area, does the City have an option or obligation to pave the road. Mr. Mangus stated that the City would likely require the subject property and neighboring properties to plat should they request any improvements to the properties.

Gary Israel made a motion to Adopt the findings of fact and recommend that the City Council approve with modifications Zoning Case Z-2020-11 changing the zoning district classification of the subject property from the existing SF-1 Single Family/Low Density Residential District to the MF-1 Attached Single Family and Two-Family Residential District based on conditions 8, 9, and 10 with the provision that the applicant does a dedication of street right-of-way in lieu of platting. Motion seconded by Marla Canfield. Motion carried 4-0.

5.4 Z-2020-12 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE HERITAGE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO AMEND SECTION 7 – SIGNS AND ENTRY MONUMENTS OF THE DEVELOPMENT GUIDELINES, GENERAL PROVISIONS ON THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. DOUGLAS AVENUE AND S. YORKTOWN ROAD, ANDOVER, KANSAS

Mr. Pedersen opened the public hearing at 8:09 pm.

Mr. Mangus stated that during the review of the corresponding site plan it was determined that the signage for the development exceeded the allowed height and setback requirements for the proposed signage and that the applicant is here to make minor adjustments to the plan.

Brian Lindebak of MKEC Engineering, representing the applicant, stated that the signs will help identify the neighborhood and are taller and closer to the right-of-way than the code allows and that they are seeking minor revisions.

Mr. Pedersen asked about the height requirements and how tall the signs will be. Mr. Lindebak stated that their signs will be 12 feet tall and the City code requires a maximum 8 feet. Mr. Mangus confirmed that the code requires a maximum height of 8 feet to the top of the sign message. Mr. Lindebak stated that the text includes 13 feet in the event that they accidentally construct the signs larger than the proposed 12 feet. Mr. Lindebak stated that there will be an LED component to the signs.

Mr. Pedersen asked how close the signs would be to the road. Mr. Lindebak stated that the signs are close to the right-of-way and that there are no issues with the site triangles. Mr. Lindebak stated that the signs would continue to be reviewed by staff in the form of a sign permit.

Mr. Israel asked about the text of the signage and whether it was "Heritage" or "The Heritage." Mr. Lindebak stated that the language is determined by the developer and that it is common with Epcon products.

Mr. Pedersen closed the public hearing at 8:21 pm.

STAFF ITEMS

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	Not applicable. All of the public utilities and streets are in place.
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	Heritage First Addition is already platted. Platting would be required for additional phases.
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	Screening and buffering would not be required by the Site Plan Review Committee Standards. However, the signage and landscape plan for the Heritage First Addition have been approved by the Site Plan Review Committee pending the PUD amendment to allow changes to the bulk regulations for signage.
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.

STAFF & COMMISSION/COUNCIL ITEMS

6.	How suitable or unsuitable is the subject property for its current zoning?
STAFF	The property is suitable for the currently permitted 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 signage and entry monuments would be complementary to the surrounding residential 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 No.

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 surrounded by existing and future residential development and mixed use.

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 No detrimental effects are perceived from the increased height and reduced setbacks for signage and entry monuments.

Concur.

PLANNING

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 implementation of the US-54/400 Corridor Study Lifestyle Corridor with increased densities and alternative designs.
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 supports the amendment 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 sees no harm to the public health, safety, or welfare caused by the proposed change.
PLANNING	Concur.
COUNCIL	

Alex Zarchan made a motion to adopt the findings of fact and recommend that the City Council APPROVE Zoning Case Z-2020-12 amending the Heritage Preliminary Planned Unit Development Plan to modify the standards for the size and location of signs and entry monuments based on factors 3, 8, 12, and 14. Seconded by Gary Israel. Motion carried 4-0.

5.5 VA-2020-04 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR A VACATION OF THE SOUTH 30 FEET OF THE EXISTING 100' X 25' DRAINAGE EASEMENT ON THE PROPERTY GENERALLY LOCATED AT 115 W. CLOUD AVENUE, ANDOVER, KANSAS

Mr. Pedersen opened the public hearing at 8:29 pm.

Mr. Mangus stated that during the review of the site plan for the subject property it was determined that there was a conflict with a drainage easement on the front yard of the property facing Andover Road. Mr. Mangus stated that was determined that the existing storm sewer in the easement terminated short of the extent of the easement and that the applicant simply desires to vacate that portion of the drainage easement not occupied by the existing storm sewer.

Mr. Israel asked if the notes by Evergy have been addressed. Mr. Mangus stated that Evergy determined that their utilities were located in the street right-of-way outside of the proposed easement vacation.

Mr. Pedersen closed the public hearing at 8:33 pm.

Gary Israel made a motion to approve and recommend that the City Council adopt an order vacating a portion of the front yard drainage easement on the subject property located at 115 W. Cloud Ave. Motion seconded by Marla Canfield. Motion carried 4-0.

5.6 VA-2020-05 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR A VACATION OF THE EAST 11 FEET OF THE WEST 41 FEET ALONG THE NORTH PROEPRTY LINE ON THE PROPERTY GENERALLY LOCATED AT 115 W. CLOUD AVENUE, ANDOVER, KANSAS

Mr. Pedersen opened the public hearing at 8:35 pm.

Mr. Mangus stated that the applicant is looking to increase the allowed area for their driveway at the northwest corner of the lot on Cloud Avenue. Mr. Mangus stated that the City has spoken with their traffic engineer and he doesn't have any issues with the proposed driveway location.

Mr. Pedersen asked about the access to the property. Mr. Mangus stated that the subject property shares access with the neighboring car wash and will have a second access point off Cloud Avenue.

Mr. Pedersen closed the public hearing at 8:37 pm.

Gary Israel made a motion to approve and recommend that the City Council adopt an order vacating a portion of the access control on the subject property located at 115 W. Cloud Ave. Motion seconded by Alex Zarchan. Motion carried 4-0.

5.7 VA-2020-06 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR VACATION OF A PORTION OF N. MAIN STREET BETWEEN W. 13TH STREET AND W. WAGGONER STREET, ANDOVER, KANSAS

Mr. Pedersen opened the public hearing at 8:38 pm.

Mr. Mangus stated that staff and the Kansas Turnpike Authority (KTA) staff have discussed the removal of the Main Street bridge over the Kansas Turnpike for many years and determined that the location of the bridge is redundant and not necessary due to the close proximity to the Andover Rd. and 13th St. bridges. The existing bridge built in the 1950s is in need of major rehabilitation.

Mr. Mangus stated that the KTA has hired a traffic engineer to evaluate the effect that the removal of the bridge would have on traffic in the area and determined that with closure of the Meadowlark Elementary School on Main Street, the affects would be minimal. Mr. Mangus stated that KTA has contacted the adjacent owners and none of the owners have concerns.

Mr. Pedersen asked if the removal would cause any unforeseen routing issues. Mr. Mangus stated that this clears up issues and will allow for longer left turn storage and allow for protected left turns at W. 13th and Andover Road.

Mr. Zarchan asked what would be placed on the road in terms of a barrier. Mr. Mangus stated that there would be a turnpike fence on the right-of-way accompanied by a diamond-like sign indicating the end of the road.

Mr. Pedersen asked about the time frame of the removal of the bridge. David Jacobsen of the KTA stated that they would likely begin the removal process during the second half of 2021 and that it would take approximately one and a half months to remove the bridge.

Mr. Pedersen closed the public hearing at 8:46 pm.

Alex Zarchan made a motion to approve and recommend that the City Council adopt an order vacating a portion of Main Street at the Kansas Turnpike. Motion seconded by Marla Canfield. Motion carried 4-0.

5.8 MEETING CALENDAR – REVIEW AND APPROVE THE 2021 MEETING CALENDAR OF THE CITY OF ANDOVER PLANNING COMMISSION & BOARD OF ZONING APPEALS

Mr. Constantino stated that the calendar accounts for all observed holidays and is designed to account for all legal notification requirements.

Gary Israel made a motion to approve the 2021 meeting calendar of the City of Andover Planning Commission and Board of Zoning Appeals. Seconded by Alex Zarchan. Motion carried 4-0.

5.9 SPECIAL MEETING ANNOUNCEMENT – ANNOUNCEMENT OF THE VIRTUAL MEETING ON JANUARY 28TH, 2021 AT 7:00 PM TO REVIEW THE HERITAGE TIF PROJECT PLAN IN CONFORMANCE WITH THE CITY OF ANDOVER COMPREHENSIVE PLAN

Gary Israel made a motion to announce the virtual special meeting on January 28th, 2021 via Zoom. Seconded by Marla Canfield. Motion carried 4-0.

6. MEMBER ITEMS

Alex Zarchan stated that he was happy that Music Theatre Wichita would be hosting events at the Capitol Federal Amphitheater and that it will be a positive for the community.

7. ADJOURN

Gary Israel made a motion to adjourn. Seconded by Alex Zarchan. Motion carried 4-0.

Meeting adjourned at 8:50 pm.

*Live Public Comment

Those wishing to participate remotely with public comment will be required to do so via web conference (requires internet connection). You must register with the City of Andover no less than 24 hours prior to the start of the meeting to participate. If participating remotely, an individual is required to submit their name, email address, phone number and item they wish to speak about to the City, by emailing the previous information to Planning&Zoning@AndoverKS.com. Those registering in advance will be provided instructions on how to connect with the live meeting. Commenters will be called upon by name to provide comment during the live meeting and all regular time limits will apply.

If you have any questions prior to the hearing, please call (316) 733-1303.