



**PLANNING & ZONING**  
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**PLANNING COMMISSION  
& BOARD OF ZONING APPEALS MINUTES**  
**MARCH 16, 2021 | 7:00pm**  
VIRTUAL MEETING

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Kirsten Barnes, Marla Canfield, and Vance Garwood. Members Brian Davidson and Tim Hendricks were absent. Staff in attendance: 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 FEBRUARY 16, 2021 MEETING**

*Gary Israel made a motion to approve the minutes of the February 16, 2021 meeting as presented. Motion seconded by Vance Garwood. Motion carried 5/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

Mr. Mangus stated that the report includes the minutes of the March 9<sup>th</sup> Subdivision Committee, which provides a background regarding the Cornerstone Eleventh Final Planned Unit Development (PUD) plan currently on the Planning Commission's agenda.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Mr. Mangus stated that the Community Development department has been busy and has recently received site plan applications for both The Heritage Mixed-Use and Patel Apartments at Green Valley Greens.

**5. AGENDA**

**5.1 FINAL PLANNED UNIT DEVELOPMENT – REVIEW OF AND RECOMMENDATION ON THE CORNERSTONE ELEVENTH ADDITION FINAL PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED NORTH OF 21<sup>ST</sup> STREET AND EAST OF 159<sup>TH</sup> STREET, ANDOVER, KANSAS**

Mr. Constantino stated that the Cornerstone Eleventh Final PUD is the final phase of the single-family residential component of the preliminary planned unit development (PUD) plan and consists of 40 lots on approximately 16.6 acres. Mr. Constantino stated that staff provided initial comments to the applicant, and that the Subdivision Committee had approved the PUD with modifications at their March 9<sup>th</sup> meeting, requesting that the applicant address staff comments pertaining to lot width, outstanding engineering comments, and outstanding comments from the Fire Department. Mr. Constantino stated that the lot width requirements were met with the 10% administrative adjustment granted by the Unified Development Manual (UDM) and that outstanding engineering comments would be addressed prior to City Council approval and fire department comments pertaining to hydrant locations would be addressed during the building phase.

*Gary Israel made a motion to recommend that the Planning Commission approve the Cornerstone Eleventh Addition Final Planned Unit Development Plan. Vance Garwood seconded the motion. Motion carried 5/0.*

**5.2 Z-2021-01 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE HERITAGE MIXED-USE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO ADD A TRACT TO PARCEL 7 AT THE NORTHEAST CORNER OF YORKTOWN PARKWAY AND US 54/400, ANDOVER, KANSAS**

Chairperson Pedersen opened the public hearing at 7:10 pm.

Mr. Mangus stated that the applicant has acquired additional property to add to the subject property and the amended Preliminary PUD plan adds approximately 0.51 acres to the existing Parcel 7. Mr. Mangus stated that the PUD was also amended to add the words "Indoor Only" to the use of "Self-Service Storage Facility" under the Parcel 7 land uses.

Brain Lindebak of MKEC Engineering, representing the applicant, stated that the amendment specifically pertains to Parcel 7. Mr. Lindebak stated that he expects the applicant to submit a final plat to the City depicting improvements in the near future.

Chairperson Pedersen closed the public hearing at 7:18 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 water, sewer, and streets are available adjacent to the subject property and can be readily extended.

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.

3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?

STAFF     Screening in conformance with the Site Plan Review 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.

## STAFF & COMMISSION/COUNCIL ITEMS

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

STAFF

The subject property is a vacant former single family residence site located within the US-54/400 Corridor Study, which is planned to be a part of the "Lifestyle Corridor".

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 uses are generally in conformance with the US-54/400 Corridor Study and Comprehensive Plan, which suggest a mixture of residential and commercial 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 request to add property to the PUD has been submitted to further the US-54/400 Corridor Study and Comprehensive Plan recommendations.

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 on two sides by the Heritage Mixed Use PUD and the surrounding area has a mixture of uses from single family residential to multifamily residential to commercial.

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 increase traffic, noise, lighting, etc. as compared to the existing permitted single family residential use.

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 proposed uses are generally in conformance with the US-54/400 Corridor Study and Comprehensive Plan.

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, with screening and buffering in compliance with the Site Plan Review Committee Guidelines.

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 knows of no loss to public health safety and welfare as a result of the change.

PLANNING

Concur.

COUNCIL

*Gary Israel made a motion to adopt the findings of fact and recommend that the City Council approve zoning case Z-2021-01 amending The Heritage MiXed-Use Preliminary Planned Unit Development Plan to add a tract to Parcel 7 based on findings 8, 9, 10, and 12. Motion seconded by Marla Canfield. Motion carried 5/0.*

**6. MEMBER ITEMS**

None.

**7. ADJOURN**

*Marla Canfield made a motion to adjourn the meeting. Motion seconded by Kirsten Barnes. Motion carried 5/0. The meeting was adjourned at 7:28 pm.*

Respectfully submitted by:

Justin Constantino, AICP  
Assistant Director of Community Development

Approved on the \_\_\_\_ day of \_\_\_\_ 2021 by the City of Andover Planning Commission.