



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
FEBRUARY 15, 2022 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Erik Pedersen called the meeting to order at 7:00 pm.

2. ROLL CALL

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Kirsten Barnes, and Marla Canfield. Commissioners Vance Garwood and Tim Hendricks were absent. Staff in attendance: Jennifer McCausland, City Administrator, Lance Onstott, Assistant City Administrator, Les Mangus, Director of Community Development, Justin Constantino, Assistant Director of Community Development, Chad Russell, Fire Department Chief, Chip Jerauld, Building Official. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2021 MEETING

Gary Israel made a motion to approve the minutes of the November 16, 2021 meeting as presented. Motion seconded by Erik Pedersen. Motion carried 6/0.

4. COMMUNICATIONS

- A. COMMITTEE & STAFF REPORT**
- B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

5. AGENDA

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Erik Pedersen. Motion carried 4/0.

5.1 BZA-V-2021-11 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE EXCEEDING THE MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE AND A VARIANCE EXCEEDING THE AGGREGATE TOTAL FLOOR AREA OF ALL ACCESSORY BUILDINGS AND STRUCTURES ON THE PROPERTY GENERALLY LOCATED AT 1644 S. CREST COURT, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:04 pm.

Mr. Mangus stated that the property owner desires to construct a storage shed that exceeds the 300 square foot maximum within the zoning district. Mr. Mangus stated that the size of the subject property is approximately three times the size of the minimum requirement for the zoning district, so even with the larger shed, it comes nowhere close to the maximum lot coverage. Mr. Mangus stated that staff sees no reason to deny the application.

John Vansickle, the applicant, stated that his intent was to build additional vehicle storage for motorcycles and other items. Mr. Vansickle stated that the structure will be built to complement the existing single-family home, including siding and roofing material.

Mr. Israel asked how tall the new building would be overall. Mr. Vansickle stated that the height would be approximately 20 feet tall. Mr. Israel asked if there were any HOA requirements. Mr. Vansickle said no.

Mr. Rick Thompson of 1638 Crest Court stated that he owns the neighboring property to the west of the subject property and has concerns regarding the applicant’s access to the proposed accessory structure and is concerned about the potential construction of a private driveway being located next to his property line. Mr. Thompson stated that he is concerned about the overall size, potential commercial uses, potential drainage issues, and potential privacy issues caused by the proposed accessory structure.

Mr. Pedersen asked what the applicant envisions in terms of a driveway to the proposed accessory structure and whether setbacks come into play. Mr. Vansickle stated that there is space between the tree on the front left of the property and the corner of the house where he intends to construct a driveway. Mr. Vansickle stated that the building is not for commercial uses and will be used for storage space and hobbies. Mr. Vansickle stated that the building will not have any windows that face the neighboring property and the existing tree row between the two properties will not be affected.

Mr. Israel asked if grading work has been addressed during the platting stage to prevent flooding on the subject property. Mr. Mangus stated that the early 1990s subdivision should have been graded to prevent any offsite drainage from impacting the lots but the requirements for grading are stricter now than they were back then.

Mr. Onstott stated that this is the first stage of approval for the accessory use and any intricacies involving the construction of the proposed accessory structure would be reviewed by the Building Department.

Mr. Pedersen asked if the applicant considered relocating the proposed storage shed. Mr. Vansickle stated that the location was chosen to allow him to walk from the current parking garage to the proposed accessory structure once his vehicle was parked.

Mr. Vansickle stated that he is looking to complement the value of his home and the property and does not intend to offend any neighbors.

Chairperson Pedersen closed the public hearing at 7:28 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1. 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.	
STAFF	The subject property is a 0.6-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences.
BZA	Concur.
2. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
STAFF	No detriment and/or injury to other property or improvements is anticipated.
BZA	Concur.
3. 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.	

STAFF	The subject property is a 0.6-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences. No adverse effects are anticipated.
BZA	Concur.

4. 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.	
STAFF	The applicant has declared the intended use to be a detached garage as an accessory residential use.
BZA	Concur.

SPECIFIC CONDITIONS TO BE MET:

1. 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 a 0.6-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
BZA	Concur.

2. 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 intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.6-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35%.
BZA	Concur.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.6-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35% and providing adequate separation from adjacent neighbors.
BZA	Concur.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The subject property is a 0.6-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.

BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.6-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35% and providing adequate separation from adjacent neighbors.
BZA	Concur.

Mr. Israel asked if it would be untypical for the two homeowners to meet with City staff and for the Board of Zoning Appeals (BZA) table to the item in the interim. Mr. Mangus stated that staff is always happy to sit down with the two property owners. Ms. Barnes stated that the location of the proposed structure could be determined later but the role of the BZA is to determine whether or not the applicant can build the structure. Mr. Mangus said yes, as long as the location meets the requirements within the Unified Development Manual (UDM) and the building code.

Ms. Barnes asked if the building review considered drainage impact. Mr. Mangus stated that the building code requires 2% drainage away from the structure.

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B.2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel made a motion to authorize the Chairperson to sign a resolution granting the variance for case BZA-V-2021-11. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.2 BZA-V-2021-12 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE EXCEEDING THE MAXIMUM FLOOR AREA OF AN ACCESSORY STRUCTURE AND A VARIANCE EXCEEDING THE AGGREGATE TOTAL FLOOR AREA OF ALL ACCESSORY BUILDINGS AND STRUCTURES ON THE PROPERTY GENERALLY LOCATED AT 633 N. PHILLIPS STREET, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:38 pm.

Mr. Mangus stated that the property owner desires to construct an accessory structure for the purpose of additional storage and workshop space. Mr. Mangus stated that the lot is approximately three times the size of the minimum requirement for the zoning district.

Brent Schock, the applicant, stated that he intends to construct two extra garages for storage space and parking for a new vehicle. Mr. Schock stated that he was going to do one building but the location is close to an underground pipeline.

Mr. Pedersen asked the applicant to describe the building materials. Mr. Schock stated that the garages would be sheet metal garages with gable roofs and a maximum height of approximately 15-20 feet.

Mr. Pedersen asked how the applicant will access garage two. Mr. Schock stated that there is a rear garage door that goes straight to the second garage. Ms. Barnes asked if vehicles would be driven into garage two. Mr. Schock said no.

Mr. Israel asked if there would be an additional driveway to garage one. Mr. Schock said a short driveway would likely be added.

Chairperson Pedersen closed the public hearing at 7:45 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1.	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.	
	STAFF	The subject property is a 1.4-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	
	STAFF	No detriment and/or injury to other property or improvements is anticipated.
	BZA	Concur.
3.	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.	
	STAFF	The subject property is a 1.4-acre lot. The large parcel provides adequate space while allowing adequate separation from nearby residences. No adverse effects are anticipated.
	BZA	Concur.
4.	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.	
	STAFF	The applicant has declared the intended use to be a detached garages as accessory residential use.
	BZA	Concur.

SPECIFIC CONDITIONS TO BE MET:

1.	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 a 1.4-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
	BZA	Concur.
2.	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 intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 1.4-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 1.4-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30% and providing adequate separation from adjacent neighbors.
BZA	Concur.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The subject property is a 1.4-acre parcel. The large parcel provides adequate space while allowing adequate separation from nearby residences.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	
STAFF	The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 1.4-acres, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30% and providing adequate separation from adjacent neighbors.
BZA	Concur.

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B.2 of the Zoning Regulations and K.S.A. 12-759(e), Kirsten Barnes made a motion to authorize the Chairperson to sign a resolution granting the variance for case BZA-V-2021-12. Motion seconded by Marla Canfield. Motion carried 4/0.

Gary Israel made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.3 Z-2022-03 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE CLOUD CITY PRELIMINARY PLANNED UNIT DEVELOPMENT TO MODIFY THE PERMITTED LAND USE OF PARCEL 4 TO ALLOW FOR A MUNICIPAL FIRE STATION, REDUCE THE REAR BUILDING SETBACK FROM 80 FEET TO 35 FEET, INCREASE THE BUILDING

HEIGHT MAXIMUM FROM 35 FEET TO 45 FEET, AND ALLOW FOR AN ADDITIONAL ACCESS POINT THROUGH RESERVE A ON THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. ANDOVER ROAD AND E. MINNEHA AVENUE, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:53 pm.

Mr. Mangus stated that the original development dates back to 1997 when the original developer came to the City with a traditional neighborhood design for approximately 160 acres with a commercial downtown center concept but has developed as a typical suburban concept over the years. Mr. Mangus stated that the City of Andover desires to construct a municipal fire station to better serve the area south of US Highway 54/400 and improve response times in the southern and eastern portions of the service area.

Mr. Mangus stated that the applicant is seeking to add a municipal fire station to the list of permitted uses within the preliminary planned unit development (PUD) plan, as well as reducing the rear yard setback from 80 feet to 35 feet, increasing the building height allowance from 35 feet to 45 feet, increase the number of access points along Andover Road from two to three, and allow access along platted Reserve A located to the south of the property along Minneha Avenue.

Lori Guthridge, Peter Todd, and Kyle Wilkerson of GLMV Architecture introduced themselves and stated that they are representing the applicant. Mr. Todd stated that the project is located on the western portion of the site. Mr. Todd stated that the proposed fire station should have three to four apparatus bays along the west side of the site. Mr. Todd stated that reducing the rear yard setback from 80 to 35 feet will allow for both fire station expansion and a back-of-house access drive. Mr. Todd stated that the additional height was needed for potential training features.

Chad Russell, Fire Chief, introduced himself and stated that he was available for questions as necessary.

Chairperson Pedersen closed the public hearing at 8:02 pm.

STAFF ITEMS

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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 water, sewer, and streets are available to the subject property.
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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	The subject property is currently platted.
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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	Screening fence required and approval of the 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	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 subject property is an undeveloped parcel in the Cloud City PUD that is suitable for the current uses allowed by the PUD
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 fire station use is generally in conformance with the Comprehensive Plan. It is at a point of transition from mixed uses to single-family uses. The Comp Plan recognizes the need for an additional fire station south of US-54/400.
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. Development south of US-54/400 has driven the need for a fire station to be located south of the highway for adequate response times to the service area.
PLANNING	Concur.
COUNCIL	

<p>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The subject property is surrounded by the Cloud City PUD commercial mixed uses on the north and single-family residences on the south, east, and west.</p> <p>Concur.</p>
<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> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The municipal fire station has the potential to introduce more intense lighting, noise, and late night traffic than the existing permitted uses.</p> <p>Concur.</p>
<p>12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The proposed use is generally in conformance with the Comprehensive Plan goals to provide exceptional public services.</p> <p>Concur.</p>
<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> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>Approval as applied for with the condition that the third point of access to Andover Rd. is for emergency purposes only.</p> <p>Concur.</p>
<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> <p>STAFF</p> <p>PLANNING</p>	<p>The relative gain to public health and safety through decreased emergency response times outweigh the minor environmental hardships imposed by of the change, which can be mitigated during design and construction.</p> <p>Concur.</p>

Gary Israel made a motion to adopt the findings of fact and recommend that the City Council approve Zoning Case Z-2022-03 amending the Cloud City Subdivision Preliminary PUD Plan with the condition that access control is added along Andover Road with the exception of three openings, one being limited to emergency vehicle access only based on findings 6, 8, 9, 12, and 14. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.4 FINAL PLANNED UNIT DEVELOPMENT – REVIEW AND APPROVAL OF THE REFLECTION LAKE AT CLOUD CITY 4TH SUBDIVISION FINAL PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. ANDOVER ROAD AND E. MINNEHA AVENUE, ANDOVER, KANSAS

Mr. Constantino stated that the proposed replat of the 3.1 acre property reduces the eastern rear building setback from 80 feet to 35 feet. Mr. Constantino stated that the subject property currently receives access from N. Andover Road and the proposed replat calls for an additional access point along N. Andover Road from two points of access to three. Mr. Constantino stated that the applicant is seeking an additional point of access through Reserve A located south of the subject property, which is currently owned by the Cloud City Homeowners Association. Mr. Constantino stated that staff has reviewed the replat and provided comments pertaining to the proposed three points of access along Andover Road, and that the applicant has provided a Traffic Impact Analysis (TIA) addressing the desire for three points of access along Andover Road. Mr. Constantino stated that the City's traffic engineer has reviewed the TIA and requested that the applicant make several revisions. Mr. Constantino recommended that any motion contain conditions pertaining to the completion of the TIA as well as several text clean-up changes on the document.

Mr. Israel asked if there were any major issues on the TIA report. Mr. Constantino stated that the City's traffic engineer is seeking additional information not provided in the report and wanted to provide the applicant with some additional time to address those concerns.

Gary Israel made a motion to approve the Reflection Lake at Cloud City 4th Subdivision Final Planned Unit Development Plan (PUD) and recommend that the Governing Body accept the dedication of land for public purposes with the following conditions: the title be amended to be Final PUD Plan "and Plat" and that "Addition" be replaced with "Subdivision," the title including the words "A Replat of Lot 1, Block 1 of the Cloud City Subdivision" be added, the Owner's Dedication signature block be amended to read "Susan Renner, City Clerk" and a space be added for her seal, that "fire station" be added to the proposed uses in the parcel description of Parcel No. 4, that labeled blocks be added for the seal of the review surveyor and the city clerk in the Governing Body acceptance, and that the Traffic Impact Analysis be corrected to reflect the comments noted by City Staff. Motion seconded by Marla Canfield. Motion carried 4/0.

5.5 Z-2022-01 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE VILLAGE CROSSING PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO MODIFY THE PERMITTED LAND USES OF PARCEL 1 TO ALLOW FOR THE USE OF A QUICK LUBE OIL CHANGE FACILITY ON THE PROPERTY GENERALLY LOCATED AT 301 S. ANDOVER ROAD, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 8:17 pm.

Mr. Mangus stated that the applicant desires to add the permitted use of a quick change oil & lube facility on Parcel 1. Mr. Mangus stated that staff feels that the use meets the character of the uses allowed within the neighborhood.

John Chamberlin of Kimley Horn Engineering, representing the applicant, stated that the applicant intends to construct a quick lube oil change facility on the subject property. Mr. Israel asked if the proposed project

would generate a significant amount of new traffic to the area and how many vehicles would be entering on a daily basis. Mr. Chamberlin said he anticipates approximately 40 vehicles daily. Mr. Mangus stated that the traffic would not be out of character with the surrounding area.

Chairperson Pedersen closed the public hearing at 8:23 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 to the subject property.
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 subject property is currently platted.
3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?	STAFF	Screening fence 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	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 subject property is an undeveloped parcel in the Village Crossing PUD that is suitable for the current uses allowed by the PUD
	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 COUNCIL	Concur.
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 Comprehensive Plan and which suggests commercial mixed uses.
PLANNING COUNCIL	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	No
PLANNING COUNCIL	Concur.
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 the Village Crossing Mixed PUD mixed uses on the north and south, and single family residences on the east and west.
PLANNING COUNCIL	Concur.
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 more than existing permitted uses.
PLANNING COUNCIL	Concur.
12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.	
STAFF	The proposed use is generally in conformance with the Comprehensive Plan suggested mixed uses.

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

Erik Pedersen moved to adopt the findings of fact and recommend that the City Council approve Zoning Case Z-2022-01 amending the Village Crossing Preliminary PUD Plan based on findings 6, 8, 10, 11, and 12. Motion seconded by Gary Israel. Motion carried 4/0.

5.6 ANNEXATION – REVIEW AND RECOMMEND APPROVAL OF THE PETITION FOR ANNEXATION OF THE PROPERTY GENERALLY LOCATED AT 804 W. HARRY STREET, ANDOVER, KANSAS

Mr. Constantino stated that the subject property is one two-acre parcel containing an existing single family residence and that the current zoning is AG-40 Agricultural District, a Butler County zoning designation. Mr. Constantino stated that the applicant has submitted an annexation petition, zoning application, and corresponding small tract final plat application to annex the subject property into the City of Andover.

Mr. Israel asked if the subject property is adjacent to the current city limits. Mr. Constantino stated that the subject property is located adjacent to property currently located within the Andover city limits.

Kirsten Barnes made a motion to recommend approval of the annexation of the property commonly known as 804 W. Harry St. to the Governing Body. Motion seconded by Gary Israel. Motion carried 4/0.

Mr. Mangus suggested that the Planning Commission revise the agenda to review the accompanying zoning case to the previously approved annexation case. Chairperson Pedersen concurred.

5.7 Z-2021-04 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT (AG-40) TO THE SF-2 SINGLE-FAMILY / MEDIUM DENSITY DISTRICT ON THE PROPERTY GENERALLY LOCATED AT 804 W. HARRY STREET, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 8:34 pm.

Mr. Mangus stated that the parcel is about two acres out of a 37-acre parent parcel and the applicant intends to develop the remaining 35 acres while keeping a single-family home on the proposed two-acre parcel.

Michael Edwards of KE Miller Engineering, stated that he is representing the applicant and is available for questions.

Chairperson Pedersen closed the public hearing at 8:38 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 Harry St.
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.
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 37 acres devoted to one single family home is not efficient use of the land.
	PLANNING	Concur.
	COUNCIL	

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.</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 SF-2 Single Family Residential District allows densities and building sizes that are compatible with the surrounding large lot single-family residences and nearby single-family residential developments.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
9.	<p>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?</p> <p>STAFF Yes. The area is experiencing redevelopment from large acreage single-family dwellings to allow single-family dwelling subdivisions.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
10.	<p>What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p> <p>STAFF The surrounding properties have a mixture of large lot single-family dwellings and modern single-family residential subdivisions.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
11.	<p>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> <p>STAFF The proposed uses would allow increased activity and traffic in the neighborhood. No detriment is perceived given the nearby subdivisions.</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.	
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."	
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 density and lot size allowed by the proposed SF-2 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 not be negatively affected by the size of the proposed development.	
PLANNING	Concur.	
COUNCIL		

Erik Pedersen made a motion to adopt the findings of fact and recommend that the City Council approve Zoning Case Z-2021-04 changing the zoning district classification of the subject property from the existing AG-40 Agricultural District to the SF-2 Single Family / Medium Density District based on findings 6, 8, 9, 10, and 12. Motion seconded by Gary Israel. Motion carried 4/0.

5.8 **FINAL PLAT** – REVIEW AND APPROVAL OF THE MEADOWBROOK 3RD SUBDIVISION SMALL TRACT FINAL PLAT GENERALLY LOCATED AT 804 W. HARRY STREET, ANDOVER, KANSAS

Mr. Constantino stated that the proposed final plat creates one lot of approximately 2 acres and receives access from E. Harry Street. Mr. Constantino stated that the property is adjacent to both water and sewer from the City of Andover. Mr. Constantino stated that the Subdivision Committee reviewed the small tract final plat at their January 11th meeting and discussed the required extension of the sanitary sewer at the southwest corner of the property line to allow for future connection with neighboring properties. Mr. Constantino stated that it was determined that a utility easement recorded by separate instrument would be required prior to approval by the Planning Commission, therefore any approval of the final plat by the

Planning Commission would be conditioned upon the applicant dedicating the utility easement via separate instrument.

Michael Edwards of KE Miller Engineering, representing the applicant, stated that the utility easement will be extended via separate instrument and the applicant is prepared to finance the extension of the sewer line.

Gary Israel made a motion to approve the Meadowbrook 3rd Subdivision Small Tract Final Plat and recommend that the Governing Body accept the dedication of land for public purposes with the condition that the applicant dedicate the appropriate utility easement via separate instrument. Motion seconded by Kirsten Barnes. Motion carried 4/0.

5.9 Z-2022-02 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE SF-1 SINGLE-FAMILY RESIDENTIAL LOW DENSITY DISTRICT TO THE B-3 RETAIL AND SERVICE BUSINESS DISTRICT OF THE SUBJECT PROPERTY WITH PROVISIONAL CONDITIONAL AND SPECIAL USES ON THE PROPERTY GENERALLY LOCATED AT 601 S. ANDOVER ROAD, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 8:50 pm.

Mr. Mangus stated that the applicant desires to redevelop an approximately one-acre lot in an area of transition of mixed commercial uses to residential uses further south on Andover Road. Mr. Mangus stated that the applicant intends to use the site for vehicle rental purposes, including electric vehicle charging. Mr. Mangus stated that the comprehensive plan and US 54/400 Corridor Study projects the future backage road along the south edge of the subject property.

Mr. Israel asked about the zoning of the existing car wash. Mr. Mangus stated that it is zoned B-3 with a special use to allow for the car wash.

Jason Gish of MKEC Engineering, representing the applicant, stated that he was happy to answer any questions from the Planning Commission. Mr. Gish stated that the site would have vehicle rentals available.

Ms. Barnes asked if the arterial road would run south of the property in question, bisecting the commercial property from the neighboring residential property. Mr. Mangus said yes, setbacks would be applied during the site plan stage in the future to account for the future road.

Darren Burger of 628 S. Daisy Lane, stated that his property is located at the southwest corner of the subject property. Mr. Burger stated that he believes the project has adverse effects on neighbors and cited the Unified Development Manual and Comprehensive Plan, saying the project would offset the property values of the properties on Daisy Lane. Mr. Burger stated that the project imitates east Wichita with multiple car washes, oil change facilities, and tire stores.

Ms. Barnes asked if the intent of the Comprehensive Plan was for mixed commercial properties to extend further south along Andover Road. Mr. Constantino stated that the current plan is set to expire in 2023 but the current 10-year plan shows the commercial corridor ending at the subject property. Mr. Onstott stated that the future land use map is more conceptual than the zoning map and the exhibit depicted uses approximate locations of parcel lines.

Ms. Barnes asked if the US 54/400 Corridor Map is also a conceptual idea as US 54/400 extends through Andover. Mr. Mangus stated that the plan suggests the proposed backage road would be at the location of the existing driveway that traverses east along the backside of Dillons Marketplace.

Ms. Barnes asked for some further clarification regarding the limiting the permitted uses within the B-3 zoning district to those in the B-2 zoning district. Mr. Mangus stated that staff has had dialogue with the applicant to prohibit more intense uses that would not fit within a surrounding residential neighborhood. Mr. Mangus stated that buffering would be discussed at a future Site Plan Review Committee meeting. Ms. Barnes asked if those meetings were open to the public. Mr. Mangus said yes.

Jeff Coykendall of 115 W. Cloud Avenue stated that he owns the neighboring body shop and sees the addition of a vehicle rental business a positive due to the neighboring vehicle-oriented businesses.

Mr. Gish stated that he recognizes the sensitivity of the proposed business and stated that there are ways to mitigate the impact of a commercial business near residential properties.

Mr. Pedersen closed the public hearing at 9:15 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	Adequate public facilities 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	Replating or dedications are necessary to bring the Andover Rd. ½ street right of way up to the required width and establish building setbacks for the future backage on the south side of the property.
3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?	STAFF	The site plan for the new building expansion would require a screening plan as a part of the Site Plan Review process.
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 its current zoning.
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	Not all of the permitted uses in the B-3 Retail & Service Business District are compatible with the adjacent single family residential uses.
PLANNING	Mr. Israel asked what items are not compatible in the B-3 zoning district. Mr. Mangus stated that the applicant has self-limited the more intense uses such as buses, commercial vehicles, farm trailers, motor homes, semitrailers, etc. 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 new owner simply desires to change the use of the property to be more reflective of the surrounding existing and proposed uses.
PLANNING	Concur.
COUNCIL	
10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?	
STAFF	Adjacent to the north is a carwash facility in the B-3 Retail and Service Business District. Adjacent to the south is a single-family residence on a large lot in the SF-1 Single Family Residential/Low Density District. Adjacent to the east are retail/commercial uses in the Cloud City/Marketplace PUD. To the west is a single Family residence in the SF-1 Single Family Residential/ Low Density District. All in good condition.
PLANNING	Concur.

COUNCIL	
11.	<p>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> <p>STAFF Many of the permitted uses allowed in the B-3 Retail and Service Business District are not compatible with the adjacent existing single family residences. The increased traffic, noise, and hours of operation would be detrimental to the single-family residences without adequate screening and buffering.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
12.	<p>How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>STAFF The Comprehensive Plan US-54/400 Corridor Study Lifestyle Corridor Concept Plan project the subject property to be north of the proposed backage road at the transition from Mixed Commercial Uses to residential uses.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
13.	<p>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> <p>STAFF Given the incompatibility of some of the uses permitted in the B-3 Retail & Service Business District Staff recommends approval of the change with the addition of an Arterial Transition Overlay District, which limits the permitted uses to those permitted in the B-2 Neighborhood Business District.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>
14.	<p>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> <p>STAFF With the addition of the Arterial Transition Overlay District limitations suggested Staff perceives no detriment to the public health, safety, or welfare.</p> <p>PLANNING Concur.</p> <p>COUNCIL</p>

Mr. Israel asked about limiting the uses in the B-2 zoning district with the addition of personal vehicle rental with accessory vehicle charging and fuel dispensing. Mr. Mangus said yes.

Ms. Barnes asked if the Commission was asking for designated space. Mr. Mangus stated that staff is asking for dedication of the minimum half-street right-of-way.

Mr. Onstott asked for clarification regarding whether the Planning Commission should be rezoning the property as B-3 with restrictions or B-2 with allowances. Mr. Mangus stated that the setbacks area greater with the B3 zoning than the B-2, which provides greater separation between commercial and residential zoning districts.

Kirsten Barnes made a motion to adopt the findings of fact on findings 8, 9, 10, and 12 and recommend that the City Council approve Zoning Case Z-2022-02 changing the zoning district classification of the subject property from the SF-1 Single-Family Residential Low Density District to the B-3 Retail and Service Business District of the subject property with the addition of the Arterial Transition Overlay District and limiting the uses tpo those in B-2 zoning with the additional of personal vehicle rental, accessory vehicle charging and fuel dispensing on the dedication of satisfactory half street road right of way for Andover Rd. Motion seconded by Gary Israel. Motion carried 4/0.

5.10 2022 PLANNING COMMISSION MEETING SCHEDULE – REVIEW AND APPROVAL OF THE 2022 PLANNING COMMISSION AND BOARD OF ZONING APPEALS MEETING SCHEDULE

Mr. Constantino stated that the Planning Commission and Board of Zoning Appeals holds regular meetings on the third Tuesday of each month at 7:00 pm at Andover City Hall and are annually required to approve the meeting schedule. Mr. Constantino stated that staff requests that the Planning Commission review and approve the proposed meeting dates and associated filing deadlines.

Erik Pedersen made a motion to APPROVE / APPROVE WITH MODIFICATIONS / DISAPPROVE the 2022 Meeting Calendar of the City of Andover Planning Commission and Board of Zoning Appeals. Motion seconded by Marla Canfield. Motion carried 4/0.

6. MEMBER ITEMS

Mr. Israel requested that the Chairperson checklist be added to the meeting agenda packet. Mr. Constantino stated that it could be added.

7. ADJOURN

Erik Pedersen made a motion to adjourn the meeting. Gary Israel seconded the motion. Motion carried 4/0. The meeting was adjourned at 9:40 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 15th day of March 2022 by the City of Andover Planning Commission.