



PLANNING & ZONING
1609 E. CENTRAL AVE.
ANDOVER, KS 67002
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
JANUARY 17, 2023 | 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, Kirsten Barnes, Marla Canfield, David Foley, and Vance Garwood. Secretary Gary Israel was absent. Staff in attendance: Jennifer McCausland, 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 20, 2022 MEETING

Vance Garwood made a motion to approve the minutes of the December 20, 2022 meeting as presented. Motion seconded by David Foley. Motion carried 5/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

5.1 FINAL PLAT – REVIEW AND APPROVAL OF THE ONEWOOD DRIVE FINAL PLAT GENERALLY LOCATED NORTH OF US 54/400 AT THE ENTRANCE OF GREEN VALLEY GREENS 8TH ADDITION, ANDOVER, KANSAS

Mr. Constantino stated that the subject property is located at the entrance of The Course at Green Valley Greens subdivision at the intersection of US 54/400 and Onewood Drive. Mr. Constantino stated that Onewood Drive was originally platted as part of The Course at Green Valley Greens 8th Addition Final Plat in 1998. Mr. Constantino stated that the approved Final Plat included reserves in the center median of Onewood Drive intended for landscaping, irrigation, and entry monument signage, but when Onewood Drive was constructed, the medians were built in error just outside of the platted reserves. Mr. Constantino stated that the applicant seeks to correct the location of the median reserves through a replat of Onewood Drive. Mr. Constantino stated that the entrance of Onewood Drive will ultimately be affected by the expansion and widening of US 54/400 as additional right-of-way is required for Phase 1 of the project. Mr. Constantino stated that the right-of-way needed for the highway expansion project will consume the first of three medians at the entrance to the subdivision. Mr. Constantino stated that this plat dedicates the additional right-of-way needed for the US 54/400 project, and plats an additional reserve further north allowing the subdivision and HOA to maintain three medians retaining the welcoming aesthetic of the entrance. Mr. Constantino stated that the Subdivision Committee reviewed and recommended that the Planning Commission approve the final plat at their January 10, 2023 meeting.

Mr. Garwood asked if the community was in favor of the change. Mr. Constantino stated that staff met with the Green Valley HOA to discuss the project and has maintained positive communication with the HOA throughout the process.

Vance Garwood made a motion to approve the Onewood Drive Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Kirsten Barnes. Motion carried 5/0.

5.2 Z-A22-0005 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE A-1 AGRICULTURAL TRANSITION DISTRICT TO THE SF-2 SINGLE-FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT WITH A SPECIAL USE TO ALLOW FOR AN EVENT VENUE ON THE PROPERTY GENERALLY LOCATED AT 1306 E. 13TH STREET, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:07 pm.

Mr. Mangus stated that the applicant desires to rezone the subject property from the existing A-1 Agricultural Transition District to the SF-2 Single-Family Residential / Medium Density District with a special use to allow for an event venue. Mr. Mangus stated that the property has been vacant since it was annexed into the City and is unplatted. Mr. Mangus stated that public sewer and public water is available at the front property line and is ripe for development. Mr. Mangus stated that the applicant desires to construct a small event venue on the property that will allow for sleepover tents, parties, and daytime events. Mr. Mangus stated that staff has reviewed the application materials and has no objection to the change of zoning district classification request.

Dr. Debra Schmidt, the applicant, stated that the structure that she intends to build will have a bedroom and two small bathrooms and a garage. Dr. Schmidt stated that she owns the Sleepover Tiny Tent Company. Dr. Schmidt said that she enjoys the location of the trail and that the ceilings will be high enough in the structure to install a bounce house inside.

Mr. Mangus asked the applicant about the size of the building, parking expectations on the site, and the number of guests that might be hosted. Dr. Schmidt said there would be quite a bit of parking space, approximately 50 spaces, and would even be interested in hosting farmers markets and/or food trucks in the future.

Ms. Barnes asked if most of the events would be a drop-off/pick-up situation. Dr. Schmidt said that yes and that there would be one or two adults there.

Mr. Pedersen asked if food trucks would be allowed under this proposal. Mr. Mangus stated that he would have to check, but thinks that food trucks are permitted for personal use on the property but would not be permitted for commercial use unless a conditional use permit was issued and could require a separate action.

Mr. Mangus stated that there could be some coordination with the pipeline company regarding paving parking spaces over their easement. Ms. Canfield asked if it was an active pipeline. Mr. Mangus said yes, a 20" natural gas pipeline.

Ms. Barnes asked if there was a zoning category for event venues. Mr. Mangus stated that it falls under a special use in both residential and commercial zones.

Mr. Pedersen closed the public hearing at 7:23 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 facilities are available adjacent to the property. 13 th St. is paved adjacent to the site.
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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 is required.
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	Site Plan Review Committee Standards and Approval apply.
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 not suitable for its current zoning. The parcel is too small for agricultural use and does not meet the 5 ac. minimum lot size required for the A-1 Zoning District.
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 subject property is adjacent to the 13 th St. Sports Park and Redbud Trail, which could interact well with the proposed event venue/overnight camping use. The potential overnight use could be detrimental to the surrounding residential properties.

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 surrounding land has mixed uses, with a public park on one side and single-family residences in good condition on large lots on the other sides.
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 potential nighttime events and overnight camping could pose detrimental effects – noise, lights, etc. - if not properly regulated and screened. The site is quite small, which would limit the size of the event venue due the required onsite parking for attendees and employees.
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 current 2014-2023 Comprehensive Plan Future Land Use map proposes residential land use. The proposed 2024- 2033 Comprehensive Plan suggests a "Trail Oriented Corridor" along the Redbud Trail "to promote the establishment of a pedestrian and bicycle friendly small-scale commercial and entertainment-based corridor that draws local and regional patrons", which would seem to support the proposed event venue.
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	<p>Approval with conditions:</p> <ol style="list-style-type: none"> 1. That any attendees under the age of 21 years old be supervised by a responsible adult supervisor employee. 2. That hours of operation of any event venue building and/or outdoor organized activities, not including sleeping outdoors, be limited to 7:00 a.m. to 11:00 p.m. 3. That parking be provided at a ratio of 1 parking space per 2.5 guests, plus 1 parking space per employee on site. 4. That any outdoor lighting be shielded to prevent the spillage of light in excess of 0.5 footcandles onto adjacent residential properties. 5. That any activities be conducted in compliance with the City of Andover Curfew and Noise Ordinances.
PLANNING	Concur.
COUNCIL	

14. How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current zone to the requested zone?	
STAFF	Staff perceives no detriment to the public health, safety, or welfare with the suggested conditions enforced.
PLANNING	Concur.
COUNCIL	

Vance Garwood made a motion to adopt the findings of fact and recommend that the City Council approve Zoning Case Z-A22-0005 be approved based on findings 6,7, and 8 and that the following conditions be attached to the recommendation:

- 1. That any attendees under the age of 21 years old be supervised by a responsible adult supervisor employee.*
- 2. That hours of operation of any event venue building and/or outdoor organized activities, not including sleeping outdoors, be limited to 7:00 a.m. to 11:00 p.m.*
- 3. That parking be provided at a ratio of 1 parking space per 2.5 guests, plus 1 parking space per employee on site.*
- 4. That any outdoor lighting be shielded to prevent the spillage of light in excess of 0.5 footcandles onto adjacent residential properties.*
- 5. That any activities be conducted in compliance with the City of Andover Curfew and Noise Ordinances.*

The motion was seconded by David Foley. Motion carried 5/0.

5.3 Z-A22-0006 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE RR RURAL RESIDENTIAL DISTRICT (COUNTY) TO THE SF-2 SINGLE-FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT ON THE PROPERTY GENERALLY LOCATED SOUTHEAST OF SW 130TH STREET AND SW BUTLER ROAD, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:31 pm.

Mr. Mangus stated that the applicant desires to rezone the property to the SF-2 zoning district to allow for single-family residential development. Staff has reviewed the application materials and has no objection to the change of

zoning district classification request. Mr. Mangus stated that the Riverstone Reserve Preliminary PUD was abandoned in December 2022 at the request of the applicant. Mr. Mangus stated that the action cleared the slate and the abandonment of the Preliminary PUD resulted in the property reverting back to the original Butler County Rural Residential zoning district.

Will Clevenger of Garver Engineering, representing the applicant, introduced himself and said that he was available for questions.

Mr. Garwood asked if the applicant had gotten any farther on servicing the property with water. Mr. Clevenger stated that he had spoken with the City of Andover Deputy Fire Chief regarding water pressure requirements.

Mr. Pedersen closed the public hearing at 7:23 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 facilities are available nearby and could be extended to service the property. The decision has not been made whether the water service will be provided by Wichita Water Dept. or Butler Co. Rural Water District 5. City of Andover sanitary sewer is available along SW130th St. Butler/Andover Rd. is paved adjacent to the site. SW130th St. adjacent to the site is a rural gravel road.

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 is required and is currently in process.

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

STAFF Screening is not 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

6. How suitable or unsuitable is the subject property for its current zoning?	
STAFF	The property is suitable for its current zoning. However, with public services available close by the current agricultural use of the property is not the highest and best 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 use is well suited for the surrounding properties.
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 new owner simply desires to change the use of the property to use the land to its highest and best use.
PLANNING	Concur.
COUNCIL	
10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?	
STAFF	The surrounding land has mixed uses, but is generally used for single-family residences 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	No detriment is perceived.
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 supports residential land use with more diverse housing choices.
PLANNING	Concur.
COUNCIL	
13. Do any professional persons knowledgeable on conditions that affect this zoning change request have information or recommendations to provide, which would be helpful in its evaluation?	
STAFF	Approval as applied for.
PLANNING	Concur.
COUNCIL	
14. How would the potential loss in value or hardship imposed on the Applicant compare to the relative gain to the public health, safety and welfare, if there is a change from the current zone to the requested zone?	
STAFF	Staff perceives no detriment to the public health, safety, or welfare.
PLANNING	Concur.
COUNCIL	

Vance Garwood made a motion to adopt the findings of fact and recommend that the City Council approve Zoning Case Z-A22-0006 be approved based on findings 6,8,9, and 11. Motion seconded by Marla Canfield. Motion carried 5/0.

6 MEMBER ITEMS

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7 ADJOURN

Erik Pedersen made a motion to adjourn the meeting. Marla Canfield seconded the motion. Motion carried 5/0. The meeting was adjourned at 7:46 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 21st day of February 2023 by the City of Andover Planning Commission.