



PLANNING & ZONING
1609 E. CENTRAL AVE.
ANDOVER, KS 67002
316.733.1303

PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

APRIL 18, 2023 | 7:00pm

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Erik Pedersen called the meeting to order at 7:01 pm.

2. ROLL CALL

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Marla Canfield, and David Foley. Members Kirsten Barnes and Vance Garwood were absent. Staff in attendance: Les Mangus, Director of Community Development, Justin Constantino, Assistant Director of Community Development, and Lance Onstott, Assistant City Administrator. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2023 MEETING

Gary Israel made a motion to approve the minutes of the February 21, 2023 meeting as presented. Motion seconded by David Foley. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that commercial activity has picked up considerably, likely as a result of the US 54/400 highway expansion project.

5 AGENDA

5.1 Z-PUD23-0001 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE CORNERSTONE ADDITION PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO AMEND THE GENERAL PROVISIONS AND ZONING FOR PARCELS 15A AND 15B FROM THE SF-3 SINGLE-FAMILY RESIDENTIAL / ZERO LOT LINE DISTRICT TO THE MF-2 ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT ON THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N. ANDOVER ROAD AND W. 21ST STREET, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:05 pm.

Mr. Mangus stated that the application changes the base zoning for a 16-acre parcel north of 21st Street on the west side of Andover Road to allow for a multi-family dwelling townhouse-type product.

Ms. Canfield asked if there were already duplexes within Cornerstone. Mr. Mangus clarified that the applicant is in this case proposing attached dwellings on individual lots.

Mr. Pedersen asked about the height of the dwellings. Brian Lindebak of MKEC, representing the applicant, stated that the height would be 35 feet and would be single-story. Mr. Lindebak stated that a berm will also be installed along Andover Road. Mr. Pedersen asked about the "unique associated provisions." Mr. Lindebak stated that the unique provisions relate to both setbacks and access to the homes.

Chairperson Pedersen closed the public hearing at 7:12 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	No
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 Cornerstone 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 uses are generally in conformance with the Comprehensive Plan, which suggest a mixture of residential and medical/commercial uses, as well as increased housing options.
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 on three sides by the Cornerstone 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 add little or no increase traffic, lighting, noise, etc. as compared to the existing permitted high density 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 Comprehensive Plan by providing alternative housing options.

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	

Having considered the evidence at the hearing and the factors to evaluate the application, Erik Pedersen moved that the Planning Commission recommend that case Z-PUD23-0001 be approved based on the findings 6, 8, 10, 11, and 12. Motion seconded by Gary Israel. Motion carried 4/0.

5.2 Z-PUD23-0002 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE HERITAGE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO AMEND THE GENERAL PROVISIONS AND CREATE PARCEL 3 REQUIRING ALL DWELLING UNITS WITHIN PARCEL 3 TO ACCESS THE GARAGE FROM THE FRONT OF THE LOT BY WAY OF THE STREET AND REDUCING THE MINIMUM SIDE YARD SETBACK FROM SIX FEET TO FIVE FEET ON THE PROPERTY GENERALLY LOCATED WEST OF SUNSET DRIVE AND NORTH OF LEXINGTON LANE, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:20 pm.

Mr. Mangus stated that the applicant is proposing an amendment to The Heritage Preliminary PUD plan by creating Parcel 3 from a portion of the existing Parcel 2. Mr. Mangus stated that the amended general provisions will require all dwelling units within Parcel 3 to access the garage from the front of the lot by way of the street and that the general provisions previously only allowed the properties access to the garage from the rear of the lot by way of alleys. Mr. Mangus stated that the applicant is also reducing the minimum side yard setback from six feet to five feet within Parcel 3.

Mr. Mangus requested that the applicant include language in the general provisions of Parcel 3 that require the garage to be setback at least 24 feet from the property line to accommodate vehicle parking. Brian Lindebak of MKEC, representing the applicant, stated that the language could be added.

Chairperson Pedersen closed the public hearing at 7:30 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.	<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 more traditional house layout would be complementary to the surrounding residential uses</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 No.</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 subject property is surrounded by existing and future residential development and mixed use.</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 No detrimental effects are perceived.</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 supports the implementation of the US-54/400 Corridor Study Lifestyle Corridor with increased densities and alternative designs.</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?	
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	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel moved that the Planning Commission recommend that case Z-PUD23-0002 be approved based on the findings 6, 8, 11, and 12 and that language be added to the Preliminary PUD to require a 24' setback from the property line to the garage on Parcel 3. Motion seconded by Erik Pedersen. Motion carried 4/0.

5.3 Z-VA23-0001 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR A VACATION OF RESERVE A, RESERVE B, THE PLATTED 75-FOOT BUILDING SETBACK, AND THE 70-FOOT ROAD RIGHTS-OF-WAY ALONG THE SOUTH AND WEST SIDES OF THE CHANCE ACRES SUBDIVISION GENERALLY LOCATED AT THE WEST 5 FEET OF THE REAR 10-FOOT DRAINAGE AND UTILITY EASEMENT ON THE SUBJECT PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SW 130TH STREET AND SW BUTLER ROAD, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:39 pm.

Mr. Mangus stated that the applicant desires to vacate Reserve A, Reserve B, the platted 75-foot building setback, and the 70-foot road rights-of-way along the south and west sides of the final plat for the purposes of constructing a single-family residence on the property and any future subdivision of the subject property would require platting. Mr. Constantino asked for confirmation that the utility easements would not be vacated as part of this project. Phil Meyer of Baughman Company, representing the applicant, stated that an existing KG&E easement would not be vacated.

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

Gary Israel moved that the Planning Commission recommend that case Z-VA23-0001 be approved. Motion seconded by Erik Pedersen. Motion carried 4/0.

5.4

6 MEMBER ITEMS

None.

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7 ADJOURN

Erik Pedersen made a motion to adjourn the meeting. Erik Pedersen seconded the motion. Motion carried 5/0. The meeting was adjourned at 7:54 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 16th day of May 2023 by the City of Andover Planning Commission.