



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

**PLANNING COMMISSION  
& BOARD OF ZONING APPEALS MINUTES**  
**JULY 18, 2023 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, David Foley, and Vance Garwood. Member Marla Canfield was 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 JUNE 20, 2023 MEETING**

*Vance Garwood made a motion to approve the minutes of the June 20, 2023 meeting as presented. Motion seconded by Gary Israel. Motion carried 4/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

None.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Mr. Mangus noted an uptick in single-family residential permits drawing from the Heritage and Cornerstone developments, as well as Prairie Creek. Mr. Mangus stated that development activity is at a higher rate than average for this time of year.

**5. AGENDA**

**5.1 FINAL PLAT – REVIEW AND APPROVAL OF THE 1306 PRELIMINARY & FINAL PLATS  
GENERALLY LOCATED AT 1306 E. 13<sup>TH</sup> STREET, ANDOVER, KANSAS**

Mr. Constantino stated that the applicant is seeking approval for both a preliminary and final plat for the aforementioned parcel. The property is currently vacant, less than 1 acre, and was rezoned in February 2023 from A-1 Agricultural Transition to SF-2 Single Family/Medium Density, with a special use allowing for an event venue. The property will be served with water and sewer service by the City, and access will be located along E. 13<sup>th</sup> St.

Mr. Constantino continued that both the preliminary and final plats were recommended for approval at the July 11<sup>th</sup> Subdivision Committee meeting, on condition that the applicant provide a drainage plan. Mr. Constantino stated that the drainage plan has been provided and reviewed, and no issues were found. At the same meeting, the question of the number of access points to the property was posed; Mr. Constantino explained that after engineering review, it was determined that only one access point would be required for the property, on East 13<sup>th</sup> St. Mr. Constantino stated that the final plat would be updated to include language describing the single point of access.

Neither the applicant nor any representative was in attendance.

*Gary Israel made a motion to approve, with the condition of adding access control language, the preliminary and final plats for the property generally located at 1306 E. 13<sup>th</sup> St. Motion seconded by Erik Pedersen. Motion carried 4/0.*

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

**5.2 BZA-V22-0009 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 15 FEET FROM THE 25-FOOT REAR-YARD SETBACK ON THE PROPERTY GENERALLY LOCATED AT 1306 E. 13<sup>th</sup> STREET, ANDOVER, KANSAS**

Chairperson Pedersen opened the public hearing at 7:08 P.M.

Mr. Mangus stated that the property is an unusually-shaped parcel, with a 100-foot natural gas pipeline bisecting the property. Due to the specific physical area that is suitable for construction, Mr. Mangus stated that the applicant is seeking a variance from the 25-foot rear-yard setback in order to accommodate the planned building. Mr. Mangus explained that the property in question backs up to the Redbud Trail and thus sits adjacent to a large right of way reserved for the trail.

Chairperson Pedersen confirmed that the applicant is still not in attendance.

Chairperson Pedersen closed the public hearing at 7:10 P.M.

**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 triangular-shaped parcel with wide frontage, limited depth, and a large pipeline easement that limit the buildable space.
	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 surrounded by public uses- City Park, Redbud Trail, and 13 <sup>th</sup> St. to the south, which will provide separation from adjacent residential properties. Staff does not anticipate adverse effects in the neighborhood.
	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 effect of the required building setbacks and pipeline easement are multiplied by the unusual shape of the parcel. The applicant is not seeking an increase in the allowable lot coverage. The net lot area of the parcel is +/-23,000 s.f., but the buildable area is less than 5,000 s.f.(+/- 22%) even with the requested variance.
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 triangular-shaped parcel with wide frontage, limited depth, and a large pipeline easement that limit the buildable space.
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 effect of the required building setbacks and pipeline easement are multiplied by the unusual shape of the parcel. The applicant is not seeking an increase in the allowable lot coverage. The net lot area of the parcel is +/-23,000 s.f., but the buildable area is less than 5,000 s.f.(+/- 22%) even with the requested variance.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The subject property is surrounded by public uses- City Park, Redbud Trail, and 13 <sup>th</sup> St. to the south, which will provide separation from adjacent residential properties. Do not anticipate adverse effects in the neighborhood.
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 surrounded by public uses- City Park, Redbud Trail, and 13 <sup>th</sup> St., which will provide separation from adjacent residential properties. Do not anticipate adverse effects in the neighborhood.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	

STAFF	The intent of required building setbacks is to provide open space separation from adjacent properties. Subject property is surrounded by public uses- City Park, Redbud Trail, and 13 <sup>th</sup> St., which will provide separation from adjacent residential properties.
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.B2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel moved that the Chairperson be authorized to sign a Resolution granting the variance for BZA-V22-0009. Motion seconded by David Foley. Motion carried 4/0.*

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

### **5.3 ANNEXATION - PENNER PROPERTY**

Mr. Mangus stated that the subject property is approximately 150 acres at the southeast corner of Andover Rd. and S.W. 60<sup>th</sup> St. Mr. Mangus continued that the property was platted many years ago and never developed; the contractual buyer is seeking annexation, in order to develop a residential neighborhood on the property.

Mr. Mangus confirmed that the property is within the service area of Rural Water District #5, and is adjacent to City of Andover sewer lines- thus, extension of public utility services is reasonable.

Joel Morris, the applicant, attended the meeting and made himself available for questions.

Mr. Garwood noted that the development is aligned with the goals stated in the City's current strategic planning.

*Vance Garwood made a motion to approve the annexation of the Penner Property. Motion seconded by Gary Israel. Motion carried 4/0.*

### **5.4 ACTIVATE ANDOVER COMPREHENSIVE PLAN 2024-2033 – PUBLIC HEARING ON THE ADOPTION AND RECOMMENDATION FOR THE APPROVAL OF THE ACTIVATE ANDOVER COMPREHENSIVE PLAN 2024-2033**

Chairperson Erik Pedersen opened the public hearing at 7:20 P.M.

Mr. Constantino stated that the Comprehensive Plan defines the general location, character, extent, and relationship of future land uses within the city and in the greater planning area. Mr. Constantino explained that the Plan promotes desired land use and addresses growth framework for transportation, infrastructure, housing diversity and urban design, in addition to being a requirement of Kansas state statute.

Mr. Constantino stated that the City signed an agreement with Olsson in 2022 to develop the Plan, starting in July 2022. Mr. Constantino explained a variety of community outreach and input programs that were enacted to assist in development of the Plan.

Mr. Constantino said that a draft of the plan was available to the public for comment from March 8<sup>th</sup> 2023 to March 22<sup>nd</sup> 2023.

Mr. Constantino introduced Taylor Plummer, the primary consultant with Olsson.

Ms. Plummer gave an overview of the contents of the plan and context for the findings therein. Ms. Plummer covered stakeholder involvement, the Plan's vision and overall strategy, recommendations to the City, and an action plan to implement the Comprehensive Plan.

A resident asked for clarification on some language in the plan referring to a "city center". Ms. Plummer explained that a "city center" describes a mixed-use higher-density commercial/office/residential development area.

Mr. Israel expressed admiration for the Plan, and requested a comprehensive map of the proposed land use changes be made available for use in future meetings. Mr. Constantino confirmed that such a map would be developed internally, and made available to the public as soon as plausible.

Chairperson Pedersen closed the public hearing at 7:51 P.M.

*Gary Israel made a motion to adopt a resolution and recommend approval of the Activate Andover 2024-2033 Comprehensive Plan to the governing body. Motion seconded by David Foley. Motion carried 4/0.*

## **5.5 2024-2028 CAPITAL IMPROVEMENT PLAN**

Mr. Onstott introduced the Capital Improvement Plan and explained its purpose as a document to aid in planning and capital investment, as well as being required by Kansas state law.

Mr. Onstott covered the operational investment categories as outlined in the plan. Mr. Onstott stated that as Andover is the fastest-growing city in the state of Kansas, significant investment in new development projects would be required, in addition to planned maintenance and enhancements. Mr. Onstott placed emphasis on the upcoming wastewater treatment plant project, which will represent a very large portion of the capital expenditure in the Plan, and will begin in 2024.

Mr. Israel asked for clarification about the scope of the wastewater treatment project. Mr. Onstott confirmed that the project will effectively entail a new treatment plant being installed at the location of the previous plant. Mr. Israel further asked about the current process for post-treatment water coming from the plant- Mr. Onstott responded that treated water is deposited back in Four Mile Creek, and Mr. Mangus added that some of the water is also pumped to the Flint Hills Golf Course.

Mr. Pedersen asked about the ongoing work on the Andover portion of 159<sup>th</sup> St, as it was not included in this Plan. Mr. Onstott said that while it was not included in this plan, the work is continuing as planned.

*Gary Israel made a motion to approve the 2024-2028 Capital Improvement Plan. Motion seconded by Vance Garwood. Motion carried 4/0.*

## **6. MEMBER ITEMS**

None.

## **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 8:17 P.M.*

Respectfully submitted by:

Justin Constantino, AICP  
Assistant Director of Community Development

Approved on the 15<sup>th</sup> day of August 2023 by the City of Andover Planning Commission.