



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
MARCH 19, 2024 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Garwood called the meeting to order at 7:00 P.M.

2. ROLL CALL

Committee members in attendance: Chairperson Vance Garwood; Gary Israel; Marla Canfield; and Peter Fox.

Staff members in attendance: Les Mangus, Director of Community Development; and Jolene Graham, Assistant City Administrator.

3. APPROVAL OF THE MINUTES OF THE FEBRUARY 20, 2024 MEETING

Gary Israel made a motion to approve the minutes of the February 20th meeting as presented. Motion seconded by Peter Fox. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

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 Marla Canfield. Motion carried 4/0.

5.1 BZA-V23-0014 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 11 FEET FROM THE 35 FOOT MINIMUM FRONT YARD SETBACK; AND A VARIANCE OF 1148 SF. FROM THE 2152 SF. MAXIMUM LOT COVERAGE ON THE PROPERTY GENERALLY LOCATED AT 115 W. ALLISON STREET, ANDOVER, KANSAS

Chairperson Garwood opened the public hearing at 7:04 P.M.

Mr. Mangus introduced the previously-tabled item, explaining that it is an unusual request to construct a building that would cover a large portion of its oddly-shaped lot. Mr. Mangus added that the intended use, as a personal event center, may require addition zoning modifications. He stated that the applicant is in attendance to answer the Committee's questions.

Mr. Israel asked if there are any other examples in the city of a lot that is half covered by a building. Mr. Mangus responded that typical lot coverage is 25-35%, but that in the Original Town area, the smaller and often oddly-shaped lots lead to greater-than-average lot coverage, giving the old volunteer fire station as an example.

The applicant's agent, Chris Hagan, was in attendance.

Mr. Hagan introduced himself as the contractor intending to construct the proposed building. He started by addressing the "event center" classification; Mr. Hagan explained that it is not a party venue, and would only feature a few people at a time before football games, for example. He added that the building will be for personal use only, likely for some storage, but would not feature any commercial or business activity. Mr. Hagan stated that his building plan is intended to be similar to those in the surrounding area, and the large floor area means a reduction in grass/land to upkeep when this would not be necessary for the intended use. He continued by mentioning the front yard setback requirements- the Variance in question brings the front yard setback in line with nearby buildings, as the subject lot's front property line is set further back from the road than adjacent properties'.

Mr. Garwood asked Mr. Mangus if he could provide information regarding the front yard setback and parking. Mr. Mangus stated that all parking must be off-street and out of the right-of-way, and explained that Staff would have to work with the applicant(s) to determine how much parking is required before construction.

Mr. Hagan explained that they simply wished to utilize the land to the greatest extent possible by constructing the largest possible building on the lot.

Mr. Mangus explained that it is difficult to determine what the appropriate front setback should be without knowing how much parking to require. He added that landscaping would be required around any parking spaces.

Mr. Israel asked if the City code has a requirement for distance from parking spaces to the front of the building. Mr. Mangus replied that typically there is at least a 2 foot buffer between parking and the building, and some kind of parking curb or blockade between.

Mr. Israel noted that the previous owner of the property to the west would open up his building for tailgating parties around the football games, and attendance was always very high. He continued that he lives in the area, and knows that it is difficult to navigate Allison Street during a football game if lots of people are crossing the street and attending one of these tailgates.

Mr. Israel and Mr. Mangus noted that the City has to plan for a future owner to use the space for a different use than that which is currently intended on the property, and that this informs the requirements for parking and buffering as stated.

Chairperson Garwood stated that he feels that Staff and the applicant(s) need to work out some more details of the project before the Committee can pass judgement. Mr. Mangus stated that the Committee can approve a lesser Variance, but not greater. Mr. Hagan suggested that they keep the 55 foot dimension for the proposed building, but reduce the 60 foot dimension. Mr. Mangus agreed that this is possible. Mr. Israel stated that he wished to see a more detailed plan for the driveway and parking spaces. Mr. Hagan expressed a desire to set up a meeting with Staff to work out these details.

Gary Israel made a motion to table the item until the applicants have had a chance to discuss with Staff and develop a more concrete plan. Motion seconded by Peter Fox. Motion carried 4/0.

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

5.2 FINAL PUD – REVIEW AND RECOMMENDATION ON THE REDBUD FINAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED AT 1539 N. ANDOVER ROAD, ANDOVER, KANSAS

Mr. Mangus stated that this item has been seen in its preliminary and now final form by the Subdivision Committee and Planning Commission, with a few minor changes based on Staff feedback. He continued that Staff recommends approval of the plan, and that the applicant's agent is in attendance.

Chairperson Garwood stated that indeed, this plan has been seen several times over the last few months, and asked if any other Committee members had any further questions.

Mr. Israel asked if the building plans depicted would go through Site Plan Review after the PUD was approved. Mr. Mangus replied in the affirmative.

Gary Israel made a motion to recommend approval of the Redbud Final Planned Unit Development plan. Motion seconded by Peter Fox. Motion carried 4/0.

5.3 COUNTY ZONING – REVIEW AND RECOMMENDATION ON AN APPLICATION FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION ON THE PROPERTY GENERALLY LOCATED AT 1413 E. HWY 54, ANDOVER, KANSAS

Mr. Mangus explained that this item is a recommendation on a case that was delivered to the Butler County Community Development office. He added that this is a last-minute addition because Staff only learned of the case on Friday, the 15th. Mr. Mangus continued that the subject property falls within the extraterritorial area for Andover Subdivision requirements, and abuts city limits.

Mr. Mangus stated that the application does not align with the Andover Comprehensive Plan, nor with the surrounding properties- he stated that the County 'commercial' zoning definition is more intense than the City's, with large yards for equipment storage/sales.

Mr. Mangus added that the County's Comprehensive Plan document calls out that whenever a case is brought under consideration for a property that is within the "gradient" area, that is, within a City's Comprehensive Plan area but outside of its city limits, that property should be annexed and zoned according to the City regulations rather than continuing the County jurisdiction.

Mr. Mangus explained that Staff recommends disapproval of the given plan, and annexation of the property before any zoning changes are made. He explained that the subject lot is served by utilities already.

Chairperson Garwood asked why the property is currently zoned AG-40, which is an agricultural zoning district that requires 40 acres of land. Mr. Mangus explained that whenever the County makes modifications to the zoning code, many properties have their zoning district 're-set' to the default AG-40 despite not meeting the requirements.

Ms. Canfield asked why this area has not already been annexed into the city. Mr. Mangus stated that this is among a group of parcels that are set to have annexations begin in the near future.

Marla Canfield made a motion to recommend that Butler County disapprove the change in zoning district classification, and to recommend that the applicant be instructed to petition for annexation to the City of Andover and seek a zoning change in conformance with the Andover Comprehensive Plan. Motion seconded by Gary Israel. Motion carried 4/0.

MEMBER ITEMS

Chairperson Garwood asked about some other properties that are near City limits, wanting to see if they were on the 'list' for future annexation. Mr. Mangus answered for each parcel that the Chairperson mentioned, saying that Staff are aware of these parcels as annexation targets.

Mr. Israel expressed his pleasure at seeing how many people were out in Central Park thanks to the nice weather.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Motion seconded by Peter Fox. Motion carried 4/0.

Meeting adjourned at 7:46 P.M.