



PLANNING & ZONING
1609 E. CENTRAL AVE.
ANDOVER, KS 67002
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
AUGUST 20, 2024 | 7:00 P.M.
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Garwood called the meeting to order at 7:02 P.M.

2. ROLL CALL

Committee members in attendance: Chairperson Vance Garwood; Gary Israel; Peter Fox; David Foley; Clint Teinert; and Dan Colson.

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

3. APPROVAL OF THE MINUTES OF THE JULY 16, 2024 MEETING

Gary Israel made a motion to approve the minutes of the July 16, 2024 meeting as presented. Motion seconded by David Foley. Motion carried 6/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. AGENDA

**5.1 PRELIMINARY PLAT – REVIEW AND APPROVAL OF THE MEADOWBROOK 4TH ADDITION
PRELIMINARY PLAT**

Mr. Westphall introduced the subject property, which is the intended next phase of the Meadowbrook subdivision along E. Harry Street, to the east of the current Meadowbrook 3rd. He added that the existing road through the 3rd Addition would be connected to the new Onewood Road. Mr. Westphall stated that later on the agenda the Committee would hear the rezoning case for this property, and that water and sewer lines are in place thanks to the existing development to connect the subdivision. He added that the applicant was very responsive to Staff comments, including renaming some of the intended streets to better accommodate City and county regulations for street names.

Chairperson Garwood noted that the Committee has been aware of the project for some time, and that it had been covered extensively in the Subdivision Committee. He mentioned that the depicted Fray Road has been in the works for some time, with initial planning starting in 2023.

Gary Israel made a motion to recommend approval of the Meadowbrook 4th Addition Preliminary Plat. Motion seconded by Peter Fox. Motion carried 6/0.

5.2 PRELIMINARY PUD – PUBLIC HEARING ON AN APPLICATION TO ESTABLISH THE JAGUAR ESTATES PRELIMINARY PLANNED UNIT DEVELOPMENT, ON CERTAIN LANDS GENERALLY LOCATED AT 322 S. ARCHER DRIVE, ANDOVER, KANSAS

Chairperson Garwood opened the public hearing at 7:06 P.M.

Mr. Westphall stated that the subject property is zoned MF-1, and that the PUD is being put in place to rezone the lot and establish a single-lot development with a number of housing units. He stated that the property will be accessed by 2 entrances, along Archer Drive and Concord Road, and that nearby water and sewer connections are available.

Ken Lee with Garver was in attendance, acting as the applicant's agent. He stated that Garver had made adjustments to the plan per Staff comments, and stated that he feels that changing the property's use from its former status as a mobile home park, to a multi-family housing development, would be a good use of the land.

Mr. Israel stated that this project was discussed at length in the Subdivision Committee meeting, and that if all of Staff's concerns had been addressed, he felt much more comfortable with the project. Chairperson Garwood explained the utility of the Subdivision Committee to the crowd.

Chairperson Garwood opened the floor up to members of the public who wished to speak on the case.

Jerry Lemons, at 329 S. Archer Drive, asked for an explanation of what is meant by "multi-family". Mr. Mangus explained that the previously-discussed Site Plan for the lot (discussed in 2023) featured a group of duplexes around a central parking lot.

Ashley Placke, at 329 S. McCandless, stated that he is concerned about drainage from the lot, and asked about the discharge rate given from the detention pond. He expressed concern with the allowed building height, stating that in the future it may allow for a taller apartment building on the lot. He added that the Comprehensive Plan shows the area as a single-family housing hub, and that this project seems to contradict that Plan.

Zach Smith, at 1006 E. Paul Revere Lane, asked if the project would entail street improvements, specifically curb and gutter installation, along Archer Drive and Concord Road, and agreed with Mr. Placke that he is concerned about the 45-foot building height allowance, stating that it does not conform with the surrounding area. He asked if the applicant would be able to produce any architectural information about the proposed structures.

Mr. Lee with Garver returned to the stand to answer these public comments. He stated that indeed the project is intended to feature duplexes, and referenced a few existing developments to give an example of what the duplexes might look like. He was not able to produce any architectural drawings, as these are not generally part of a Preliminary PUD. He stated that the duplexes will be 20 to 25 feet tall, and stated that while he cannot speak for the future, it would be a major undertaking for a future developer to buy out the property and remove all of the duplexes to build another complex. On the topic of the drainage pond, Mr. Lee stated that the developer is required to ensure that the 24-hour, 100-year discharge rate of water is at or below the existing discharge rate, and so the pond was included for detention, not retention, to accommodate for this. He stated that a spreading weir of some type would be installed to help divert some of the water to a larger area and help prevent flooding. He added that the property will drain from the same point from which it drains today. Answering the questions about the nearby zoning and Comprehensive Plan map, Mr. Lee stated that while the use is slightly outside of the single-family lots nearby, it represents an improvement over the previous use as a mobile home park. He continued by addressing a Staff concern about screening the property, stating that this would be featured on a final Site Plan for the property.

Chairperson Garwood asked Mr. Lee about the concerns regarding street improvements. Mr. Lee stated that both Concord and Archer would be paved, but that they are only required to put down asphalt, so Garver would work with Staff to determine if a full curb and gutter could be installed.

Chairperson Garwood requested that the applicant(s) provide some architectural information and elevations before the Final PUD is approved. Mr. Lee stated that he would be sure to include those items in their submittal.

Mr. Israel asked what the maximum building height would be in the intended zoning district, if the PUD were not also in place. Mr. Mangus stated that the mentioned 45-foot height would be the maximum, and that the current zoning allows for 35 feet, which is typical for all single-family zoning districts.

Chairperson Garwood asked for some clarification on the site grading to accommodate the intended drainage. Mr. Lee stated that an outlet structure of some kind (drain, etc.) would be present near the southeast corner of the property, though no concrete plan for this was yet in place.

Mr. Israel asked if curb and gutter would be required, were the roads paved. Mr. Mangus stated that the Heritage project has already paved and guttered Archer Drive up to the Founders Parkway intersection, and that he anticipates that this will be continued to the north.

Chairperson Garwood asked Staff what additional concerns they would like to see addressed on a Final PUD for the property. Mr. Mangus stated that the applicant(s) are already very close to having a PUD plan that would pass final approval, so he would expect it to be very similar to the plan presented.

Mr. Foley asked how many duplexes are planned to be present on the property. Chairperson Garwood and Mr. Lee confirmed that 14 structures are planned, totaling 28 dwelling units (2 per building). Mr. Israel then asked if the duplexes would feature single-family occupancy on each floor- Mr. Lee confirmed as much.

Chairperson Garwood asked if a drainage ditch would be present along the east side of the property. Mr. Lee stated that they intend to install a storm sewer on the eastern side, which would connect to a ditch.

Mr. Colson addressed Mr. Placke directly, asking if his concerns had been addressed by the discussion with Mr. Lee and Staff. Mr. Placke stated that he has additional concerns regarding traffic, as a large number of dwelling units would be added to the area, and stated that he is concerned about drainage from the roads if they were paved. Mr. Mangus stated that the details for a road project had not been settled yet, but added that it would of course meet the City's road design standards. Mr. Placke stated that currently, his property experiences flooding that spreads to his neighbors', and that a storm sewer system on Concord would help to alleviate this issue. He added that the depicted drainage on the property today is incorrect, and that the water flows more to the east and south.

Greg Ficken, at 339 S. McCandless Road, stated that the County installed a ditch near Mr. Placke's property some years ago, that it has not been maintained, and that much of the drainage from the ditch goes directly to his property. He stated that the drainage plan does not show the entire run of the ditch. Mr. Mangus stated that a final drainage study had not yet been performed, as this is the Preliminary PUD stage, and that a final plan would be required to maintain or reduce the flow of water from the property under its current conditions. Chairperson Garwood asked when the final drainage study would be performed. Mr. Mangus stated that it would be submitted as a part of the Final PUD plan.

Mr. Lee returned to the stand to address these additional questions about drainage. He stated that indeed, that part of the project was separate from the Preliminary PUD process, but that they had been informed by Staff that a storm sewer installation would be required if curb and gutter were included. He added that extra room was left on the preliminary drainage plan to allow for adjustments to the detention pond, and

that it is possible that one of the buildings planned would not be able to be constructed to accommodate for drainage.

Mr. Foley asked how the aforementioned road projects would be financed. Mr. Lee stated that the developers would put up petitions for the City to participate in the project if it does include a road component, including paving to the south that is not adjacent to the subject property.

Mr. Fox asked if the final drainage plan would account for the adjacent properties. Mr. Lee confirmed as much.

Mr. Israel asked Staff if a motion for approval could include a condition of a final drainage study being submitted. Mr. Mangus stated that this would already be required for a Final PUD. Chairperson Garwood noted that all of the concerns raised in the meeting would have to be addressed before a Final PUD could be approved, and Mr. Mangus stated that the approval of the Preliminary PUD would not allow for any construction to begin by itself.

Mr. Israel mentioned the concerns regarding the Comprehensive Plan, stating that this was discussed at length during the Subdivision Committee meeting, and that the plan was justified by the changing conditions of the HWY 54 corridor to the south. Mr. Mangus concurred, and stated that the Future Land Use concepts are necessarily vague and "soft", allowing for the change in uses as the area changes.

Chairperson Garwood asked who would be responsible for improving or maintaining the ditch that was mentioned by Mr. Ficken. Mr. Mangus stated that it sounds like the ditch may be entirely on private property, which limits the City's ability to intervene, and that he is not aware of a drainage easement in the area that would have allowed the ditch to be maintained by the installer. He added that, as a part of this project, any work that would be done off-property would require an easement.

Mr. Teinert asked why the storm sewer is depicted as passing through the center of the parking lot area. Mr. Lee answered that it was simply the most efficient, and would prevent water from gathering near the parked cars in the lot.

Chairperson Garwood stated that he would not vote to approve the project if it were a Final PUD submittal, but that it was Preliminary, allowing for these concerns to be addressed.

A unnamed member of the public, who did not approach the stand before speaking, asked if duplexes were already allowed on the property with its current zoning. Mr. Mangus confirmed that they were already allowed, and that the zone change will allow for a slightly higher building density. Mr. Lee concurred, and stated that the higher density allows for higher revenue to fund street projects and other improvements.

Chairperson Garwood closed the public hearing at 7:45 P.M.

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 facilities are in place and adequate or could be readily extended to serve the 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 would need to be platted during the PUD process.

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

STAFF Screening would be required due to the zoning districts of adjacent zoning districts as specified in the Site Plan Review standards of the Andover UDM.

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

With adequate screening and buffering the proposed use will be well suited for the location.

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

Mr. Israel stated that the changing conditions of the surrounding area do seem to be an important factor to this case. The rest of the Committee concurred with Staff.

COUNCIL

10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?

STAFF

The current land uses in the area are similar in character and condition but differ in that the proposed use is for multiple-family homes as opposed to existing single-family homes.

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 use will increase the traffic, lighting, activity, etc. over the current vacant lot, but not noticeably increase the effects of the uses currently permitted.

PLANNING

Mr. Israel stated that the addition of paving, curb, and gutter to the streets would have a beneficial effect. Chairperson Garwood stated that nearby homeowners had raised concerns relating to detrimental effects of drainage in the area.

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 suggests a Traditional Neighborhood Place Type but is also at the transition area with the City Corridor Place Type. A higher density housing option would be appropriate here and conform to the Comprehensive Plan.

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 proposed zoning change.
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	No detriment to the public health, safety and welfare is perceived. Any changes in light, traffic, or noise can be sufficiently mitigated with adequate screening and buffering.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case SUBPRE-24-00002 be approved based on findings 6, 8, 9, and 12. Motion seconded by Clint Teinert. Motion carried 6/0.

5.3 **Z-A24-0002 – PUBLIC HEARING ON AN APPLICATION FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM THE AG-40 COUNTY AGRICULTURAL DISTRICT TO THE MXI MIXED INDUSTRIAL / COMMERCIAL DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 9947 S.W. MEADOWLARK ROAD, ANDOVER, KANSAS**

Chairperson Garwood opened the public hearing at 8:02 P.M.

Mr. Westphall explained that the applicant intends to rezone their property in order to develop the site to store vehicles for the purpose of a trucking business, and that the property was recently annexed through the Planning Commission in July. He added that plats for the property will be forthcoming. Mr. Westphall added that the Comprehensive Plan does not currently extend to this area, but that it is within the Andover Planning Area. He stated that the property is served by Rural Water District #5 and by Evergy.

Joe Hutchison with BHC Engineering was in attendance as the applicant's agent. He stated that the owner and himself met with Staff the previous week to go over some site layout concerns, adding that access control to the property would be along Meadowlark Road.

Mr. Israel stated that he is grateful to the applicant(s) for working closely with Staff before bringing forward the plan.

Mr. Israel then asked if the lot would feature just a large parking lot, or other structures in the future. Mr. Hutchison noted that the property already features a pole barn and a residence, and that this will be negotiated in the future steps of development.

Chairperson Garwood closed the public hearing at 8:09 P.M.

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 zoning change were approved?

STAFF The property is currently served by Evergy, and Rural Water District #5.

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 A final plat of the subject property is in process pending the outcome of the change in zoning district classification.

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

STAFF Because the adjacent properties are Butler County Zoning Districts, no landscape buffer or screening is required. However, during the Site Plan Review process, the Committee will ensure the implementation of appropriate screening given adjacent land uses by implementing requirements for a temporary landscape buffer.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF None.

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 Butler County Agricultural District 40 zoning district. Because it is less than 40 acres of land, it is not 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	The requested zoning change is well-suited for the current zoning of nearby properties which include local businesses.
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 current land uses of the subject property and surrounding neighborhood are low-density, rural home sites and small businesses. The proposed use and zoning would be consistent with the character and condition of the surrounding neighborhood.
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	Potentially detrimental effects such as undesired lighting, noise, and traffic will be mitigated by prescribed setbacks, screening, and control standards specified in the Andover UDM.
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 zoning is outside of the extent of the Comprehensive Planning area as well as the US 54/400 Corridor Study Future Land Use Map, but would readily conform to the intent of the Andover Comprehensive Plan 2024-2033.

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 proposed change in zoning.
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 does not anticipate any detrimental effects or hardship to public health, safety, or welfare that could not be mitigated by adequate screening and buffering.
PLANNING	Concur.
COUNCIL	

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case Z-A24-0002 be approved based on findings 6, 8, 10, 12, and 13. Motion seconded by David Foley. Motion carried 6/0.

5.4 Z-A24-0003 – PUBLIC HEARING ON AN APPLICATION FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM THE A-1 AGRICULTURAL TRANSITION DISTRICT TO THE SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 800 W. HARRY STREET, ANDOVER, KANSAS

Chairperson Garwood opened the public hearing at 8:16 P.M.

Mr. Westphall explained that this is simply the next step after the approval of the Meadowbrook 4th Addition, the Preliminary Plat of which was Agenda item 5.1. He stated that the property will be zoned SF-2, and that this zoning is acceptable for the area via the Comprehensive Plan.

Chairperson Garwood closed the public hearing at 8:23 P.M.

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 zoning were approved?	
STAFF	The property is currently served by Evergy. Existing sewage disposal and water utilities can be readily extended to the 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 applicant has submitted the preliminary plat to be reviewed concurrently with the zoning amendment.
3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?	
STAFF	Because the surrounding properties are either used for agriculture, not annexed into Andover, or zoned SF-2, a screening plan would not be required. However, because the surrounding properties are in Andover's extraterritorial jurisdiction and will later be annexed into the city, any further development at the Site Plan Committee would take this into consideration and ensure adequate screening is emplaced should those potential uses require a landscape buffer or screening plan.
4. What fact-based information in support of or in opposition to the requested zoning change has staff received?	
STAFF	None.
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 & COMMITTEE/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 Butler County Agricultural District 40 zoning district. Because it is fewer than 40 acres, it is not suitable for the 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	The requested zoning change is well-suited for the current zoning of nearby 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 current land uses of the subject property and surrounding neighborhood are low to medium-density home sites. The proposed use and zoning would be consistent with the character and condition of the surrounding neighborhood.
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	Staff anticipates no detrimental effects from this requested zoning change.
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 requested zoning change would conform with the City's Comprehensive Plan 2024-2033 by serving as the projected Traditional Neighborhood Place Type that is depicted.
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 proposed change in zoning.
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 does not anticipate any detrimental effects or hardship to public health, safety, or welfare if there is a change to this subject property to the requested use.

PLANNING

Concur.

COUNCIL

Mr. Israel asked if any of the notified persons took issue with the proposed road developments. Mr. Mangus explained that no such concern had been expressed, and that the entire road project would be on what is currently private land.

Having considered the evidence at the hearing and the factors to evaluate the application, Peter Fox made a motion that the Planning Commission recommend that case Z-A24-0003 be approved based on findings 6, 8, 9, and 12. Motion seconded by Gary Israel. Motion carried 6/0.

5.5 Z-A24-0005 – PUBLIC HEARING ON AN APPLICATION FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION FROM THE A-1 AGRICULTURAL TRANSITION DISTRICT TO THE B-5 HIGHWAY CORRIDOR MIXED-USE BUSINESS DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 1413 E. HWY 54, ANDOVER, KANSAS

Chairperson Garwood opened the public hearing at 8:31 P.M.

Mr. Westphall explained that, similar to the previous agenda item, the subject property was recently annexed by the City, and is being rezoned for a future business use. In this case, the applicant intends to sell the property to a developer. He added that the property is also within the 'transition' area outside of the City proper, but is still within the Planning Area.

Susan Miller, at 536 S. McCandless, asked who would be developing the property, and asked that a privacy fence be installed. She added that the lot was overgrown and full of weeds. Mr. Mangus stated that the property owner applied for the rezone, but that Staff are not aware of any developer in place. He stated that, since the property had been annexed, the City's Code Enforcement department could take Ms. Miller's complaints.

Chairperson Garwood closed the public hearing at 8:38 P.M.

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 zoning were approved?

STAFF

The property is currently served by Evergy and Rural Water District #5. Existing sewage disposal and utilities can be readily extended to the 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 would need to be platted for further commercial development.

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

STAFF Because the adjacent properties are Butler County Zoning Districts, no landscape buffer or screening is required. However, during the Site Plan Review process, the Committee will ensure the implementation of appropriate screening given adjacent land uses by implementing requirements for a temporary landscape buffer.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF None.

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 & COMMITTEE/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 Butler County Agricultural District 40 zoning district. Because it is less than 40 acres of land, it is not 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 The requested zoning change is well-suited for the current zoning of nearby 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 current land uses of the subject property and surrounding neighborhood are low-density, rural home sites and commercial uses to the west and north. The proposed use and zoning would be consistent with the character and condition of the surrounding neighborhood.
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	Potentially detrimental effects such as undesired lighting, noise, and traffic will be mitigated by prescribed setbacks, screening, and control standards specified in the Andover UDM.
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 requested zoning change would conform with the City's Comprehensive Plan 2024-2033 by serving as a transition between the City Corridor and Mixed Residential Neighborhood Place Types that are depicted.
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 proposed change in zoning.

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 does not anticipate any detrimental effects or hardship to public health, safety, or welfare that could not be mitigated by adequate screening and buffering.
PLANNING	Concur.
COUNCIL	

Mr. Fox asked if the subject property is connected to the sanitary sewer line. Mr. Mangus explained that the line goes to the property, but that there are currently no structures that utilize it.

Having considered the evidence at the hearing and the factors to evaluate the application, Gary Israel made a motion that the Planning Commission recommend that case Z-A24-0005 be approved based on findings 6, 8, 10, 11, and 12. Motion seconded by Dan Colson. Motion carried 6/0.

6 MEMBER ITEMS

Mr. Israel asked if the demolition along Andover Road that was discussed in the Subdivision Committee meeting had been addressed. Mr. Mangus explained that Staff are working to get the demolition contractor permitted.

7 ADJOURN

Gary Israel made a motion to adjourn the meeting. Motion seconded by Clint Teinert. Motion carried 6/0.

Meeting adjourned at 8:48 P.M.