



**PLANNING & ZONING**  
1609 E. CENTRAL AVE.  
ANDOVER, KS 67002  
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**PLANNING COMMISSION  
& BOARD OF ZONING APPEALS AGENDA**  
**OCTOBER 15, 2024 | 7:00 P.M.**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Committee members in attendance: Acting Chairperson Marla Canfield; Secretary Gary Israel; David Foley; Peter Fox; and Dan Colson.

Staff members in attendance: Les Mangus, Director of Community Development; David Westphall, Zoning Administrator; and Connor Boyd, Planning Technician.

**3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 17, 2024 MEETING**

*Peter Fox made a motion to approve the minutes of the September 17, 2024 meeting as presented. Motion seconded by Gary Israel. Motion carried 5/0.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

None.

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

**5 AGENDA**

**5.1 FINAL PLAT – REVIEW OF AND RECOMMENDATION ON THE MEADOWBROOK 4<sup>TH</sup> ADDITION FINAL PLAT, ON CERTAIN LANDS GENERALLY LOCATED IN THE 800 BLOCK OF W. HARRY STREET, ANDOVER, KANSAS**

Mr. Westphall introduced the subject property, and reviewed its recent history. He stated that the Committee had already covered the annexation, zoning, and preliminary plat for this project. Mr. Westphall added that the Subdivision Committee recommended the plat for approval at their October 8<sup>th</sup> meeting.

*Gary Israel made a motion to recommend approval of the Meadowbrook 4<sup>th</sup> Addition Final Plat to the Governing Body. Motion seconded by David Foley. Motion carried 5/0.*

**5.2 FINAL PUD – REVIEW OF AND RECOMMENDATION ON THE JAGUAR ESTATES FINAL PLANNED UNIT DEVELOPMENT, ON CERTAIN LANDS GENERALLY LOCATED AT 322 S. ARCHER DRIVE, ANDOVER, KANSAS**

Mr. Westphall stated that, since the presentation of the Preliminary plan, the most substantial changes had been to the Drainage and Utility plans.

The applicant, Will Clevenger with Garver, was in attendance.

Zach Smith, 1006 E. Paul Revere Lane, stated that he spoke at the August 20<sup>th</sup> meeting on the Preliminary PUD, and had a few unresolved concerns. He stated that his property drains across Archer Drive, and that

he worried that a paving project may impact drainage. He added that the various Staff summaries for the agenda items related to the Jaguar Estates project had repeatedly used the word "potential" when discussing the number of access points to the development, and asked if the 2 points was indeed to be reality. Finally, he asked if Archer Drive and Concord Road would be paved as a part of this project, whether they would receive curb and gutter, and whether an improvement district was to be established. Mr. Mangus took on the questions, stating that Archer and Concord would be paved- Archer up to the intersection with Concord, and Concord east past the depicted access point a ways. He stated that no benefit district was being established, and that the paving and water access lines were required, but no additional improvements were planned beyond the site and its access. Mr. Mangus stated that curb and gutter were planned to be installed, but that this needed the approval of the City Council.

Ashley Placke, 329 S. McCandless Road, asked if the bottom of the detention pond would be made of hard clay, stating that he had concerns about the pond creating an ideal environment for the flourishing of mosquitoes. Mr. Clevenger stated that there would be a standing water surface, and that the average depth of the pond would be approximately 7 feet, which should be deep enough to avoid this issue. He could not provide a firm materials mix for the bottom of the pond, but stated that he would discuss with his civil engineering team.

Mr. Israel asked Mr. Placke if mosquitoes were already an issue in the area. Mr. Placke confirmed that it was.

Mr. Mangus stated that 7 feet of water is not conducive to the hatching of mosquitoes.

Mr. Smith asked if the City has a code-based requirement for minimum detention pond depth. Mr. Mangus stated that he was not aware of such a requirement.

Mr. Israel asked if a vacant lot with existing drainage issues were to be developed, would the developers be required to 'solve' the drainage issues in order to be approved? Mr. Mangus stated that the developers are required to solve and issues that they themselves create with the development, and that they cannot improve the conditions outside.

Mr. Mangus discussed the engineering calculations for the drainage of the site.

Mr. Foley asked what the property owners' recourse would be if the drainage from the site were to get worse after the development. Mr. Mangus stated that a civil suit between neighbors would have to take place.

*Gary Israel made a motion to recommend approval of the Jaguar Estates Final PUD to the Governing Body. Motion seconded by Peter Fox. Motion carried 5/0.*

### **5.3 Z-PUD24-0005 – PUBLIC HEARING ON AN APPLICATION TO ESTABLISH THE PENNER ADDITION PLANNED UNIT DEVELOPMENT, ON CERTAIN LANDS GENERALLY LOCATED ALONG S.W. BROOKVIEW ROAD, ANDOVER, KANSAS**

Acting Chairperson Canfield opened the public hearing at 7:19 P.M.

Mr. Westphall stated that the PUD will change the existing AG40 county district to the MF-2 Attached Single Family District, with some uses allowable in the SF-2 Single Family Residential / Medium Density District. He stated that the applicant is seeking the flexibility to control density around arterial streets, and that the applicant had split the property into several "planning areas" in order to define these density zones. Mr. Westphall added that Staff and the applicant(s) had worked closely with the Fire department to come to an understanding regarding the widths and design of the streets within the subdivision. He continued that the depicted northern access point that is shown on the first phase plans would be a

temporary entrance until the streets had been built out further, after which it would become a fire entrance only. He finished by stating that sanitary sewer service would be extended to the property.

Jason Gish with MKEC was in attendance. He stated that the Staff summary had pretty much covered everything he was going to say, and added that they had worked very closely with Staff over a few months to bring the plan together. Acting Chairperson Canfield noted that the project had been brought before the Subdivision Committee twice.

Acting Chairperson Canfield closed the public hearing at 7:26 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 changing 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 | 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 of the Site Plan Committee would take this into consideration and ensure adequate screening is employed 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 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 & COMMITTEE/COUNCIL ITEMS

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6. How suitable or unsuitable is the subject property for its current zoning?

STAFF	The property is suitable for its current zoning.
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PLANNING	Concur.
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COUNCIL	
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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.
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PLANNING	Concur.
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COUNCIL	
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8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties?

STAFF	As long as the developer limits density to areas close to arterial streets and meets the specific requirements of dwelling units per acre, the requested zoning change would be well-suited with the current zoning of nearby properties.
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PLANNING	Concur.
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COUNCIL	
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9. Has the zoning change been requested because conditions in the area of the subject property have changed? If so, what is the nature and significance of these conditions?

STAFF	Housing demand has continued to increase and developers are interested in continuing higher density development in North Andover. While this change helps address many of Andover's needs, the distance from emergency services and other amenities requires some moderation in the density of development.
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PLANNING	Concur.
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COUNCIL	
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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.
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PLANNING	Concur.
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COUNCIL	
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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 can be mitigated during the Final PUD and Platting steps of development.

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 suggests a Traditional Neighborhood Place Type in order to avoid more dense development at the city's periphery. The proposed zoning would need to adhere to the specified limits for dwelling units per acre.

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 Z-PUD24-0005 be approved based on findings 6, 8, 11, and 13. Motion seconded by Dan Colson. Motion carried 5/0.*

**5.4 Z-A24-0007 – PUBLIC HEARING ON AN APPLICATION FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT TO THE MF-2 ATTACHED SINGLE FAMILY RESIDENTIAL DISTRICT, ON CERTAIN LANDS GENERALLY LOCATED AT 420 W. MIKE STREET, ANDOVER, KANSAS**

Acting Chairperson Canfield opened the public hearing at 7:35 P.M.

Mr. Westphall stated that the applicant intends to rezone from SF-2 Single Family Residential / Medium Density District to the MF-2 Single Family Attached Residential District. He stated that the property is within a transitional area between districts and construction types, and that the change would better align the property with the Comprehensive Plan Place Type guidelines for the area.

The applicant was not in attendance. Mr. Israel asked if they were aware of the meeting; Mr. Boyd stated that they were informed.

Mr. Fox stated that the new intended use does seem consistent with those in the area. Mr. Mangus agreed, and stated that the properties to the east are already very similar in use.

*Gary Israel made a motion to table discussion of the case until the applicant could be in attendance for the hearing. Motion seconded by David Foley. Motion carried 5/0. Hearing to be continued at the November 19<sup>th</sup> meeting.*

**5.5 ANNEXATION PETITION – REVIEW AND RECOMMENDATION ON A PETITION TO ANNEX THE PRATT PROPERTY, ON CERTAIN LANDS GENERALLY LOCATED AT 1616 E. CENTRAL AVENUE, ANDOVER, KANSAS**

Mr. Westphall stated that the subject property is an 80-acre plot just outside of City limits, currently zoned in the AG40 county district. He stated that the applicant intends to sell the property after annexation, after which the new owner would rezone and plat the lot. He added that the owner would be applying for a hardship exception to retain usage of the existing septic system.

Mr. Fox asked what the hardship was for. Mr. Mangus stated that a residence and horse stables are currently located on the property, and will continue to operate until the greater development has reached its location.

*Dan Colson made a motion to recommend approval of the annexation of the Pratt Property to the Governing Body. Motion seconded by David Foley. Motion carried 5/0.*

**6 MEMBER ITEMS**

Mr. Fox asked what kind of fines were being assessed for the large political sign on Andover Road. Mr. Mangus stated that each day that the violation remains in effect is a new violation, with a maximum fine of \$500, but that this is up to the discretion of the judge.

Mr. Foley asked what the specific violations were. Mr. Mangus stated that the sign did not receive a permit, and that it would be too large to receive a permit in its current form anyway.

Mr. Fox asked if the City had an Ordinance against the use of exhaust ("jake") brakes on trucks in town. Mr. Mangus stated that he believed there was, but that it is very difficult to enforce. The Committee commiserated about the noise created by these trucks.

Mr. Israel asked when the Quik Trip would be closing in favor of the new location. Mr. Mangus stated that, due to the revised timeline of the US-54 project, the current location would be staying open longer. Mr. Israel then asked if

any new plans had been submitted for the new location; Mr. Mangus stated that no new information or applications had been submitted.

## **7 ADJOURN**

*Gary Israel made a motion to adjourn the meeting. Motion seconded by Peter Fox. Motion carried 5/0.*

- Meeting adjourned at 7:50 P.M.