



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

## PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

**FEBRUARY 18, 2025 | 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; Clint Teinert; and David Foley.

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

### 3 APPROVAL OF THE MINUTES OF THE JANUARY 21, 2025 MEETING

*Gary Israel made a motion to accept the minutes of the January 21, 2025 meeting. Motion seconded by David Foley. Motion carried 5/0.*

### 4 COMMUNICATIONS

#### A. COMMITTEE & STAFF REPORT

None.

#### B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

### 5 AGENDA

#### 5.1 **PUD AMENDMENT — PUBLIC HEARING AND RECOMMENDATION ON THE 14<sup>TH</sup> AMENDMENT TO THE CORNERSTONE PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NEAR N. SAVONA ST., ANDOVER, KANSAS**

Chairperson Garwood opened the public hearing at 7:07 P.M.

Mr. Mangus stated that the text of this amendment is very similar to another which the Committee had previously heard and approved, relating to the section of the Cornerstone neighborhood that was to feature duplexes near N. Savona St. He stated that the previous Amendment applied to the eastern lots in the 5<sup>th</sup> Addition, and that this application would bring the western lots to a similar standard of minimum setbacks and building spacing.

Phil Meyer, with Baughman Co., was in attendance. Mr. Meyer stated that he agreed with the Staff report, and that this Amendment was largely a repeat of the previous case on different lots, having worked out the requirements for the rest of the Addition with Staff, and particularly the Fire department.

Mr. Israel stated that this item had been discussed in the Subdivision Committee meeting the previous week, and had been extensively discussed. He asked Staff if all of the concerns from that meeting had been addressed. Mr. Mangus confirmed as much.

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



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### 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 | The subject property is already platted.

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

STAFF | Because of the zoning districts of adjacent parcels, no landscape buffer would be required.

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

STAFF | Staff have received no opposing opinions from residents.

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 uses allowed by the PUD. This proposed amendment would just be adjusting the minimum lot size and density.

PLANNING | Concur.

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.

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 subject property would be well-suited to the requested zoning change so long as the applicant can agree to the proposed requirements suggested in accordance with the IRC.

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.

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 would not change the traffic or any other detrimental effects of the development; it is intended to increase the footprint a structure can occupy within the development.

PLANNING      Concur.



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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 at a higher density.
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	Community Development and AFR staff are supportive of the proposed amendment with the aforementioned modifications to the minimum distances between structures and the inclusion of building materials that meet IRC standards.
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. This staff opinion is qualified by comparing the existing permitted uses to the proposed uses.
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-PUD25-0001 be approved based on findings 6, 8, 10, and 12. Motion seconded by David Foley. Motion carried 5/0.*



**5.2 PRELIMINARY PUD — PUBLIC HEARING AND RECOMMENDATION ON THE VISTA RIDGE FIRST PRELIMINARY PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED AT 1616 E. CENTRAL AVE., ANDOVER, KANSAS**

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

Mr. Mangus stated that the proposed Planned Unit Development, and the following 2<sup>nd</sup> Addition, would exist on a newly-annexed parcel of land just north of City Hall, to the east of the existing Crescent Lakes subdivision. He continued that the PUD would feature large single-family lots, and that the homes themselves would be able to be placed slightly closer to the interior streets within the subdivision due to reduced street right-of-way widths. He added that the developer wished to be able to construct patio homes, possibly without a basement.

Brian Lindebak with MKEC Engineering was in attendance. He stated that outside of the modified setbacks and street right-of-way widths, the development would be fairly standard, and similar to other single family housing developments already in the city. He added that, given the requested front yard easements that utility companies had been requesting, the total 'right-of-way' useable ended up nearly 74 feet.

Mr. Fox asked what changes had been made to the drainage plan since the Subdivision Committee meeting. Mr. Lindebak stated that some language was clarified, as the City Engineer recommended, and a new box culvert was to be added with the Yorktown project. He stated that the water would not be detained, but would be allowed to flow out of the area of the large drainage basin, and that the water would drain straight south rather than draining into the existing Crescent Lakes pond.

Mr. Fox asked for clarification as to the location of the floodplain in the area. Mr. Lindebak explained, and stated that the FEMA map did not extend north the full extent of the floodplain for some unknown reason.

Mr. Fox referenced the Final PUD. Mr. Lindebak stated that that item was later in the agenda, and that the developer intends to build the development as a single phase. He stated that there will already be construction activity with the Yorktown expansion, so the two projects would run concurrently to limit the total construction time in the area.

Mr. Israel asked Staff if the proposed drainage updates were satisfactory. Mr. Mangus confirmed as much, stating that the applicant(s) submitted their updated plan very soon after the Subdivision Committee meeting, and that Engineering had found the work to be acceptable.

Lyle Baade, resident at 1106 E. Woodstone Dr., wished to provide comment.. Mr. Baade asked whether he had correctly interpreted that a reduction in overall side yard setbacks would be present in the development. Mr. Mangus confirmed that the PUD plan would allow for 6 foot side yards, down from the default 8 foot side setbacks for the SF-2 zoning district. Mr. Baade stated that he opposed this change, citing impact to property values and noise, and reduced access by emergency vehicles. He asked if any development was planned between Yorktown and the eastern edge of the Crescent Lakes subdivision. Since that seemed to encompass the entirety of the subject property, the Committee obtained clarification that Mr. Baade meant the depicted Reserve D. Mr. Mangus suggested to the Chairperson that resident comments be collected for the applicant to reply to all at once, once all comments had been collected.



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Lisa Land, resident at 615 E. Crescent Lakes Dr., wished to provide comment. Ms. Land stated that she was concerned about the Development Guidelines for the PUD, which would allow for patio homes. She stated that the change in density was extreme, with the lots in Crescent Lakes being much larger than those depicted in the proposed plan on average. She pointed out the proposed 65% lot coverage, and asked what the default maximum would be for the zoning district. Mr. Mangus stated that it was a default of 35%. Ms. Land continued that the neighborhood would be aesthetically inconsistent with the Crescent Lakes homes, which all feature 3 car garages. She added that the Crescent Lakes development featured parks and common green spaces, and only a couple such spaces seemed to be planned for the Vista Ridge First. Ms. Land stated that, as of the date of the meeting, there were 9 similar patio homes up for sale in Andover, which had been on the market for 180 to 360 days, in the \$300000 to \$376000 range, and 7 more in a higher price range. She questioned the need for more such homes in the city.

Mr. Lindebak returned to answer the resident concerns. He stated that the development was certainly not considered high-density, adding that some lots are over .5 acres in size. He stated that many of the lots to the west of the development would be larger than those they would abut in Crescent Lakes. Mr. Lindebak stated that ultimately, the design of the homes that would be built on the lots was up to the owner, and that the zoning regulations did not dictate the style of the homes.

Mr. Foley asked if an average square footage could be provided for the future homes. Mr. Lindebak stated that the covenants for the development were being worked on with an attorney, and that this would establish the minimum standards for such dimensioning, but that he could not provide a number at that time.

Mr. Lindebak stated that Reserve D would include the uses listed on the Final PUD document, which would be reviewed presently. He stated that Reserves A and C were set aside for screening and drainage, and that they had worked with Evergy to maintain a landscaping buffer between the new development and Crescent Lakes.

Mr. Israel asked what the smallest lot size would be in the development. Mr. Lindebak stated that 9750 square feet would be the minimum permitted by the subdivision regulations.

Mr. Mangus stated that Crescent Lakes Lots 49-53 were each approximately 12000 square feet in area, and that the abutting lots proposed in the Vista Ridge PUD ranged from 11623 square feet to 12822 square feet. He stated that this did not constitute a large disparity in lot sizes between the adjoining subdivisions.

Mr. Lindebak pointed out Lot 5, Block 1 in the Vista Ridge First, stating that it was the lone exception to the overall minimum lot sizes due to some of its area being turned into a Reserve for screening.

Chairperson Garwood confirmed the size of Reserve D, at approximately  $\frac{3}{5}$  of an acre. Mr. Lindebak confirmed as much, stating that the parcel of land directly to the north of the Reserve may be incorporated for a larger greenspace area or park, but that the City had not finalized this piece of land with respect to the Yorktown project.

Mr. Fox asked which other developments, that MKEC had been involved with in town, would be comparable to the Vista Ridge First. Mr. Lindebak referenced the Waterfront neighborhood, stating that they had worked on several phases therein, and that this would have similar lot and street sizes. Mr. Lindebak stated that while it was a different firm that worked on the subdivision, the Remington development features homes that are similar to the proposed patio homes. Chairperson Garwood clarified that the developer of the Vista Ridge



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may not end up building patio homes. Mr. Lindebak concurred, but added that this had been the expressed plan, though no home designs were yet finalized.

Chairperson Garwood stated that he did not expect to see exclusively patio homes to the east of the development.

Mr. Teinert referenced the resident concern about trees and hedgerows, asking what would be in place to buffer. Mr. Lindebak referred to Reserves A and C, stating that they would feature landscaping, but that the zoning regulations did not require a buffer between the Crescent Lakes neighborhood and the subject property. He stated that most of the existing hedgerow would be retained, though some are over the property line (outside of the Crescent Lakes land) and thus may be relocated for utility purposes. Mr. Mangus drew attention to the 20 foot drainage easement on the western edge of the subject property, stating that it itself was a buffer which would preserve the hedgerow.

Mr. Mangus asked for clarification on the permitted used in Reserve D. Mr. Lindebak read off the provisions, stating that any such amenities would be maintained by the Homeowner's Association.

Daniel Day, resident at 916 E. Woodstone Dr., was entertained by the Chairperson. Mr. Day asked for clarification as to the scope of the present zoning hearing. Mr. Mangus clarified that the current item was for the Preliminary PUD, which would establish the underlying zoning for the property, and any exceptions from that zoning district's requirements as put forth by the Unified Development Manual (UDM). Mr. Day reiterated the other residents' concern about the homes being aesthetically different from those currently present in Crescent Lakes, and asked why the development was being considered directly adjacent to Crescent Lakes in the first place. He also expressed concerns about the 65% lot coverage amendment that had been previously discussed. Mr. Day stated that he too was concerned about the property values of the existing homes.

Mr. Teinert asked Mr. Day what issue he took with the 65% lot coverage provision. Mr. Day answered that it would lead to higher density of housing units without much green (yard) space. Mr. Mangus stated that the comparable homes in the Heritage development were indeed patio homes, but were located on lots ranging from 3400 to 4000 square feet, significantly less than the lots at hand for this development.

The Committee asked for clarification about what exactly was meant by 'patio home', and what price point to expect the homes to come in at. Mr. Lindebak declined to speculate about the home values, as he does not represent the builder(s), but reiterated that the development would not be 'high density', and that the reduced side yard setbacks were largely for flexibility when it comes to driveways or architectural elements. Mr. Lindebak stated that the Flint Hills neighborhood featured some 'patio homes'. He stated that the 65% coverage requirement was intended to also allow for such flexibility, and would allow for accessory structures such as pool houses, which contribute to overall lot coverage themselves. Mr. Teinert stated that the Committee sees cases requesting Variances for increased lot coverage very often for accessory structures like those mentioned by Mr. Lindebak.

Tacy Contreras, resident at 1110 E. Woodstone Dr., was entertained by the Chairperson. Ms. Contreras stated that she had been assured that the Crescent Lakes western hedgerow was to be left as-is at a recent HOA meeting. She stated that a comment which seemed to imply that some of the trees may be moved alarmed her. She requested clarification as to whether the hedgerow was located on the Crescent Lakes side or not.





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Mr. Mangus stated that he is aware of some language in the Crescent Lakes PUD which protects the hedgerow, but that it was likely placed directly on the property line, and therefore jointly owned by both parties on either side.

Ms. Land was again entertained by the Chairperson. She stated that Crescent Lakes had been seeking information about a possible development in the area for some time, and felt that not enough notification had been provided to the residents about the Subdivision Committee meeting. (*Per Kansas State law, notifications are only required to be sent to nearby property owners of record for Public Hearings; this agenda item was one such Hearing. The Subdivision Committee meeting agendas are publicly available ahead of each meeting, at [andoverks.gov](http://andoverks.gov). Public Hearings are held at the monthly Planning Commission & Board of Zoning appeals meetings.*) Mr. Mangus clarified the State's legal requirements for notifications for Public Hearings, and the structure of the Subdivision and Planning Commission meetings. Ms. Land expressed her displeasure at the existence of a mature PUD plan without more express warning.

Bob Land, also residing at 615 E. Crescent Lakes Dr., was entertained by the Chairperson. Mr. Land stated that the homes in the north section of Crescent Lakes, which would be located near the Vista Ridge development were valued around \$600000. He stated that he was aware of situations in which \$200000 homes were located near more expensive homes, and he stated that the neighborhood was not as well taken care of when compared to areas with exclusively more expensive homes. Mr. Land asked if the builder(s) would have to apply for a zoning case, thereby triggering another Public Hearing, when they applied for building permits to construct the houses in the development. Mr. Mangus answered that the zoning case covers land use exclusively, and that the actual building plans were not under the purview of any Committee. Mr. Land stated that he disagreed with that. Mr. Mangus pointed out that Crescent Lakes features houses ranging from \$200000 to \$600000 as well. Mr. Land stated that if this development were placed adjacent to the older, less expensive homes in the neighborhood, there would be less of an impact.

Mr. Israel stated that decisions about home design are not the kind of thing that the Committee can decide. He continued that his \$200000 home was close to \$800000 homes in the Shadow Rock area, and that neither builder had been required to seek Committee approval for home design. Mr. Land stated that he felt it should be different for 'planned communities'. He asked whether a Homeowner's Association could be required of the property owners in the Vista Ridge development. Mr. Mangus stated that establishing an HOA was a private matter, and the Committee nor the City could force the issue either way. Mr. Land reiterated that he felt the developer should be required to transition home values when adjacent to existing homes, so as to not place less expensive homes near more expensive homes.

Scotty Sexton, resident at 2020 E. Lotus Ct., was entertained by the Chairperson. He stated that he is not a Crescent Lakes resident, but attended the meeting out of interest. Mr. Sexton asked whether the issue of the Preliminary PUD could be tabled until a builder could attend the Hearing and give details as to the restrictive covenants that would be in place in the development. Mr. Mangus reiterated that the details of the restrictive covenants, and the size(s) and material(s) of the homes, were not decisions that the Planning Commission was empowered to make.

Kevin Mears, resident at 1006 E. Woodstone Ct., was entertained by the Chairperson. Mr. Mears asked if MKEC Engineering could change the details of the single family residential zoning after the fact if the Preliminary PUD was approved. Chairperson Garwood clarified that the applicant(s) would have to return for another Public Hearing if a PUD Amendment were filed.





Mr. Israel stated that the plan had been reviewed by City Staff, the Fire department, and the City Engineer, so it was not as if it was ill-conceived. Mr. Teinert concurred.

Chairperson Garwood stated that he would expect the lots themselves in this development to cost at least \$75000, and that the home values would likely be commensurately high.

Chairperson Garwood closed the public hearing at 8:20 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 | Because the surrounding properties are either used for agriculture, not annexed into Andover, or zoned SF-2, a screening plan would not be required.

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.



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### 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 the zoning change request?

STAFF      Yes. The development of Yorktown Pkwy adjacent to the site is a considerable factor in the change for change from agriculture to suburban residential uses.

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 to the current zoning of nearby properties. It is consistent with the adjacent SF-2 subdivision.

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      Yes. The development of Yorktown Pkwy adjacent to the site is a considerable factor in the change for change from agriculture to suburban residential uses. Housing demand has continued to grow and this development would provide more options for potential home-buyers.

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 to the west are similar in character and condition. A similar request was made for the property adjacent to the east.



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PLANNING  
COUNCIL

Concur.

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  
PLANNING  
COUNCIL

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.

Concur.

12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies?

STAFF  
PLANNING  
COUNCIL

The Comprehensive Plan suggests a Traditional Neighborhood Place Type which is consistent with the applicant's proposal.

Concur.

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  
PLANNING  
COUNCIL

Staff supports the proposed zoning change.

Concur.

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  
PLANNING  
COUNCIL

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.

Concur.



*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-PUD25-0003 be approved based on findings 7, 8, 9, and 12. Motion seconded by Clint Teinert. Motion carried 5/0.*

**5.3 FINAL PUD — REVIEW AND RECOMMENDATION ON THE VISTA RIDGE FIRST FINAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED AT 1616 E. CENTRAL AVE., ANDOVER, KANSAS**

Chairperson Garwood opened the public hearing at 8:33 P.M.

Mr. Mangus stated that this is, as discussed, the Final PUD implementation of the Preliminary PUD plan that had just been discussed.

Mr. Israel noted the language specifying the permitted uses in each Reserve. Mr. Lindebak concurred. The Committee confirmed that the developer(s) would be held to the standard listed.

Chairperson Garwood closed the public hearing at 8:35 P.M.

*Gary Israel made a motion to recommend approval of the Vista Ridge First Final Planned Unit Development. Motion seconded by Clint Teinert. Motion carried 5/0.*

**5.4 PRELIMINARY PUD — PUBLIC HEARING AND RECOMMENDATION ON THE VISTA RIDGE 2<sup>ND</sup> PRELIMINARY PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED AT 1616 E. CENTRAL AVE., ANDOVER, KANSAS**

Chairperson Garwood opened the public hearing at 8:37 P.M.

Mr. Mangus stated that the subject PUD would cover the remainder of the parcel that contained the Vista Ridge 1<sup>st</sup> and was bisected by the incoming Yorktown expansion. He stated that it was also a single-family residential development, with more typical street widths compared to the First, but with an identical reduction in side yard setbacks to 6 feet apiece. Mr. Mangus stated that the lot sizes in this subdivision ranged from approximately 8500 square feet to over 10000 square feet.

Mr. Israel asked if this was considered a completely separate development from the Vista Ridge First. Mr. Mangus confirmed, stating that this land was owned by a different party, and that a different engineering firm had prepared the PUD.

Phil Meyer with Baughman Co. was in attendance. He reiterated much of what Mr. Mangus said, adding that the intention for this subdivision was not to construct patio homes, but more traditional single family residences.

Mr. Israel asked whether the concerns raised by the Fire department in the preceding Subdivision meeting had been addressed. Mr. Meyer confirmed as much. Mr. Mangus stated that the only outstanding item had been the updated drainage plan, which had been received and approved by the City engineer.

Chairperson Garwood closed the public hearing at 8:41 P.M.



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### 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 | Because the surrounding properties are either used for agriculture, not annexed into Andover, or zoned SF-2, a screening plan would not be required.

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?



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STAFF	Yes. The development of Yorktown Pkwy adjacent to the site has changed the area. The property is now better suited for suburban residential development.
PLANNING	Concur.
COUNCIL	
<b>8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</b>	
STAFF	The requested zoning change is well-suited to the current zoning of nearby properties. It would be consistent with the adjacent SF-2 subdivision.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
STAFF	The development of Yorktown Pkwy adjacent to the site has changed the area. The property is now better suited for suburban residential development. Housing demand has continued to increase and this development would provide more options for potential home-buyers.
PLANNING	Concur.
COUNCIL	
<b>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</b>	
STAFF	The current land uses in the area are similar in character and condition.
PLANNING	Concur.
COUNCIL	
<b>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?</b>	
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.



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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 which is consistent with the applicant's proposal.
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, Peter Fox made a motion that the Planning Commission recommend that case Z-PUD25-0002 be approved based on findings 6, 8, 10, and 12. Motion seconded by Gary Israel. Motion carried 5/0.*

*Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by David Foley. Motion carried 5/0.*

### 5.5 **BZA-V25-0001** — PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE OF 1050 SF. FROM THE 300 SF. MAXIMUM SIZE OF AN ACCESSORY STRUCTURE, AND OF 1002 SF. FROM THE 600 SF. TOTAL MAXIMUM SIZE OF ALL ACCESSORY STRUCTURES, ON CERTAIN LANDS ZONED SF-2 SINGLE FAMILY RESIDENTIAL / MEDIUM DENSITY DISTRICT, AND GENERALLY LOCATED AT 1735 S. LANTERN LANE CT., ANDOVER, KANSAS





## PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

**FEBRUARY 18, 2025 | 7:00 P.M.**

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

Chairperson Garwood opened the public hearing at 8:51 P.M.

Mr. Mangus stated that this case was a very routine Variance case for an accessory garage that is larger than the maximum permitted for the zoning district. He stated that Staff has been taking account of the large number of such Variance applications, and would be proposing changes to the Unified Development Manual to hopefully reduce the need for so many such cases.

David Sanger, the property owner, was in attendance. He stated that he had been waiting for his permit on this Variance, and asked how much longer after the meeting he would have to wait. Mr. Mangus stated that the Board of Zoning Appeals is a committee of final action, so, assuming the case were approved, the Chairperson would be empowered to immediately release the hold caused by the Variance. *(This permit was issued immediately upon the Building Department's receipt of the signed Resolution.)*

Mr. Israel asked if the existing accessory structure would be removed when the new garage was installed. Mr. Sanger stated that it would not be removed.

Chairperson Garwood asked what the exterior of the structure would look like. Mr. Sanger stated that it would match the materials and design of his existing home on the lot.

Chairperson Garwood closed the public hearing at 8:55 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 property is over three times the minimum lot area required for the underlying zoning district. The proportion of unused land would still be well within the maximum lot coverage, even with the requested structure.
	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	No adverse effects are anticipated.
	BZA	Concur.



## PLANNING COMMISSION & BOARD OF ZONING APPEALS MINUTES

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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 applicant does not have a motivation to make money out of the property through the request of this variance. It is to allow a structure to be used as a garage/shop.

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 generally larger than other comparable SF-2 housing sites. Comparing it to a smaller lot that might comply with the 300 square foot maximum for accessory structures, it would have a comparable impact on the maximum lot coverage as what is being requested.

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 Strict application of the provisions in this case would result in some unnecessary hardship for the owner given the size of the lot and what is being requested.

BZA Concur.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF No adverse effects are anticipated.

BZA Concur.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF No adverse effects are anticipated.

BZA Concur.



5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF	Because the requested variance would still allow the subject property to comply with the maximum lot coverage specified for this zoning district in the bulk regulations, it is not in opposition to the general spirit and intent of the Zoning Regulations.
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BZA	Concur.
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Mr. Israel asked if the applicant had spoken to their neighbor about the garage project. Mr. Sanger stated that his neighbor did not mind, and that they had a similar garage structure already in place.

*Gary Israel made a motion to authorize the Chairperson to sign a Resolution granting the Variance. Motion seconded by Peter Fox. Motion carried 5/0.*

*Gary Israel made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Peter Fox. Motion carried 5/0.*

## 6 MEMBER ITEMS

None.

## 7 ADJOURN

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

Meeting adjourned at 9:02 P.M.