

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
Tuesday, April 19, 2016
Minutes**

1. Call to order. 00:05:27

Chairman Lynn Heath called the meeting to order at 7:01 p.m.

Chairman Heath welcomed new Planning Commission member Kirsten Bender.

2. Roll call. 00:05:48

Planning Commission members present were Chairman Heath, Mike Warrington, Brian Lindebak, William Schnauber, and Kirsten Bender. Members Stephanie Gillespie, Tyson Bean and Lee Butler were absent.

Staff in attendance: Director of Public Works Les Mangus, City Administrator Mark Detter, Administrative Assistant Daynna DuFriend and City Council Liaison Sheri Geisler.

A/V: Cindy Barrett and Craig Brown

3. Approval of the minutes of the March 15, 2016 meeting. 00:06:06

A motion was made by Mike Warrington, seconded by Lynn Heath to approve minutes of the March 15, 2016 meeting. Motion carried 3/0/2. Brian Lindebak and Kirsten Bender abstained as they were absent from the March 15, 2016 meeting.

4. Communications 00:06:48

- A. Committee and Staff Report.
- B. Potential Residential Development Report.

5. Z-2016-01- Public hearing on proposed amendment to the Prairie Creek Addition Preliminary Planned Unit Development Plan and the re-approval of an overlay district known as the Prairie Creek Addition PUD District.

00:07:45

Les Mangus explained that the parcel located on the northwest corner of Prairie Creek Road and 13th Street was originally zoned for commercial business. The market for commercial property is down and the Comprehensive Plan shows Andover having too much commercial property available. This developer is watching the market and wants to expand the area that is already zoned multi-family, 1 and 2-family dwellings, to include that parcel that was zoned commercial. The text is somewhat obscure if you don't remember the last PUD. The minimum lot size is 8,000 square feet and 4,000 square feet per dwelling. The Zoning Regulations allow 5,000 square

feet per dwelling. This is a reduction allowed for lot and dwelling size. There will be a twenty foot front yard setback except on a corner, allowing fifteen feet on one side of that corner. The required garage opening of at least twenty-five feet will remain. The side yard setback will be reduced to six feet from the required eight feet.

Chairman Heath asked if the six feet setback change was acceptable.

Les Mangus replied that it was and building code requirements will take care of any firewall issues.

Mike Warrington noted that this could be needed if both dwellings were being built at the property setbacks and asked if this would change the number of fire hydrants needed.

Les Mangus agreed and said this would not affect the number of required fire hydrants.

Russ Ewy, Baughman Company, agent for the applicant was present to represent the application.

Mr. Ewy explained that this request is to downsize this standard commercial corner typically built into a subdivision design to R-3 Multi-Family Residential zoning to match that of Parcel 2. This change will actually reduce the density of that side of Prairie Creek Road.

Chairman Heath confirmed that north of this commercial property is (zoned) R-3.

Mr. Ewy responded that there are approximately 16 ½ acres total with 9 1/3 acres being in Parcel 2. Parcel 3 is approximately four acres.

Brian Lindebak asked if there would be only the one access point as shown and expressed concern about available parking in the neighborhood.

Mr. Ewy answered that there will be a public street through the entire subdivision and stated that there will be as much parking available as other developments and is in compliance with the Zoning Regulations. Two parking stalls will be on each driveway.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: **Z-2016-01**

APPLICANT/AGENT: **Prairie Creek Homes, LLC /
Baughman Company**

REQUEST: **Amendments to the Prairie Creek Addition
Preliminary Planned Unit Development Plan and the
re-approval of an overlay district known as the Prairie
Creek Addition PUD District.**

CASE HISTORY: **The subject property is currently zoned commercial and the applicant desires to eliminate the commercial parcel and enlarge the multifamily residential parcel adjacent to the north.**

LOCATION: **Northwest corner of Prairie Creek Road and 13th Street North, Andover, Kansas.**

SITE SIZE: **±16.5 acres**

PROPOSED USE: **Residential**

ADJACENT ZONING AND EXISTING LAND USE:

- North: A-1 Agricultural Transition District – single family residence
- South: A-1 Agricultural Transition District - single family residence
- East: R-2 Single-Family Residential District – developed by applicant
- West: A-1 Agricultural Transition District - single family residence

Background Information:

* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission’s considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant’s reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

FACTORS AND FINDINGS:

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

YES NO

STAFF:
PLANNING: Residential
COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4)

YES NO

STAFF:
PLANNING: B-2 Neighborhood Business, A-1 Agricultural Transition District, R-2 Single-Family Residential District (developed by applicant)
COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

X STAFF: The subject property has been zoned for business nearly 10 years.
X PLANNING:
COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES NO

X STAFF:
X PLANNING:
COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

X STAFF: The recession brought to light the overabundance of commercial properties in the area.
X PLANNING:

COUNCIL:

6. 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?

YES NO

X

STAFF: Streets and sewer are available adjacent to the subject property. Water could be reasonably extended to serve the site.

X

PLANNING:
COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO

X

STAFF: Platting would be required at the time of development.

X

PLANNING:
COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

X

STAFF: Screening of adjacent properties is not required.

X

PLANNING:
COUNCIL:

9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

X

STAFF: There is no land in the area available and very little available in the City.

X

PLANNING:
COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF: N.A.

PLANNING: N.A.

COUNCIL:

11. Is the subject property suitable for the current zoning to which it has been restricted?

YES NO

X STAFF:
X PLANNING:
COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

X STAFF: The change in zoning is to a more restrictive zone. Staff perceives no detriment from the change.
X PLANNING:
COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

X STAFF:
X PLANNING:
COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO

X STAFF: The Comprehensive Plan recognizes the overabundance of vacant commercial properties and the need for alternatives to typical single family residences.
X PLANNING:
COUNCIL:

15. What is the nature of the support or opposition to the request?

YES NO

STAFF: None at this time.
PLANNING: None at this time.
COUNCIL:

16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

YES NO

STAFF: Staff supports the change as requested.

PLANNING: Staff supports.

COUNCIL:

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by **not** approving the request?

YES NO

STAFF:

X PLANNING:

COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Brian Lindebak, move that we recommend to the Governing Body that Case No. Z-2016-01 be **approved** to combine areas of Parcel 2 and 3, eliminating Parcel 3 and creating a larger Parcel 2. And to change the zoning district classification from the B-2 Neighborhood Business District to the R-3 Multi-Family Residential District, limited to one and two-family dwellings based on the findings of the Planning Commission as recorded in the summary of this hearing and that the following conditions be attached to this recommendation, 3, 5, 8, 9, 11, and 17. Motion seconded by William Schnauber. Motion carried 5/0.*

Read by Chairman Heath:

CLOSING REMARKS AND PROTEST PETITIONS:

This case will be forwarded to the Governing Body with the Planning Commission’s recommendations and a written summary of the hearing for consideration at their regular meeting of **May 10, 2016** which begins at 7:00 p.m. in the Council’s meeting room in City Hall. (The video recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.)

Protest petitions against the change in zoning and/or special use, but not directed at the Planning Commission’s recommendations as such, may be received by the City Clerk for 14 days after tonight, i.e. **May 3, 2016 at 4:30 p.m.** If there are properly signed and notarized protest petitions with accurate legal descriptions from the (owners of record of 20% or more of any real property proposed to be rezoned) (or) (owners of record of 20% or more of the total real property within the official area of notification) both inside and outside the City not counting public street rights-of-way, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body. (See Section 11-103.)

We want to thank all of you for participating in this hearing and you are welcome to stay for the remainder of our meeting. I now call for Agenda Item #6.

6. Member Items.

01:06:03

Mike Warrington – Would like to see developers start building homes in areas south of Kellogg.

There were no member items.

A motion was made by William Schnauber, seconded by Brian Lindebak to adjourn at 7:29 p.m. Motion carried 5/0.

Respectfully Submitted by

Dayna DuFriend

Administrative Assistant

Approved this 17th day of May, 2016 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.