



**PLANNING & ZONING**  
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## **PLANNING COMMISSION & BOARD OF ZONING APPEAL MINUTES**

**APRIL 16, 2019 | 7:00pm**

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

### **1. CALL TO ORDER**

Chairperson William Schnauber called the meeting to order at 7:00pm.

### **2. ROLL CALL**

Commissioners in attendance: Chairperson William Schnauber, Secretary Gary Israel, Lynn Heath, Marla Canfield, Alex Zarchan and Brian Davidson. Vice Chairperson Erik Pedersen was absent. Staff in attendance: Mark Detter, City Administrator; Steve Anderson, City Engineer & Building Official; Lance Onstott, Stormwater/GIS/Planning Technician; and Taben Azad, Management Intern. A/V services provided by WAV Services.

### **3. APPROVAL OF THE MINUTES OF THE MARCH 19, 2019 MEETING**

*Alex Zarchan made a motion to approve the minutes of the March 19, 2019 meeting as presented. Motion seconded by Gary Israel. Motion carried 6/0.*

### **4. COMMUNICATIONS**

#### **A. COMMITTEE & STAFF REPORT**

Lance Onstott indicated that agenda item #5 is being removed from tonight's agenda, and will be scheduled for a future meeting.

#### **B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

Lance Onstott stated that staff is currently reviewing first quarter new home permits for Andover and other communities in the metropolitan area. Comparisons to previous years and other communities may be presented at a future meeting.

### **5. REVIEW OF THE PROJECT PLAN FOR THE ANDOVER REDEVELOPMENT DISTRICT 2019, ALSO KNOWN AS "THE HERITAGE", FOR CONSISTENCY WITH THE INTENT OF THE COMPREHENSIVE PLAN**

Removed from agenda.

### **6. SU-2019-01 – PUBLIC HEARING AND RECOMMENDATION ON A SPECIAL USE PERMIT APPLICATION TO ALLOW A VEHICLE DEALERSHIP BUSINESS AND SERVICES RELATED TO THE OPERATION OF SUCH BUSINESS IN THE B-5 HIGHWAY CORRIDOR MIXED USE BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 220 WEST HWY 54, ANDOVER, KANSAS**

Ryan Hubbard, NAI Martens, was in attendance to represent the application.

Lance Onstott indicated the property has operated as a vehicle dealership since 2002, when a vehicle dealership was a permitted use under the active zoning regulations. The dealership use continued as a legal nonconforming use through multiple updates to the zoning code. The site was vacant for more than six months, thus creating a lapse in its legal nonconforming use status. This application would permit the dealership use under the current zoning code. The future land use maps included in both the comprehensive plan and US 54/400 Corridor Study suggest the site is best suited for commercial uses, thus the requested use in in compliance.

Mr. Hubbard stated the application will clean up the legal use of the property.

Alex Zarchan asked if the intention was to bring in a new used car dealership.

Mr. Hubbard confirmed a new tenant will begin operating.

Chairperson Schnauber opened the public hearing at 7:07pm.

Chairperson Schnauber closed the public hearing at 7:07pm.

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	All are in place and adequate.
2.	If the special use 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 property is currently platted.
3.	If the special use request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	Screening of the adjacent commercial properties is not 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.
6.	How suitable or unsuitable is the subject property for its current use?
STAFF	The subject property has been used as a used car dealership for many years and is compatible with its neighborhood.
PLANNING	Concur.
COUNCIL	

<b>7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the special use request?</b>	
STAFF	Yes. The subject property has been used as a used car dealership for many years as a legal nonconforming use, but the legal nonconformance has lapsed due to discontinuance for more than six months.
PLANNING	<b>Concur.</b>
COUNCIL	

<b>8. How reasonably well-suited will the requested special use of the subject property be with the current zoning of nearby properties.</b>	
STAFF	The subject property has been used as a used car dealership for many years and is compatible with its neighborhood.
PLANNING	<b>Concur.</b>
COUNCIL	

<b>9. Has the special use 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 subject property has been used as a used car dealership for many years as a legal nonconforming use, but the legal nonconformance has lapsed due to discontinuance for more than six months.
PLANNING	<b>Concur.</b>
COUNCIL	

<b>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</b>	
STAFF	The subject property is in an emerging mixed use commercial corridor with vacant land and existing commercial uses built in the past 20 years surrounding as noted in the Site Information.
PLANNING	<b>Concur.</b>
COUNCIL	

<p>11. Would the proposed special use of the subject property allow land uses which might have detrimental effects on nearby properties, and if so, how?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The subject property has been used as a used car dealership for many years as a legal nonconforming use, but the legal nonconformance has lapsed due to discontinuance for more than six months. The proposed use is no more detrimental than the former use or the other permitted uses in the district.</p> <p><b>Concur.</b></p>
<p>12. How would the requested special use conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The subject property is identified as a potential mixed use commercial node in the Comprehensive Plan and the US-54/400 Corridor Study that could be redeveloped in the future to "intense, sustainable mixed uses that form a lifestyle corridor"</p> <p><b>Concur.</b></p>
<p>13. Do any professional persons knowledgeable on conditions that affect this special use request have information or recommendations to provide, which would be helpful in its evaluation?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>Approval as applied for.</p> <p><b>Concur.</b></p>
<p>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 use to the requested use?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>No detriments to the public health, safety or welfare are perceived to be created by the requested use.</p> <p><b>Concur.</b></p>

*Having considered the evidence at the hearing and the factors to evaluate the application, I, Gary Israel, move that we recommend to the Governing Body that Case No. SU-2019-01 be approved to allow a vehicle dealership business and services related to the operation of such business in the B-5 Highway Corridor Mixed Use Business District on property generally located at 220 W. Hwy 54, Andover, Kansas based on the findings of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 6/0.*

Chairperson Schnauber's closing remarks:

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of May 14, 2019. The 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 case, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, May 1, 2019 at 4:30pm. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the City and not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all members of the City Council.

We want to thank you for participating in this hearing, and you are welcome to stay for the remainder of our meeting.

**7. Z-2019-02 – PUBLIC HEARING AND RECOMMENDATION ON A ZONING AMENDMENT APPLICATION TO CHANGE THE ZONING DISTRICT CLASSIFICATION FROM THE I-1 INDUSTRIAL DISTRICT TO THE B-1 OFFICE BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 221 EAST KING STREET, ANDOVER, KANSAS**

Fred Britain, GLMV Architecture, was in attendance to represent the application.

Lance Onstott indicated the applicant property was originally platted as part of the Andover Industrial Park Addition in 1996. Vacant lots remain, and other lots have been rezoned to commercial, retail and services business districts establishing a precedent in the area. The requested district would provide a more appropriate buffer between the residential to the south and the industrial/commercial uses to the north and west of the site. The applicant property, as currently zoned, could establish a manufacturing facility, lumberyard, lumber mill or any other permitted use for its current district without and any further requirements. Staff believes the requested use will benefit the adjacent area.

Mr. Britain made himself available for any questions.

Gary Israel asked about hours of operation for the business.

Mr. Britain responded they will typically operate from 8:00am-5:00pm. Some employees work in the field, so it is possible that small numbers of employees may be in the office in the evening.

Gary Israel asked if the applicant knew how many people per day they would be serving.

Mr. Britain indicated that 20-30 employees will work at the site, but many of them work in the field. There should not be a dramatic increase to traffic in the area.

Alex Zarchan asked if the entrance and parking lot would face north.

Mr. Britain stated that both proposed driveways will connect to King Street. Parking will be north of the building. They plan to have parking on the west side of the building as an alternate when they bid the project. The building itself will be towards the south-center portion of the lot.

Alex Zarchan sought to confirm that no parking is planned at the rear of the building.

Mr. Britain confirmed no parking is planned at the rear of the building. It will remain vegetated. They have already submitted their Site Plan Review application.

Chairperson Schnauber opened the public hearing at 7:23pm.

Dr. Dennis Moore, 725 N. Deerfield Cir., asked what business is being proposed.

Chairperson Schnauber replied that the application was for a change in zoning district from industrial to business.

Dr. Moore asked if there was a business in mind.

Chairperson Schnauber indicated that it is proposed as a health office/clinic.

Dr. Moore asked if there were any further details, such as how many stories the building will be.

Lance Onstott stated that the application is for a zoning district change. Details regarding the building itself will be reviewed for compliance with the Site Plan Review standards/guidelines during that process. Additionally, the building will also be reviewed for compliance with the bulk regulations of the zoning district during the Site Plan Review process and prior to permits being issued.

Dr. Moore also had questions regarding drainage and light pollution.

Chairperson Schnauber replied that this application was for zoning only.

Dr. Moore asked who the current owner of the property is.

Lance Onstott replied that the South Central Mental Health Association has purchased the property.

Dr. Moore asked if the public will be notified before the construction of the building is started, and if so, what kind of lead time.

Lance Onstott replied that the only official notice required was for tonight's hearing regarding the zoning application. No further notices will be sent out prior to the Site Plan Review Committee's review, but the meeting is open to the public.

Mark Detter asked the City Engineer and Building Official to speak about the standards that must be met relating to drainage during the building permit application process.

Steve Anderson replied that commercial buildings fall under the International Building Code, which will require that a design professional design the site to comply with its regulations, of which include drainage. Staff will review the plans to ensure they meet current codes and ordinances.

Kevin Rainey, 844 N. Crescent Lakes Ct., indicated that he believes the zoning change from industrial to business is beneficial to the area. He indicated his desire to ensure that the lighting on site would be properly shielded as set forth in the Unified Development Manual. Additionally, he indicated the desire for the tree row to remain in order to keep in compliance with the comprehensive plan that states existing natural features should be kept to buffer adjacent land uses and provide visual amenities for the urban scene. He is happy that the tree row is proposed to remain.

Mr. Britain indicated the building will be single-story with a pitched roof and residential shingles. The lighting will meet the standards set forth in the Site Plan Review standards/guidelines.

Chairperson Schnauber closed the public hearing at 7:30pm.

1.	<p><b>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?</b></p> <p>STAFF   All are in place and adequate.</p>
2.	<p><b>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?</b></p> <p>STAFF   The subject property is already platted.</p>
3.	<p><b>If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</b></p> <p>STAFF   A Landscaped Buffer would be required between the proposed use and the adjacent single family residential uses by the Site Plan Review Committee Standards.</p>
4.	<p><b>What fact-based information in support of or in opposition to the requested zoning change has staff received?</b></p> <p>STAFF   None at this time.</p>
5.	<p><b>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?</b></p> <p>STAFF   N.A.</p>
6.	<p><b>How suitable or unsuitable is the subject property for its current zoning?</b></p> <p>STAFF   The subject property is zoned Industrial, which is not considered to be compatible to the adjacent developed single family residential uses. The proposed Office Business District would serve as a buffer between residential and business and industrial uses.</p> <p>PLANNING   <b>Concur.</b></p> <p>COUNCIL  </p>

<p>7.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p><b>Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?</b></p> <p>As stated, the subject property has remained undeveloped for many years, partly because of the lack of demand for industrial development in Andover.</p> <p><b>Concur.</b></p>
<p>8.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p><b>How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</b></p> <p>The proposed use would serve as a buffer between the existing light industrial/commercial uses and the adjacent single family residential uses.</p> <p><b>Concur.</b></p>
<p>9.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p><b>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></p> <p>Yes, the subject property has remained undeveloped for many years, partly because of the lack of demand for industrial development in Andover.</p> <p><b>Concur.</b></p>
<p>10.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p><b>What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</b></p> <p>The surrounding uses are very much mixed commercial and light industrial uses bordered on the south by an upscale single family residential neighborhood.</p> <p><b>Concur.</b></p>
<p>11.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p><b>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></p> <p>The proposed Office Business District would be more restrictive than the current Industrial District. Therefore have fewer detrimental effects.</p> <p><b>Concur.</b></p>



<p>12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The Comprehensive Plan suggests mixed uses at this location.</p> <p>Concur.</p>
<p>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?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>Approval as applied for.</p> <p>Concur.</p>
<p>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?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>Staff perceives an overall gain to the public health safety and welfare by providing a buffer between the existing light industrial/commercial uses and the adjacent single family residential neighborhood.</p> <p>Concur.</p>

*Having considered the evidence at the hearing and the factors to evaluate the application, I, Alex Zarchan, move that we recommend to the Governing Body that Case No. Z-2019-02 be approved to change the zoning district classification from I-1 Industrial District to the B-1 Business Office District on property generally located at 221 E. King St. based on the findings 3, 6, 8, 10, 11 and 14 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Gary Israel. Motion carried 6/0.*

Chairperson Schnauber's closing remarks:

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of May 14, 2019. The 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 case, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, May 1, 2019 at 4:30pm. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the City and not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all members of the City Council.

We want to thank you for participating in this hearing, and you are welcome to stay for the remainder of our meeting.

Gary Israel indicated to Dr. Moore that, as having served as a member of the Site Plan Review Committee in the past, he believes that his concerns shared during the public comment portion of the hearing will be addressed through that process. He believes that the residential area will enjoy the landscape buffer between them and the industrial area.

**8. Z-2019-03 – PUBLIC HEARING AND RECOMMENDATION ON THE SUMMERLIN ADDITION PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN AND DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF WEST 21<sup>ST</sup> STREET AND EAST OF NORTH 159<sup>TH</sup> STREET EAST, ANDOVER, KANSAS**

Kris Rose, Baughman & Co., was in attendance to represent the application.

Lance Onstott stated this application is for a planned unit development plan and district, which combines the preliminary plat process and the zoning process. Typically, this process is chosen because a particular development concept, especially for infill development, doesn't fit nicely into the bulk regulations for any particular zoning district. This particular development proposes the SF-2 Single-Family Residential/Medium Density as its base zoning, with a Planned Unit Development District Overlay. The overlay proposes slight variations to lot sizes, setbacks and maximum lot coverages that are allowed outright within the SF-2 district. The application includes 28 residential lots.

Mr. Rose indicated that the revisions requested by the Subdivision Committee have been completed.

Lynn Heath asked why the map exhibits provided have the street network depicted, instead of just the lot dimensions.

Lance Onstott replied that the CAD drawing provided by the applicant/agent, and used by staff to create the exhibits, depicted these boundaries, and thus are depicted on the staff-generated exhibits.

Alex Zarchan asked if the existing structures on the property will remain, and if so, is the plan to develop around them.

Mr. Rose indicated that the structures will remain, and the two lots are located within a separate parcel from the rest of the development.

Alex Zarchan asked how these two lots will tie in to the proposed Rockhill Place.

Mr. Rose indicated that the platted reserve adjacent to Parcel 2 will provide access to 159<sup>th</sup> Street for the Parcel 2 lots.

Lance Onstott stated that the Subdivision Committee requested that Lot 2 of Parcel 2 access Rockhill Place instead of 159<sup>th</sup> Street at such time that it is redeveloped into a habitable structure. It currently is a detached garage. The planned unit development being reviewed tonight includes this note.

Alex Zarchan asked if there was any screening that will separate Parcel 2 from the rest of the development.

Mr. Rose replied that Reserve A wraps around the parcel, and is planned to include landscaping and screening berms.

Alex Zarchan asked if the property owner owns the existing structures.

Mr. Rose confirmed the applicant owns the entire property.

Chairperson Schnauber pointed out the street network is proposed for one-way traffic.

Lance Onstott stated staff has worked with the applicant leading up to the Subdivision Committee's review regarding the unique street network. This is an infill development, so some unique concepts are to be expected. Staff had concerns with the enforcement of the one-way circulation. The applicant has stated that their concept will allow for self-policing of this circulation pattern. Additionally, staff and the applicant have agreed to work on the geometry, and possibly traffic calming options, of the entry and exit points of the one-way streets to discourage wrong-way traffic at the time of the final planned unit development plan submittal and into the infrastructure improvement construction process.

Alex Zarchan asked if on-street parking will be allowed.

Mr. Rose indicated that parking will be allowed only on the interior side of the street.

Chairperson Schnauber opened the public hearing at 7:50pm.

Dean Claycamp, 1914 N. Beretta Ct., stated that Lot 62 of the Quail Crossing Addition currently contains a metal shed, and asked if it is going to be removed. He also asked if the 10' indicated as being contained within the proposed planned unit development will revert to his ownership.

Lance Onstott replied that the preliminary planned unit development does include a note that the shed will be removed. The 10' notch is owned by the applicant, and the ownership of this land will not change via the plat.

Mr. Claycamp asked how he can get that 10' back that was originally included in the Quail Crossing Addition.

Lance Onstott replied that the boundary issue would need to be handled between the two private parties, the City has no say in that determination.

Mr. Claycamp replied that the City can reject the boundary.

Lance Onstott indicated the applicant has a deed depicting their ownership of the property being platted, in addition to a title report that shows ownership.

Steve Anderson stated that Mr. Claycamp may choose to look into title insurance and hiring a surveyor and attorney to handle the issue, but this is not the proper forum for a private boundary dispute.

Chairperson Schnauber closed the public hearing at 7:54pm.

- 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	All are in place adjacent to the subject property and can be readily extended to serve the development.
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2.	<p>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?</p> <p>STAFF      Plating would be required.</p>
3.	<p>If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</p> <p>STAFF      Screening would not be required.</p>
4.	<p>What fact-based information in support of or in opposition to the requested zoning change has staff received?</p> <p>STAFF      None at this time.</p>
5.	<p>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?</p> <p>STAFF      N.A.</p>
6.	<p>How suitable or unsuitable is the subject property for its current zoning?</p> <p>STAFF      The subject 10-acre single family is suitable for its current use.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>
7.	<p>Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?</p> <p>STAFF      No.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>
8.	<p>How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</p> <p>STAFF      The proposed development of a single family residential subdivision is compatible with the existing single family uses surrounding the subject property.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>

<p>9.</p>	<p><b>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></p> <p>STAFF      The subject property is surrounded by single family residential developments, which are likely the highest and best use of the properties.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>
<p>10.</p>	<p><b>What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</b></p> <p>STAFF      The subject property is surrounded by single family residential developments.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>
<p>11.</p>	<p><b>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></p> <p>STAFF      The subject property is surrounded by single family residential developments The further development of the subject property would increase traffic, lighting, noise, activity, etc. but no more than those properties which surround it.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>
<p>12.</p>	<p><b>How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</b></p> <p>STAFF      The Comprehensive Plan proposes single family residential uses in the area. The Plan supports the infill of underutilized properties to make the best use of the public investment in infrastructure.</p> <p>PLANNING      <b>Concur.</b></p> <p>COUNCIL</p>

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	Approval as applied for.
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, or welfare is perceived.
PLANNING	Concur.
COUNCIL	

*Having considered the evidence at the hearing and the factors to evaluate the application, I, Gary Israel, move that we recommend to the Governing Body that Case No. Z-2019-03 be approved to create a Planned Unit Development District and establish a Preliminary Planned Unit Development Plan of the Summerlin Addition based on the findings 6, 8, 9, 10 and 12 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 6/0.*

Chairperson Schnauber's closing remarks:

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of May 14, 2019. The 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 case, but not directed at the Commission's recommendations as such, may be received by the City Clerk for 14 days after tonight, May 1, 2019 at 4:30pm. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the City and not counting public street rights of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all members of the City Council.

We want to thank you for participating in this hearing, and you are welcome to stay for the remainder of our meeting.

**9. RECOMMENDATION FOR THE INTENT TO UNILATERALLY ANNEX PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH YORKTOWN PARKWAY AND US 54/400, ANDOVER, KANSAS**

Lance Onstott stated that the first phase of annexation of the general area was approved by the City Council at their April 9, 2019 meeting. Properties proposed for annexation during this second phase are now eligible for unilateral annexation under Kansas statute. All phase two tracts are unplatted. Utilities are either already provided or easily extended. The properties are also surrounded on four sides by the current City limits.

Alex Zarchan asked if the property at Douglas Ave. and Brown Dr. was included in the first phase.

Lance Onstott confirmed this particular property was included in the first phase.

Gary Israel asked if the rectangular area near US 54/400 was already within the City.

Lance Onstott confirmed the area in question is currently within the City. Making the City limits harmonious is one of many reasons that the City is looking into annexations of this general area.

Alex Zarchan asked if the properties along Rose Ln. are within the City.

Lance Onstott confirmed these properties were included in the first phase.

*I, Gary Israel, move that we recommend that the Governing Body annex the phase two properties generally located at the northeast corner of South Yorktown Parkway and US 54/400, Andover, Kansas. Motion seconded by Lynn Heath. Motion carried 6/0.*

**10. RECOMMENDATION FOR THE INTENT TO ANNEX RIGHT OF WAY GENERALLY LOCATED WITHIN THE BICENTENNIAL FIRST ADDITION REPLAT, BI-CENTENNIAL SECOND ADDITION, FRENCH'S FIRST ADDITION, SCHMIDT 1<sup>ST</sup> ADDITION AND OTHER UNPLATTED PUBLIC STREETS**

Lance Onstott stated this item is asking for a recommendation regarding the advisability of annexing the streets in the general area. This is not a unilateral annexation action, as the City is working with Butler County regarding the street annexation which allows for a quicker process.

*I, Lynn Heath, move that we recommend that the Governing Body annex the right of way generally located within the Bicentennial First Addition Replat, Bi-Centennial Second Addition, French's First Addition, Schmidt 1<sup>st</sup> Addition and other unplatted public streets. Motion seconded by Alex Zarchan. Motion carried 6/0.*

**11. MEMBER ITEMS**

Gary Israel wished Commissioner Erik Pedersen a quick recovery.

Alex Zarchan asked about the recent purchase of the property near the 13<sup>th</sup> Street Sports Park.

Lance Onstott indicated that the contract for the purchase is still being finalized. Surveys and environmental work is currently being scheduled, and closing is tentatively scheduled for August. Once complete, more information will become available.

**12. ADJOURN**

*Alex Zarchan made a motion to adjourn. Motion seconded by Lynn Heath. Meeting adjourned at 8:16pm.*

Respectfully submitted by:



Lance Onstott  
Stormwater/GIS/Planning Technician

Approved on the 21<sup>st</sup> day of May, 2019 by the City of Andover Planning Commission.