



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEAL MINUTES**
SEPTEMBER 17, 2019 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson William Schnauber called the meeting to order at 7:01pm.

2. ROLL CALL

Commissioners in attendance: Chairperson William Schnauber, Secretary Gary Israel, Lynn Heath and Alex Zarchan. Vice Chairperson Erik Pedersen, Marla Canfield and Brian Davidson were absent. Staff in attendance: Jennifer McCausland, City Administrator; Les Mangus, Director of Community Development & Public Works, Steve Anderson, City Engineer & Building Official; DJ Gering, Management Intern; and Lance Onstott, Stormwater/GIS/Planning Technician. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE AUGUST 20, 2019 MEETING

I, Lynn Heath, move to approve the minutes of the August 20, 2019 meeting as presented. Motion seconded by Gary Israel. Motion carried 1/0/3. Chairperson Schnauber, Gary Israel and Alex Zarchan abstained.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

5. Z-2019-07 – APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE RESIDENTIAL DISTRICT (BUTLER COUNTY) TO THE MF-1 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH ARCHER DRIVE AND EAST CONCORD ROAD, ANDOVER, KANSAS

Les Mangus stated that both the US 54/400 Corridor Study and 2014-2023 Comprehensive Plan project the area of the subject property to remain residential.

Kirk Miller, KE Miller Engineering P.A., indicated the intent of the owner is to develop duplexes on the site.

Alex Zarchan asked how many units are planned.

Mr. Miller responded that the number of units has yet to be determined.

Gary Israel asked how many manufactured homes were on the site prior to demolition.

Les Mangus stated approximately 12 manufactured homes were on the site. The number of duplexes that could be built on the site would be determined by how the property is developed. If divided into lots, each lot would be required to be a minimum of 10,000 SF. The site is 105,000 SF total. Minimum lot widths would also dictate the number of units. It is not expected that the density of duplexes would be greatly different from the previous density of manufactured homes.

Lynn Heath asked if single-family dwellings are across the street.

Les Mangus confirmed single-family dwellings are across the street. The area was recently annexed into the City. Some of the lots in the area may have single-family zoning, but there are a few lots that have multiple dwelling units. There are several manufactured homes on the same lots as single-family homes.

Alex Zarchan noted there is a duplex east of the subject property along McCandless Dr.

Chairperson Schnauber opened the public hearing at 7:12pm.

Jerry Lemons, 329 S. Archer Dr., stated that he is aware that the area needs some development. He asked if there were plans to pave Archer Dr.

Les Mangus indicated that when the property is platted, paving of both Archer Dr. and Concord Rd. will be discussed.

Mr. Lemons asked if public water would be installed for the entire neighborhood, and if so, he is worried about the potential costs.

Les Mangus stated that the extension of public water would be a requirement during the platting process.

Mr. Lemons asked if his properties will be required to connect to the public water.

Les Mangus indicated that there is no law that would require him to connect to public water.

Ashley Placke, 329 S. McCandless Dr., noted that a recent special use case for the child care center at the corner of US 54/400 and McCandless Dr. put a requirement on the owner to pave McCandless Dr. from US 54/400 north to the driveway access on their property. He suggested considering the paving of the entirety of Archer Dr., Concord Rd. and McCandless Dr. He asked if pets will be allowed on the site.

Mr. Miller indicated he did not know the developer's/owner's intentions regarding pets.

Mr. Placke asked about drainage.

Les Mangus stated that a drainage study and drainage plan would be required during the platting process.

Mr. Placke asked if the site would be a gated or fenced community.

Mr. Miller indicated this was unknown.

Mr. Placke noted that the comprehensive plan showed the subject area as single-family. He questioned whether he needs to change his property's zoning to multi-family if this application would be approved. He acknowledged the demand for duplexes within the City, and attributed that demand to the school district's desirability. Once the kids are out of school, the people leave the City. He questioned how many more duplexes are going to be allowed to be built in the City. The increase in duplexes puts a strain on the school district.

Chairperson Schnauber closed the public hearing at 7:17pm.

<p>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?</p> <p>STAFF</p>	<p>The area was recently annexed into the City of Andover. The site is served by Andover public sewer, but lacks public water service and paved roads.</p>
<p>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?</p> <p>STAFF</p>	<p>Platting would be required to include dedications of necessary rights of way, easements, building setback lines, easements, access controls, and public improvements.</p>
<p>3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</p> <p>STAFF</p>	<p>Screening is not required between single and two family residences.</p>
<p>4. What fact-based information in support of or in opposition to the requested zoning change has staff received?</p> <p>STAFF</p>	<p>None at this time.</p>
<p>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?</p> <p>STAFF</p>	<p>No error is known to exist.</p>
<p>6. How suitable or unsuitable is the subject property for its current zoning?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The site is not adequately improved to support the former manufactured home park use.</p> <p>Concur.</p>
<p>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?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>No. The applicant chose to demolish the previous manufactured home park.</p> <p>Concur.</p>

8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.

STAFF The proposed use would be a less intense residential use than the prior manufactured home park and would seem to be a good buffer between the existing single family residences to the north and the proposed commercial uses along the US-54/400 Corridor.

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 The applicant has demolished the former manufactured home park in anticipation of future redevelopment of the property. The recent annexation would allow the extension of public improvements to serve redevelopment.

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 by single family residences of varying sizes, ages, and condition.

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 two family residential development would have less detrimental effects than the manufactured home park use that previously existed.

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 residential use of the subject property. The subject property is at a transitional point from single family residential to commercial in the US-54/400 Corridor Study.
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 change conditioned on satisfactory platting, including the extension of public water, paved streets, and storm sewer.
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 perceive a loss to the public health, safety and welfare by the redevelopment of the property.
PLANNING	Concur.
COUNCIL	

Gary Israel agreed with Mr. Placke’s comment regarding the demand for duplexes within the City. He stated that the improvement of infrastructure in recently-annexed areas is a good thing.

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-2019-07 be approved to change the zoning district classification from the Residential District (Butler County) to the MF-1 Single-Family and Two-Family Residential District based on the findings #8, 9, 10 and 12 of the Planning Commission as recorded in the summary of this hearing, and that the following condition be attached to this recommendation: 1) satisfactory platting, including the extension of public water, paved streets, and storm sewers. Motion seconded by Alex Zarchan. Motion carried 4/0.

6. Z-2019-08 – APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE A-1 AGRICULTURAL TRANSITION DISTRICT TO THE SF-2 SINGLE-FAMILY RESIDENTIAL/MEDIUM DENSITY DISTRICT ON PROPERTY GENERALLY LOCATED AT 1104 WEST HARRY STREET, ANDOVER, KANSAS

Les Mangus stated that the Subdivision Committee reviewed a sketch plan of this entire area recently. This application for a change in zoning district classification represents a portion of what was depicted in the sketch plan. Planning documents depict the area as single-family use. Public water, sanitary sewer and paved streets are available adjacent to the subject property.

Alex Zarchan asked for the difference between the SF-1 and SF-2 zoning district classifications.

Les Mangus replied that the lot sizes are different.

Kirk Miller, KE Miller Engineering, P.A., stated that the preliminary plat of the subject property has been reviewed and approved by the Planning Commission, and this application gets the zoning in place.

Chairperson Schnauber opened the public hearing at 7:34pm.

Chairperson Schnauber closed the public hearing at 7:34pm.

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 paved streets are available adjacent to the subject property and can be readily extended to serve the site.
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 Platting would be required.
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses? STAFF Screening 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.
6.	How suitable or unsuitable is the subject property for its current zoning? STAFF The property is suitable to continue use as an agricultural transition. PLANNING Concur. COUNCIL

<p>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?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>N.A.</p> <p>Concur.</p>
<p>8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The subject property is on the fringe of developed suburban residential areas and would be well suited for the change to single family residential development.</p> <p>Concur.</p>
<p>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?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>No.</p> <p>Concur.</p>
<p>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The subject property is surrounded by a mix of suburban single family residences and larger single family residential parcels in varied condition, and agriculture.</p> <p>Concur.</p>
<p>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?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>Staff knows of no detriment that the proposed use would cause.</p> <p>Concur.</p>

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 the subject property should be used for residential purposes.
		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 knows of no reason not to approve the requested change conditioned on satisfactory platting.
		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 perceive a detriment to the public health, safety and welfare caused by the proposed change.
		PLANNING	Concur.
		COUNCIL	

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-2019-08 be approved to change the zoning district classification from A-1 Agricultural Transition District to the SF-2 Single-Family Residential/Medium Density District based on the findings #8, 10 and 12 of the Planning Commission as recorded in the summary of this hearing. Motion seconded by Gary Israel. Motion carried 4/0.

7. FINAL PLAT – REVIEW OF THE USD 385 – ANDOVER CENTRAL HIGH & MIDDLE SCHOOL ADDITION FINAL PLAT LOCATED AT THE SOUTHEAST CORNER OF NORTH SHAY ROAD AND EAST CENTRAL AVENUE, ANDOVER, KANSAS

I, Gary Israel, move that we approve the USD 385 – Andover Central High & Middle School Addition Final Plat. Motion seconded by Lynn Heath. Motion carried 4/0.

8. MEMBER ITEMS

Alex Zarchan asked if there are time and duration limitations on concerts held at the amphitheater.

Jennifer McCausland indicated that City facilities are exempt from the current noise ordinance. The Mayor does appoint a committee that considers all requests to host events at the amphitheater. Promoters of events are

required to meet with this committee and other various City departments. The committee and staff review the event looking at event times, parking, security, etc.

Alex Zarchan asked if that review/approval process includes a duration.

Jennifer McCausland stated that the timeline of the event is covered during the planning process. The latest an event has been approved to end was at 11:00pm. Staff is aware that a recent concert included an artist performing until 12:00am, but that was not an approved timeline. The main artist during that event showed up two hours late.

Gary Israel stated that he knows there are complaints intermittently regarding Greater Andover Days and fireworks, but commented that these are the types of events that allow the citizens to celebrate how great the City of Andover is.

Jennifer McCausland indicated that the City Council takes complaints about City events very seriously. For example, call volume to E911 was high during the first few nights when the National Fireworks Association was here, which staff was closely monitoring. Calls began to decrease in volume as the event continued throughout the week. A scientific survey was completed after the event that resulted in approximately 80% of respondents asking for the NFA conference to come back in a future year.

Gary Israel commented that the City cannot control artists or the weather.

9. ADJOURN

I, Lynn Heath, move to adjourn. Motion seconded by Gary Israel. Motion carried 4/0. Meeting adjourned at 7:49pm.

Respectfully submitted by:



Lance Onstott
Stormwater/GIS/Planning Technician

Approved on the 16th day of October, 2019 by the City of Andover Planning Commission.