



**PLANNING & ZONING**  
1609 E. CENTRAL AVE.  
POB 295  
ANDOVER, KS 67002  
316.733.1303

**PLANNING COMMISSION  
& BOARD OF ZONING APPEAL MINUTES**  
**NOVEMBER 19, 2019 | 7:00pm**  
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

[VIDEO LINK](#)

**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, Alex Zarchan, Marla Canfield and Brian Davidson. Vice Chairperson Erik Pedersen was absent. Staff in attendance: Jennifer McCausland, City Administrator; Lance Onstott, Assistant City Administrator; and, Les Mangus, Director of Community Development & Public. A/V services provided by WAV Services.

**3. APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2019 MEETING**

*I, Lynn Heath, move to approve the minutes of the October 15, 2019 meeting as presented. Motion seconded by Alex Zarchan. Motion carried 4/0/1. Gary Israel abstained.*

**4. COMMUNICATIONS**

**A. COMMITTEE & STAFF REPORT**

**B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT**

*I, Gary Israel, move to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Lynn Heath. Motion carried X/X.*

**5. BZA-V-2019-03 – PUBLIC HEARING ON AN APPLICATION FOR VARIANCE OF [ARTICLE 7-100.E5\(A1\)](#) OF THE ZONING REGULATIONS ON PROPERTY GENERALLY LOCATED AT 224 WEST 10<sup>TH</sup> STREET, ANDOVER, KANSAS**

Jim Ackerman, 224 W. 10<sup>th</sup> St., was in attendance to represent the application.

Les Mangus stated that the subject property is approximately one acre, so there is an appropriate amount of open space available to ensure separation from adjoining properties.

Mr. Ackerman stated that his intention is to build the structure for personal storage.

Gary Israel asked for the proposed height.

Mr. Ackerman responded the height will be 22-23 ft.

Alex Zarchan asked what the primary use of the property is.

Mr. Ackerman stated the use is a rental house.

Alex Zarchan asked if there was any screening between the existing house and the proposed structure.

Mr. Ackerman confirmed there is no existing screening.

Alex Zarchan asked about access to the proposed structure.

Mr. Ackerman indicated his intention to utilize the existing driveway. He anticipates a weekly/bi-weekly need to access the structure.

Chairperson Schnauber asked if there would be any outside storage.

Mr. Ackerman confirmed no outside storage.

Alex Zarchan stated that this is the second variance application for personal storage submitted by this applicant, although at different properties.

Mr. Ackerman responded that he does not plan on building the accessory structure at his property on Ruth Ave. It makes much more sense at this location.

Chairperson Schnauber opened the public hearing at 7:10pm.

Stephen Walker, 209 N. Lioba Dr., expressed support for the application. The lots are large, and this type of structure increases the values.

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

1.	<b>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.</b>
STAFF	The subject lot is 0.88 acres, which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.
BZA	<b>Concur.</b>
2.	<b>Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.</b>
STAFF	No detriment and/or injury to other property or improvements is anticipated.
BZA	<b>Concur.</b>

<p>3.</p> <p>STAFF</p> <p>BZA</p>	<p><b>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.</b></p> <p>The subject lot is 0.88 acres, which provides a substantial amount of square footage for structures while remaining below the zoning district’s maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets. No additional traffic is expected as the intended use is personal storage.</p> <p><b>Concur.</b></p>
<p>4.</p> <p>STAFF</p> <p>BZA</p>	<p><b>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.</b></p> <p>The applicant has declared the intended use to be personal storage as an accessory residential use.</p> <p><b>Concur.</b></p>
<p>5.</p> <p>STAFF</p> <p>BZA</p>	<p><b>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.</b></p> <p>The minimum lot size for the SF-1 Single-Family Residential/Low Density District is 20,000 sf. This lot is substantially larger at 38,274 sf. The tree rows surrounding the property present natural screening of the proposed structure.</p> <p><b>Concur.</b></p>
<p>6.</p> <p>STAFF</p> <p>BZA</p>	<p><b>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.</b></p> <p>The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject lot is 0.88 acres which provides a substantial amount of square footage for structures while remaining below the zoning district’s maximum allowable lot coverage of 30%.</p> <p><b>Concur.</b></p>
<p>7.</p> <p>STAFF</p> <p>BZA</p>	<p><b>Granting the variance will not adversely affect the rights of adjacent property owners or residents.</b></p> <p>The large lot size allows for adequate separation from adjacent properties.</p> <p><b>Concur.</b></p>

<p>8.</p> <p>STAFF</p> <p>BZA</p>	<p>The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.</p> <p>The subject lot is 0.88 acres which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.</p> <p><b>Concur.</b></p>
<p>9.</p> <p>STAFF</p> <p>BZA</p>	<p>The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.</p> <p>The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject lot is 0.88 acres which provides a substantial amount of square footage for structures while remaining below the zoning district's maximum allowable lot coverage of 30%. The large lot will allow for all required setbacks to be adhered to.</p> <p><b>Concur.</b></p>

*Having considered the evidence at the hearing and determined that the findings of fact have been found to exist that support all five conditions set out in Subsection 11-106.B2 of the Zoning Regulations and K.S.A. 12-759(e), I, Brian Davidson, move that the Chairperson be authorized to sign a Resolution granting the variance for Case No. BZA-V-2019-03 as requested. Motion seconded by Gary Israel. Motion carried 6/0.*

*I, Lynn Heath, move to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Gary Israel. Motion carried 6/0.*

**6. Z-2019-10 – PUBLIC HEARING AND RECOMMENDATION ON A CHANGE OF ZONING DISTRICT CLASSIFICATION APPLICATION FROM THE SF-1 SINGLE-FAMILY/LOW-DENSITY DISTRICT TO THE B-2 NEIGHBORHOOD BUSINESS DISTRICT WITH AN ARTERIAL TRANSITION OVERLAY DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH ANDOVER ROAD AND WEST HARRY STREET, ANDOVER, KANSAS**

Brian Lindebak, MKEC Engineering, Inc., was in attendance to represent the application.

Les Mangus indicated this case was continued at the October 15, 2019 meeting in order to allow the applicant to respond to the comments heard at that date's public hearing. The applicant has changed the proposed zoning district classification to the MXR – Multiple-Family/Mixed Residential District with an Arterial Transition Overlay District to allow the special uses, conditional uses and permitted uses outright.

Mr. Lindebak stated the significance of the change to the MXR District. The Comprehensive Plan supports this request. He presented a screening plan, which is not required, but they plan on completing anyway,

Chairperson Schnauber opened the public hearing at 7:37pm.

David Sharp, 1441 S. Aldrich Dr., stated his opposition to the application based on the potential for more rezoning requests in the area and nonconformance with the comprehensive plan.

Mr. Lindebak presented the future land use designation included in the Comprehensive Plan, which depicts this property as residential. The applicant is asking for residential zoning.

Gary Israel asked if the single-family homes on the properties will remain.

Mr. Lindebak stated that there is no imminent construction planned. Eventually, both existing single-family homes could be redeveloped. He presented the land uses permitted in the Arterial Transition Overlay District.

Gary Israel asked if a traffic study has been completed for the Harry St. and Andover Rd. intersection.

Les Mangus indicated that a recent warrant analysis has been completed and a traffic signal is warranted. This project will be added to the City's capital improvement program.

Alex Zarchan asked if the zoning would be approved, would the owner need any additional approvals before construction.

Les Mangus stated that platting would be required, and Site Plan Review Committee approval may be necessary depending on the ultimate land use.

Gary Israel stated that the Comprehensive Plan is designed to be a living document.

Alex Zarchan asked for what uses would be permitted if the application was approved.

Les Mangus indicated that single-family, two-family and multi-family residential would be permitted in addition to some limited medical-type offices.

Chairperson Schnauber closed the public hearing at 7:51pm.

1.	<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>  STAFF      Adequate public water, sewer, and streets are available or can be readily extended to the site.
2.	<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>  STAFF      The subject property is currently unplatted. Platting would be required.
3.	<b>If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</b>  STAFF      Screening and buffering in compliance with the Site Plan Review Committee Standards would be required.

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      Surrounding single family residential property owners in the neighborhood are opposed to commercial or higher density residential uses.</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      No error is known to exist.</p>
6.	<p><b>How suitable or unsuitable is the subject property for its current zoning?</b></p> <p>STAFF      The close proximity and high traffic volumes of Andover Rd. and Harry St. make the location less desirable for low density single family residential uses.</p> <p>PLANNING    <b>Concur.</b></p> <p>COUNCIL</p>
7.	<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>STAFF      No.</p> <p>PLANNING    <b>Concur.</b></p> <p>COUNCIL</p>
8.	<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>STAFF      Higher density residential and/or limited commercial uses could be screened and buffered to be compatible with surrounding single family residential uses.</p> <p>PLANNING    <b>Concur.</b></p> <p>COUNCIL</p>
9.	<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 increased traffic on Andover Rd. and Harry St. has made the subject property less suitable for low density single family use.</p> <p>PLANNING    <b>Concur.</b></p> <p>COUNCIL</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 single family homes are older homes in good condition on large lots.</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>Increased building height, activity, traffic, lighting, etc. would have a detrimental effect if not properly screened and buffered.</p> <p><b>Concur.</b></p>
<p>12.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</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>The Comprehensive Plan Future Land Use Map depicts residential use of the subject property and recognizes the overabundance of commercial property both developed and undeveloped.</p> <p><b>Concur.</b></p>
<p>13.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p><b>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?</b></p> <p>The requested mix of optional residential/commercial development is within the scope of the ATO Arterial Overlay District, which was intended to "limit specific uses" to facilitate the conversion of single family residential properties along arterial streets to limited business uses. Staff supports the MXR Multiple Family/Mixed Residential District as an underlying zone with an Arterial Overlay District, which would outright permit the Special and Conditional Uses listed in the MXR District.</p> <p><b>Concur.</b></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?

STAFF	The proposed Mixed Residential permitted, special, and conditional uses and bulk regulations with required screening and buffering provide a transition from the high traffic volume of Andover Rd. to the existing larger lot single family residences.
PLANNING	Concur.
COUNCIL	

Lynn Heath stated he does not believe anyone would want to build a single-family home at this location.

*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-2019-10 be approved based on the findings of the Planning Commission on findings: 6, 8, 9, 12 and 13 as recorded in the summary of this hearing, and that the following condition be attached to this recommendation: 1) screening plan presented by the applicant be required. Motion seconded by Alex Zarchan. Motion carried 6/0.*

**7. Z-2019-12 – PUBLIC HEARING AND RECOMMENDATION ON AMENDMENT #1 TO THE SUMMERLIN ADDITION PRELIMINARY PLANNED UNIT DEVELOPMENT DISTRICT & PLAN LOCATED EAST OF NORTH 159<sup>TH</sup> STREET EAST AND SOUTH OF EAST 21<sup>ST</sup> STREET, ANDOVER, KANSAS**

Phil Meyer, Baughman & Co., was in attendance to represent the application.

Les Mangus stated the applicant is requesting to reduce the minimum lot width, thus creating three additional lots. This will bring the infrastructure cost per lot to market acceptable rates.

Mr. Meyer indicated that the minimum lot width was revised from 70' to 55', creating the three additional lots. The rest of the PUD has remained unchanged.

Marla Canfield asked if the original house was still going to remain.

Mr. Meyer confirmed that the original house will remain, and is located in Parcel 2.

Chairperson Schnauber opened the public hearing at 8:03pm.

Russell Welch, 1841 N. Honeysuckle Cir., stated his concerns regarding drainage.

Mr. Meyer stated that the project will include detention and use underground storm sewers. The drainage on adjoining properties will not be negatively impacted by this development.

Chairperson Schnauber closed the public hearing at 8:07pm.



1.	<p>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   All are in place adjacent to the subject property and can be readily extended to serve the development.</p>
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   Platting 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>

<p>8.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.</p> <p>The proposed development of a single family residential subdivision is compatible with the existing single family uses surrounding the subject property.</p> <p><b>Concur.</b></p>
<p>9.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>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>The subject property is surrounded by single family residential developments, which are likely the highest and best use of the properties.</p> <p><b>Concur.</b></p>
<p>10.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p> <p>The subject property is surrounded by single family residential developments.</p> <p><b>Concur.</b></p>
<p>11.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>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>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><b>Concur.</b></p>

<p>12.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</p> <p>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><b>Concur.</b></p>
<p>13.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>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>Approval as applied for.</p> <p><b>Concur.</b></p>
<p>14.</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>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>No detriment to the public health, safety, or welfare is perceived.</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. Z-2019-12 be approved based on the findings of the Planning Commission on findings: 6, 8, 9 and 12 as recorded in the summary of this hearing. Motion seconded by Brian Davidson. Motion carried 6/0.*

**8. ANNEXATION & Z-2019-13 – RECOMMENDATION FOR THE INTENT TO ANNEX AN UN-PLATTED TRACT AND A PUBLIC HEARING AND RECOMMENDATION ON A CHANGE OF ZONING DISTRICT CLASSIFICATION APPLICATION FROM THE AGRICULTURAL DISTRICT 40 (BUTLER COUNTY) TO THE SF-2 SINGLE-FAMILY RESIDENTIAL/MEDIUM DENSITY DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF NORTH 159<sup>TH</sup> STREET EAST AND SOUTH OF WEST 13<sup>TH</sup> STREET, ANDOVER, KANSAS**

Phil Meyer, Baughman & Co., was in attendance to represent the application.

Les Mangus stated a boundary dispute has been resolved. The owner is now proposing to annex, zone and plat this 24' portion.

Mr. Meyer indicated the applicant's intention is to clean the property up now that the boundary dispute has been resolved.

Chairperson Schnauber opened the public hearing at 8:17pm.

Chairperson Schnauber closed the public hearing at 8:17pm.

1.	<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>
STAFF	All of the public utility extensions and street improvements are in progress.
2.	<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>
STAFF	Replating is running concurrently with the zoning.
3.	<b>If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?</b>
STAFF	A site plan with screening and landscaping has been approved by the Site Plan Review Committee.
4.	<b>What fact-based information in support of or in opposition to the requested zoning change has staff received?</b>
STAFF	None at this time.
5.	<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>
STAFF	The subject property was the subject of a lawsuit to determine the true and correct property boundary. A settlement was reached and the zoning action is an effort to zone the entire USD 385 property.
6.	<b>How suitable or unsuitable is the subject property for its current zoning?</b>
STAFF	The subject property is a 24' wide strip of land that is not suitable for the current Agricultural 40 District zoning.
PLANNING	Concur.
COUNCIL	

<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>Yes. The subject property was an exception to the zoning of the remainder of the property while the boundary dispute was being settled.</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 change in zoning brings the subject property into alignment with the zoning of the parent property and school uses currently under construction.</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>The subject property was the subject of a lawsuit to determine the true and correct property boundary. A settlement was reached and the zoning action is an effort to zone the entire USD 385 property. The change in zoning brings the subject property into alignment with the zoning of the parent property and school uses currently under construction.</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>Surrounding properties are generally large suburban horse operations, with the exception of the parent USD 385 parcel currently under construction for educational uses.</p> <p><b>Concur.</b></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>The school development currently under construction would increase traffic, activity, and lighting in the area.</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 supports the infill development of parcels within the service area of existing public infrastructure.</p> <p><b>Concur.</b></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><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 zone to the requested zone?</p> <p>STAFF</p> <p>PLANNING</p> <p>COUNCIL</p>	<p>The detrimental effects of the educational use on the surrounding properties are outweighed by the gain to the public of providing educational facilities in close proximity to the areas served in an area with existing public infrastructure investment.</p> <p><b>Concur.</b></p>

*Having considered the evidence at the hearing and the factors to evaluate the application, I, Brian Davidson, move that we recommend to the Governing Body that Case No. Z-2019-13 be approved based on the findings of the Planning Commission on findings: 2, 5, 8, 12 and 14 as recorded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 6/0.*

**9. FINAL PLANNED UNIT DEVELOPMENT – REVIEW OF THE CORNERSTONE 9<sup>TH</sup> ADDITION FINAL PLANNED UNIT DEVELOPMENT PLAN LOCATED EAST OF NORTH 159<sup>TH</sup> STREET EAST AND NORTH OF WEST 21<sup>ST</sup> STREET, ANDOVER, KANSAS**

Brian Lindebak and Joey Deneke, MKEC Engineering, Inc., were in attendance to represent the application.

Les Mangus stated the applicant has made minor revisions since the Subdivision Committee review.

Mr. Lindebak indicated that the original plan included the replat of one lot in an adjoining plan. They have revised this plan to not include that lot in order to avoid any possible confusion with special assessments. The legal description of the plan and the lot numbering scheme were adjusted.

Les Mangus stated that staff has no objections to the revisions.

*Gary Israel made a motion to approve the Cornerstone 9<sup>th</sup> Addition Final Planned Unit Development Plan as presented. Motion seconded by Lynn Heath. Motion carried 6/0.*

**10. FINAL PLAT – REVIEW OF THE USD 385 – MEADOWLARK 2<sup>ND</sup> ADDITION FINAL PLAT LOCATED EAST OF NORTH 159<sup>TH</sup> STREET EAST AND SOUTH OF WEST 13<sup>TH</sup> STREET, ANDOVER, KANSAS**

Phil Meyer, Baughman & Co., was in attendance to represent the application.

Les Mangus stated that all revisions required by the Subdivision Committee have been completed.

*Gary Israel made a motion to approve the USD 385 – Meadowlark 2<sup>nd</sup> Addition Final Plat as presented. Motion seconded by Lynn Heath. Motion carried 6/0.*

**11. FINAL PLAT – REVIEW OF THE USD 385 – ANDOVER HIGH SCHOOL & MIDDLE SCHOOL ADDITION FINAL PLAT LOCATED EAST OF NORTH ANDOVER ROAD AND SOUTH OF EAST AARON DRIVE, ANDOVER, KANSAS**

Phil Meyer, Baughman & Co., was in attendance to represent the application.

Les Mangus stated that all revisions required by the Subdivision Committee have been completed.

Gary Israel asked if the number of parking stalls is proposed to increase.

Mr. Meyer indicated the number of stalls will increase.

*Gary Israel made a motion to approve the USD 385 – Andover High School & Middle School Addition Final Plat as presented. Motion seconded by Alex Zarchan. Motion carried 6/0.*

**12. FINAL PLAT – REVIEW OF THE BUTLER COUNTY COMMUNITY COLLEGE FINAL PLAT LOCATED EAST OF NORTH YORKTOWN PARKWAY AND SOUTH OF EAST 13<sup>TH</sup> STREET, ANDOVER, KANSAS**

Les Mangus stated that the Planning Commission has approved a previous version of this plat. The applicant has revised the plat slightly to reflect a change to the size of Reserve B. The change is minor, and staff supports the plat as presented.

*Lynn Heath made a motion to approve the Butler County Community College Final Plat as presented. Motion seconded by Brian Davidson. Motion carried 6/0.*

**13. MEMBER ITEMS**

Alex Zarchan asked for an update on the City's purchase of the property outside the 13<sup>th</sup> St. Sports Park.

Jennifer McCausland stated that the closing has been rescheduled for December 31, 2019.

Les Mangus indicated they are working through some title issues with the property.

**14. ADJOURN**

*I, Lynn Heath, make a motion to adjourn. Motion seconded by Gary Israel. Motion carried 6/0. Meeting adjourned at 8:47pm.*

Respectfully submitted by:



Lance Onstott  
Stormwater/GIS/Planning Technician

Approved on the 17<sup>th</sup> day of December, 2019 by the City of Andover Planning Commission.