



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS AGENDA**
DECEMBER 15, 2020 | 7:00pm
VIRTUAL MEETING*
[MEETING LINK](#)

1. CALL TO ORDER

Acting Chairperson Erik Pedersen called the meeting to order at 7:01 pm.

2. ROLL CALL

Commissioners in attendance: Vice Chairperson Erik Pedersen, Secretary Gary Israel, Kirsten Barnes, Marla Canfield, and Alex Zarchan. Chairperson William Schnauber and Brian Davidson were absent. Staff in attendance: Lance Onstott, Assistant City Administrator, Les Mangus, Director of Community Development, and Justin Constantino, Assistant Director of Community Development. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 17, 2020 MEETING

Alex Zarchan made a motion to approve the minutes of the November 17, 2020 meeting as presented. Motion seconded by Marla Canfield. Member Gary Israel abstained. Motion carried 4/0/1.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that residential building permits were up 43% this year and have increased 250% percent since 2018.

Mr. Pedersen asked if construction was on schedule for the Heritage First properties located near Yorktown Parkway. Mr. Mangus stated that the weather slowed the builders down a bit but they are otherwise on schedule.

5. AGENDA

5.1 FINAL PLAT – REVIEW AND APPROVAL OF THE ADAMS ACRES II FINAL PLAT GENERALLY LOCATED SOUTH OF W. HARRY STREET AND EAST OF S. 159TH STREET EAST, ANDOVER, KANSAS

Mr. Mangus stated that staff has reviewed both the sketch plan and corresponding preliminary plat for the subject properties and have no comments regarding the final plat. Mr. Mangus stated that the final plat creates four individual lots which will be used for single-family dwellings, and that the final plat complies with the subdivision regulations.

Todd Hornbaker of Merestone Surveying, representing the applicant, stated that he spoke with a representative from the Butler County GIS/Mapping Department and confirmed that the legal description text on the final plat would be sufficient.

Gary Israel made a motion to approve the Adams Acres II Subdivision Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Seconded by Marla Canfield. Motion carried 5/0.

5.2 Z-2020-10 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE CORNERSTONE ADDITION PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO AMEND THE BOUNDARY OF PARCEL 15 TO CREATE PARCEL 15A, CREATE PARCEL 15B, AND CHANGE THE ZONING OF PARCEL 15A FROM B-2 NEIGHBORHOOD BUSINESS DISTRICT TO SF-3 SINGLE-FAMILY RESIDENTIAL / ZERO LOT LINE DISTRICT ON THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N. ANDOVER ROAD AND W. 21ST STREET, ANDOVER, KANSAS

Mr. Pedersen opened the public hearing at 7:13 pm.

Mr. Mangus stated that the applicant was requesting to downzone Parcel 15A from the B-2 zoning district to the SF-3 zoning district in part because the real estate market and Comprehensive Plan have changed over the years, resulting in the reduction of the amount of commercial land uses in the area. Mr. Mangus stated that the proposed homes would be similar in concept to the zero lot line single-family homes in the Heritage First Final Planned Unit Development (PUD) Plan.

Mr. Israel recommended that the Planning Commission provide commentary and discuss the agenda item as it relates to the 14 findings of fact with a particular focus on items 7, 8, 9, 10, 11, and 13.

Mr. Zarchan stated that there were a mix of uses in the area including single-family and multi-family residential, and asked about restrictions in the PUD regarding what types of uses could potentially be allowed. Mr. Mangus stated that the proposed homes were individual single-family homes and that the zero lot line concept allowed for greater density while maintaining the look and feel of a traditional single-family neighborhood.

Mr. Zarchan asked if the future property owners would have access to the nearby amenities. Brian Lindebak of MKEC Engineering, representing the applicant, stated that the development area would have its own amenities, however, the nearby park is a public park so it will be available to all.

Mr. Zarchan asked if the future development would have access to Andover Road. Mr. Lindebak stated that the properties would have access to both Andover Road and the collector road.

Mr. Pedersen closed the public hearing at 7:30 pm.

STAFF ITEMS

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| <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><i>All of the public utilities and streets are in place adjacent to the parcel and can be readily extended to the subject property.</i></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> | |

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 and buffering would not be required by the Site Plan Review Committee Standards.
4. What fact-based information in support of or in opposition to the requested zoning change has staff received?	
STAFF	None at this time.
5. If there has been an error in the application of these Zoning Regulations to the subject property, would the requested zoning change correct the error?	
STAFF	No error is known to exist.

STAFF & COMMISSION/COUNCIL ITEMS

6. How suitable or unsuitable is the subject property for its current zoning?	
STAFF	The property is suitable for the currently permitted uses.
PLANNING	Concur.
COUNCIL	
7. Is the length of time the subject property has been vacant or undeveloped under its current zoning a factor in the zoning change request?	
STAFF	Yes. The real estate market and Comprehensive Plan have changed to reduce the amount of commercial land uses in the area.
PLANNING	Concur.
COUNCIL	
8. How reasonably well-suited will the requested zoning change of the subject property be with the current zoning of nearby properties.	
STAFF	The proposed zero lot line single family residences would be complementary to the surrounding residential uses
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 focus of the subject property area has changed from retail & service businesses to a more diverse residential offering.

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 existing and future residential development and mixed use.

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 No detrimental effects are perceived by down zoning the parcel from business uses to residential.

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 that the 21st St. Corridor west of Andover Rd. become a medical node with mixed uses. And that no further business uses extend north of the 21st St. corridor/node.

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 amendment 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	Staff see no harm to the public health, safety, or welfare caused by the proposed change.
PLANNING	Concur.
COUNCIL	

Gary Israel made a motion to adopt the findings of fact based on findings 7, 8, 9, 10, 11, and 13 and recommended that the City Council approve zoning case Z-2020-10. Motion seconded by Alex Zarchan. Motion carried 5/0.

6. MEMBER ITEMS

Gary Israel apologized for missing the November 17th meeting. Mr. Pedersen wished everyone a happy new year.

7. ADJOURN

Gary Israel made a motion to adjourn. Motion seconded by Alex Zarchan. Motion carried 5/0. Meeting adjourned at 7:48 pm.

*Live Public Comment

Those wishing to participate remotely with public comment will be required to do so via web conference (requires internet connection). You must register with the City of Andover no less than 24 hours prior to the start of the meeting to participate. If participating remotely, an individual is required to submit their name, email address, phone number and item they wish to speak about to the City, by emailing the previous information to Planning&Zoning@AndoverKS.com. Those registering in advance will be provided instructions on how to connect with the live meeting. Commenters will be called upon by name to provide comment during the live meeting and all regular time limits will apply.

If you have any questions prior to the hearing, please call (316) 733-1303.