



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

**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
JUNE 15, 2021 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Kirsten Barnes, Tim Hendricks, and Vance Garwood. Members Marla Canfield 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 MAY 18, 2021 MEETING

Gary Israel made a motion to approve the minutes of the May 18, 2021 meeting as presented. Motion seconded by Tim Hendricks. Motion carried 4/0/1.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that the City has seen an approximately 25% decline in building permit activity in 2021. Mr. Mangus stated that there has been a lag in finishing the streets within the Cornerstone development but that lots are selling fast.

5. AGENDA

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Kirsten Barnes. Motion carried 5/0.

5.1 BZA-V-2021-06 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE FOR AN ACCESSORY STRUCTURE ON THE PROPERTY GENERALLY LOCATED AT 516 N. ANGLE LANE, ANDOVER KANSAS

Chairperson Pedersen opened the public hearing at 7:04 pm.

Mr. Mangus stated that the applicant is seeking a variance of 600 square feet from the 300 square feet maximum floor area requirement of an accessory structure permitted by the Unified Development Manual (UDM) for the purpose of constructing a 900 square foot accessory structure on the property located at 516 N. Angle Lane. Mr. Mangus stated that the applicant originally requested to build a 1200 square foot accessory structure, but upon review of the application, it was determined that a smaller structure would have to be built based on the 25-foot setback requirement. Mr. Mangus stated that the 25-foot setback is measured from the property line and not the curb.

Mr. Mangus stated that it was determined by staff that a second variance would be required as the proposed accessory structure does not meet the requirement that an accessory building must be located at least 10 feet

away from any principal structure, so the Board of Zoning Appeals would see the second variance request at their next meeting.

Mr. Pedersen asked about the physical appearance of the proposed accessory structure. Scott Bonebrake, the applicant, stated that he intends to utilize the proposed accessory structure for woodworking and storage and hoped to move his vehicles into the existing garage. Mr. Bonebrake stated that the exterior of the proposed accessory structure is undecided but that he believes it will be a post-frame building and will be shorter than the primary structure.

Mr. Pedersen asked if the new structure would line up with the house. Mr. Bonebrake stated that the accessory structure would be offset from the existing garage, which is offset from the primary structure, creating a stairs effect.

Chairperson Pedersen closed the public hearing at 7:19 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1.	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.
STAFF	The subject property is an unusually shaped 1/3 acre lot on an angled street corner. The unusual shape creates a challenge for the owner to locate an accessory, but with variances could remain below the zoning district's maximum allowable lot coverage limit of 35%. No additional traffic is expected as the intended use is personal storage.
BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.
STAFF	No detriment and/or injury to other property or improvements is anticipated.
BZA	Concur.
3.	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.
STAFF	The subject property is an unusually shaped 1/3 acre lot on an angled street corner. The unusual shape creates a challenge for the owner to locate an accessory, but with variances could remain below the zoning district's maximum allowable lot coverage limit of 35%, while allowing adequate separation from adjacent neighbors. No additional traffic is expected as the intended use is personal storage.
BZA	Concur.
4.	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.
STAFF	The applicant has declared the intended use to be personal storage as an accessory residential use.

SPECIFIC CONDITIONS TO BE MET:

1. 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.

STAFF The subject property is an unusually shaped 1/3 acre lot on an angled street corner. The unusual shape creates a challenge for the owner to locate an accessory, but with variances could remain below the zoning district's maximum allowable lot coverage limit of 35%. No additional traffic is expected as the intended use is personal storage.

BZA Concur.

2. 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.

STAFF The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.33 acre, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35%.

BZA Concur.

3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

STAFF The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.33 acre, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35% and providing adequate separation from adjacent neighbors.

BZA Concur.

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

STAFF The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 0.33 acre, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 35% and providing adequate separation from adjacent neighbors. No additional traffic is anticipated.

BZA Concur.

5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.

STAFF The subject property is an unusually shaped 1/3 acre lot on an angled street corner. The unusual shape creates a challenge for the owner to locate an accessory, but with variances

could remain below the zoning district's maximum allowable lot coverage limit of 35%. No additional traffic is expected as the intended use is personal storage.

BZA Concur.

Having considered the evidence at the hearing and determined that the findings of fact have been found that support all five conditions set out in Subsection 11-106.B.2 of the Zoning Regulations and K.S.A. 12-759(e), Gary Israel made a motion to authorize the Chairperson to sign a resolution granting the variance for case BZA-V-2021-06. Motion seconded by Vance Garwood. Motion carried 5/0.

Gary Israel made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Motion seconded by Tim Hendricks. Motion carried 5/0.

5.2 FINAL PLAT – REVIEW AND APPROVAL OF THE MEADOWBROOK 2ND SUBDIVISION REPLAT GENERALLY LOCATED WEST OF S. ANDOVER ROAD AND NORTH OF W. HARRY STREET, ANDOVER, KANSAS

Mr. Constantino introduced the agenda item and stated that the Meadowbrook 2nd Subdivision is a replat of the Meadowbrook Subdivision Final Plat that was accepted by the City Council on July 14, 2020. Mr. Constantino stated that the applicant submitted a replat of the property with the desire to increase the rear yard drainage and utility easement on lots 1 through 9 of block B from 20 feet to 40 feet for the purpose of protecting a rear yard tree row. Mr. Constantino said that Ron Smith, the applicant, stated that he would be informing any future homeowners of their limitations to construct accessory structures in their rear yards prior to purchase. Mr. Constantino stated that the Subdivision Committee reviewed the Meadowbrook 2nd Subdivision Replat at their June 8, 2021 meeting and recommended approval by the Planning Commission.

Mr. Israel stated that he would like to applaud Mr. Smith for his desire to save the trees in the rear yard.

Erik Pedersen made a motion to approve the Meadowbrook 2nd Subdivision Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Vance Garwood. Motion carried 5/0.

5.3 FINAL PLAT – REVIEW AND APPROVAL OF THE HODGES SEVENTH SUBDIVISION FINAL PLAT GENERALLY LOCATED AT 309 W. TURNPIKE ROAD, ANDOVER, KANSAS

Mr. Constantino introduced the agenda item and stated that the subject property is generally located at the northwest corner of N. Main Street and the Kansas Turnpike. Mr. Constantino stated that the preliminary plat was approved by the Planning Commission on April 20, 2021 and that the Planning Commission approved a variance of 10 feet from the required 25-foot minimum front yard setback to allow for a front yard setback of 15 feet along W. Turnpike Road at their meeting on May 18, 2021.

Mr. Constantino stated that the only outstanding staff comment pertains to a private access easement on the western side of the property and that the applicant intends to have the easement vacated prior to approval from City Council. Mr. Constantino stated that at their June 8th meeting, the Subdivision Committee recommended that the Planning Commission approve the Hodges Seventh Subdivision Final Plat with the condition that the access easement be vacated.

Gary Israel made a motion to approve the Hodges Seventh Subdivision Final Plat and recommend that the Governing Body accept the dedication of land for public purposes on the condition that the private access easement be vacated. Motion seconded by Kirsten Barnes. Motion carried 5/0.

5.4 FINAL PLAT – REVIEW AND APPROVAL OF THE SPEYSIDE AT TERRADYNE ESTATES FINAL PLAT AND PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 159TH STREET EAST AND KANSAS TURNPIKE, ANDOVER, KANSAS

Mr. Constantino introduced the agenda item and stated that The applicant is proposing single-family homes on 28 individual lots on approximately 8.52 acres of property zoned SF-2 in the Terradyne Estates Planned Unit Development. Mr. Constantino stated that the preliminary plat was approved by the Planning Commission on April 20, 2021. Mr. Constantino stated that all outstanding staff comments pertaining to the final plat have been addressed by the applicant.

Mr. Israel stated that while it may seem like the Planning Commission does not have many questions on the agenda items, all of the final plats on the agenda have been reviewed in depth at the Subdivision Committee Meeting and that the members of the Subdivision Committee review the plats in-depth with the applicant to ensure compliance prior to Planning Commission approval.

Vance Garwood made a motion to approve the Speyside at Terradyne Estates Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Tim Hendricks. Motion carried 5/0.

5.5 FINAL PLAT – REVIEW AND APPROVAL OF THE HERITAGE MIXED-USE FIRST FINAL PLANNED UNIT DEVELOPMENT PLAN GENERALLY LOCATED NORTH OF US 54/400 AND WEST AND EAST OF YORKTOWN PARKWAY, ANDOVER, KANSAS

Mr. Constantino introduced the agenda item and stated that the Heritage Mixed-Use First Addition Final Planned Unit Development (PUD) is part of The Heritage Mixed-Use Preliminary PUD Plan, a mixed-use development with walkable streets, housing, shopping, and public spaces. Mr. Constantino stated that the Final PUD contains Parcels 3 through 7 and Reserve B on approximately 23.75 acres of property, which includes the primary commercial component of the project, including a five-story mixed-use building containing housing, parking, and ground-level commercial uses. Mr. Constantino stated that parcels 1, 2A, 2B, and Reserve A will be platted at a later date.

Mr. Constantino stated that staff initially had two outstanding comments regarding a completed traffic report and for the applicant to further refine text on the plat pertaining to the ownership and maintenance responsibilities of Block 3. Mr. Constantino stated that the applicant has added language to the face of the PUD plan addressing the public uses of Block 3.

Jason Gish of MKEC Engineering, representing the applicant, stated that the traffic report is almost complete and that they have addressed the text language on Block 3 regarding public uses on private property.

Mr. Israel asked if Mr. Gish could briefly discuss the language surrounding the maintenance and ownership of Block 3. Mr. Gish stated that there could be multiple ownerships on the parcel that occur both at the ground level and vertically. Mr. Gish stated that the revised text addresses how the public will access the buildings and get between the buildings from the parking area with the intent of creating a seamless streetscape from the right-of-way to the front of the building.

Mr. Pedersen asked about the end product of the traffic study and how that would impact the development. Mr. Mangus said that the traffic study would be the basis for the access control, including the placement and spacing of driveways and pedestrian routes. Mr. Mangus stated that there was also a traffic calming element as the project connects to residential neighborhoods to the north and to the east. Mr. Mangus stated that staff has seen a preliminary traffic report but a final report has not yet been completed.

Mr. Gish discussed the traffic calming measures within the development, including the pinching of intersections to shorten the distance for pedestrian crossing. Mr. Gish also stated that intersections would be raised to create

a pedestrian hierarchy and slow down vehicles at Heritage Way and Founders Parkway and Homestead Drive and Founders Parkway.

Mr. Pedersen asked if the layout of the development was dependent on what was found during the traffic study. Mr. Gish said yes.

Mr. Israel asked what the speed limit would be throughout the development. Mr. Gish said the backage road would be recommended to be 20 miles per hour because it is a local road.

Mr. John Laffen of 301 S. Sunflower Lane asked if the traffic study would encompass more than just the first addition that was potentially being approved by the Planning Commission. Mr. Mangus said yes.

Mr. Laffen stated that he and the surrounding neighbors had some concern as to how the traffic would impact the intersection at Willowbrook Street and Andover Road. Mr. Mangus stated that the City and developer traffic engineers were attempting to determine trip generation numbers and the behavioral patterns of future customers at every intersection within the development but have not finalized their determinations as part of the report.

Mr. Gish stated that the intent was to be able to share the completed traffic study with the public to allow for any interested individuals to ask questions.

Gary Israel made a motion to approve the Heritage Mixed-Use First Addition Final PUD Plan and recommend that the Governing Body accept the dedication of land for public purposes contingent upon a completed traffic study. Motion seconded by Kirsten Barnes. Motion carried 5/0.

6. MEMBER ITEMS

Mr. Israel asked who was responsible for keeping the Redbud Trail clean of gravel. Mr. Constantino stated that the path was maintained by the Public Works Department. Mr. Mangus stated that there was a Kansas Turnpike Authority project going on over the trail and it is their job to keep the trail clear.

Mr. Pedersen asked if there were plans for the amphitheater this summer. Mr. Mangus stated that the City would be hosting several events including concerts, Music Theatre Wichita, and Greater Andover Days.

Mr. Mangus stated that staff was contemplating changes to the City sign ordinance as there are currently conflicts between local, state, and federal law and requested that the Planning Commission grant staff the ability to bring changes to the zoning ordinance to the Planning Commission at the next public meeting.

Gary Israel made a motion to allow for a public meeting to discuss proposed changes to the City of Andover zoning ordinance at the next Planning Commission meeting. Motion seconded by Erik Pedersen. Motion carried 5/0.

7. ADJOURN

Vance Garwood made a motion to adjourn the meeting. Motion seconded by Tim Hendricks. Motion carried 5/0. The meeting was adjourned at 7:59 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 20th day of July 2021 by the City of Andover Planning Commission.