

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS

May 20, 2008

Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, May 20, 2008 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:00 p.m. Commission members present were Lynn Heath, Jan Cox, John Cromwell, Byron Stout and Dan Beck. Others in attendance were City Council Liaison Member J.R. Jessen, Director of Public Works and Community Development Les Mangus, Management Assistant Sasha Stiles and Administrative Secretary Kandace Hunt. Jeff Syrios was absent.

Call to order

Review the minutes of the April 15, 2008 Planning Commission meeting.

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Byron Stout made a motion to approve the minutes as presented. John Cromwell seconded the motion. Motion carried 6/0.

Communications:

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Review the minutes of the April 8, 2008 and April 29, 2008 City Council meetings. The minutes were received and filed.

Review the minutes of the April 1, 2008 Site Plan Review Committee meeting. The minutes were received and filed.

Review the minutes of the April 8, 2008 Subdivision Committee meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

Review and approve the Final Planned Unit Development Plan of the Marketplace Commercial Second Addition.

Review and approve the Final Planned Unit Development Plan of the Marketplace Commercial Second Addition.

From Les Mangus' Memo: This final PUD reflects a portion of the remainder of the Marketplace Commercial Addition. This phase makes connection to the right-in-right-out access to US-54. The plan reflects the recent amendments to the Preliminary PUD, and other than a few technical items has Staff approval.

Les Mangus explained the Planning Commission had received the revised PUD along with a copy of an email listing his comments and MKEC's response.

Chairman Coon asked if Les Mangus was satisfied with the plat. Les Mangus said no. Access controls were omitted from the plan and need to be added at Plaza Street and Andover Road. He also noted the Base Flood Elevations should be placed on the final plat according to regulations. He continued by saying he felt it would be a good idea to add to General Provision Number 11 whenever there is a Flood Plain Reserve so Flood Plain Regulations would apply to any type of structure or improvements within that flood plain, otherwise it could be construed that the Planned Unit Development makes an

exception to flood plains. Lynn Heath asked if Les Mangus was speaking of the areas reserves. Les Mangus said yes, Reserves C and D are totally encompassed by a flood plain.

Chairman Coon asked if all of Bickley Foster's comments had been addressed. Les Mangus said yes.

Chairman Coon asked about the problem with the roundabout. Les Mangus explained the plan submitted to the Subdivision Committee used a template for a wheel based 50 semi truck that allowed the truck onto the buffer inside the circle of the roundabout. The preferred method is for the wheel based 50 semi truck to stay on the pavement with anything longer encroaching on the buffer area. Chairman Coon asked if the new plan accommodated the request. Les Mangus said yes.

Byron Stout asked if General Provision number 11, which refers to Flood Plains, needed to have a comment added to it about Flood Plain Districts. Les Mangus said a statement needs to be added to verify Flood Plain District Regulations apply. Lynn Heath asked if that applied to Reserve C and D only. Les Mangus said yes.

Chairman Coon asked if an applicant was present. Mark Buckingham of MKEC Engineering Consultants was present to represent the application.

Mr. Buckingham informed the commission the roundabout previously requested had been added with the geometry to allow a wheel based 50 semi truck to pass through without encroaching on the buffer. All utility comments as well as Subdivision comments had been addressed. Mr. Buckingham stated the developers would comply with all staff comments received earlier in the day.

Lynn Heath noted the revised PUD showed a 50 foot width on the roundabout while the old PUD showed 60. John Cromwell explained the 50 foot width makes the inner radius larger and even though the width is narrow it has more turn ability.

Lynn Heath asked about the lack of exits on Plaza Street from US-54. Mr. Buckingham said there will be complete access control along the west side of Plaza Street with no right turns at Lot 7. Right-in-right-out access to Lot 1 will be allowed north bound on Plaza.

Chairman Coon asked if there were any other questions for Mr. Buckingham. There were none.

Byron Stout made a motion to approve the Final Planned Unit Development Plan of Marketplace Commercial Second Addition with the addition of a statement clarifying General Provision number 11 as it refers to Flood Plains and the addition of access controls. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion, there was none. Motion carried 6/0.

Review and approve the Final Planned Unit Development Plan of Andover Farm at Cedar Park-Third Phase.

Review the Final
Planned Unit
Development Plan
of Andover Farm at

From Les Mangus Memo: This final PUD reflects a portion of the remainder

of the original Cedar Park PUD. This phase reflects the additional access point to 13th Street shown in the recent PUD amendment. The comments from the Checklist are easily resolved.

Cedar Park-Third Phase.

Chairman Coon asked for staff comments. Les Mangus explained the commission had been given a copy of an email he had sent to the developers with staff comments. Under General Provision number 12 "Parcel 3" should be "Phase 3". The error had been corrected and the Final PUD was complete and correct.

Lynn Heath asked what the City Council decided on zoning case Z-96-07 concerning this property. Les Mangus said the City Council approved the PUD as recommended by the Planning Commission.

Chairman Coon asked if an applicant was present. Kris Rose of Baughman Company, P.A. was present to represent the application.

Mr. Rose informed the committee the developers had addressed all the comments they had received from staff, utilities and the Subdivision Committee, and the Final PUD the commission had received reflects those changes. The developers will continue to work with staff on street names and will also be working with Poe and Associates to address issues with the drainage plan.

Chairman Coon asked if an agreement had been reached on the construction of a sidewalk connecting Lakeside Drive to Gatewood Lane. Les Mangus explained because the developers do not have control of that land, it was hard for them to place strong language in the text of the PUD in regards to the development of the connecting sidewalk. The developers want to construct the sidewalk; it is a matter of getting the existing homeowners association on board and in agreement. Lynn Heath informed the commission the developers are working with First American Title, the company collecting the homeowner's dues, to find out where the money is going and who to contact about the project.

Chairman Coon asked what part of the text covered the sidewalk issue. Mr. Rose said the possible construction of an additional sidewalk was covered in the last sentence of General Provision number seven, "Additional sidewalks may be added within Reserve "E", Final Planned Unit Development for the First Phase for "Cedar Park Addition", with the approval of the Homeowners Association for the addition." Byron Stout asked Les Mangus if the wording "May be" needed to be clarified. Les Mangus said yes. Lynn Heath suggested replacing "may" with "will".

Chairman Coon asked if the 4.13 acre park was passed by the City Council. City Council Liaison member JR Jessen said the City Council passed the park on the same grounds as the Planning Commission, by considering the land open under the power lines, the land in the southeast corner of the development as well as the park in the existing development.

Byron Stout made a motion to approve the Final Planned Unit Development Plan of Andover Farm at Cedar Park-Third Phase with a note for the last sentence of General Provision number seven to have stronger language to indicate the developers intentions of connecting a sidewalk to the First Phase with the permission of the existing homeowners association. Lynn Heath

seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.

Review and approve the Final Planned Unit Development Plan of Andover Farm at Cedar Park-Fourth Phase.

Review and approve the Final Planned Unit Development Plan of Andover Farm at Cedar Park-Fourth Phase.

From Les Mangus Memo: This final PUD reflects a portion of the property added to the original Cedar Park PUD in the recent PUD amendment. The grading and drainage plan needs some attention to meet the latest policy, but comments from the Checklist are easily resolved.

Chairman Coon asked for staff comments. Les Mangus said the comments from staff, Subdivision Committee and utilities had all been addressed. The only outstanding issue is street names which are being checked to identify any conflicts in adjacent zip codes. At this point street names are at about 50 percent. Les Mangus noted the drainage plan had issues that need to be worked out in engineering, but have no effect on the text.

Lynn Heath asked if the text specified lots setting along a collector and residential street would only have access from the residential street. Mr. Rose said the issue was covered in General Provision number two, "Setbacks are as indicated in parcel descriptions. For all lots the front yards are 25ft. Corner lots at street intersections shall have one 25 foot yard setback and a 15 foot front yard setback on the other street as shown. Lots with 15 foot setbacks abutting the right-of-way of the collector street, Lakeside Drive & Andover Farm Lane, shall not be permitted access to the collector street. Access is permitted over all other 15 foot setbacks with the provision that a garage fronting the 15 foot setback shall have a 25 foot setback. Lynn Heath noted Prairie Crossing was not covered under General Provision number two. Mr. Rose said there is more of a concern with the lots on collector streets versus residential streets, but if a driveway was placed along Prairie Crossing it would have to have a 25 foot setback. Chairman Coon asked if lots 12 and 21 could have driveways off of Prairie Crossing. Mr. Rose said yes. Lynn Heath asked Les Mangus if that situation would be ok. Les Mangus said yes.

Lynn Heath stated that he liked the country theme of the street names being presented and hoped the developers would be able to continue with it.

Byron Stout made a motion to approve the Final Planned Unit Development Plan of Andover Farm at Cedar Park-Fourth Phase with the condition of staff's approval of street names and the drainage issues being addressed. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion, there was none. Motion carried 6/0.

Review of the Comprehensive Development Plan.

Review of the Comprehensive Development Plan.

From Les Mangus' Memo: The Kansas statutes which govern planning practices for cities require that a comprehensive plan be reviewed and updated where necessary by the Planning Commission annually to remain effective. Given the persistent growth of Andover, this annual review is very important to provide up to date information for making planning decisions, and to provide accurate information for potential buyers and developers in the Planning Area.

Chapter 1
COMPREHENSIVE PLAN AND REGIONAL INFLUENCE

Chapter 1 provides information on the basis and methods for planning, which have seen no real changes since the last Comprehensive Plan was adopted in June of 2004.

Chapter 2
HISTORY OF ANDOVER

Chapter 2 provides information on the history of the Planning Area, which has seen little change since the last Comprehensive Plan was adopted in June of 2004.

Chapter 3
GOALS FOR PLANNING

Chapter 3 established several goals to be realized through planning. Many of the goals are on-going efforts, which are never fully realized, but more on-going. Others are one-time or phased activities, to be completed during the term of the plan.

Chapter 4
ECONOMY

Changes in the economy come very slowly, and data is generally most available from the US census on a 10 year cycle. Escalating fuel costs and changes in banking practices have had a negative effect on the US economy, particularly in housing construction. Despite the downturn in real estate values in major growth areas, Verus rated the Wichita area as the best place in the United States to invest in real estate.

Chapter 5
POPULATION

Changes in population are most easily and accurately tracked by the US Census on a 10 year cycle. The State of Kansas releases population estimates annually in July for the prior year. The July 2006 of 9,546 slightly exceeds the population projection included in the Comprehensive Plan, and when coupled with new residential permit activity for 2006-07 would indicate a slightly higher rate of growth than projected. Staff estimates the July 2007 population to be in excess of 10,000.

Chapter 6
HOUSING

Based on the 2000 US Census count of 2,456 dwelling units and new residential building permits through December 2007, the dwelling unit estimate is 2,650.

Chapter 7
PHYSICAL DEVELOPMENT INFLUENCES

The expansion of the city to the east, north of US-54, into the Rural Water District #5 service territory has raised a lot of discussion over water service for new development. RWD 5 has recently taken the position that the district is ready to provide municipal type water service with fire protection to new development in the City of Andover encompassed by the RWD 5 service area.

Chapter 8
LAND USE PLAN

Existing Land Use

The total land area of the City grew to 6,209 acres as of January 1, 2008.

Many existing residential and commercial developments are utilizing lands already annexed and planned in phases.

Future Land Use

The construction of the new Dillon's grocery store south of US-54 and east of Andover Road is expected to accelerate commercial development along the highway corridor.

**Chapter 9
TRANSPORTATION**

Five-lane improvements to 21st Street from Andover Road to 159th Street have been added to the 2008 WAMPO Transportation Improvement Program for construction in 2010.

The Andover Road improvements from Cloud Avenue to Harry Street are scheduled for construction in 2009.

The City of Andover, Butler County and the City of Rose Hill have commissioned a study of the Andover Road corridor from Harry Street to 170th Street in Rose Hill to determine the improvements necessary for the growing traffic volume. This study yielded an estimate of \$67,000,000 to make improvements necessary to accommodate the full build out of the corridor area from Harry Street to Rose Hill city limits.

**Chapter 10
UTILITIES AND STORMWATER SYSTEM**

Sewer System

The Wastwater Utility now serves 4,383 residential equivalencies. Average daily flow into the treatment facility has exceeded 960,000 gallons per day.

**Chapter 11
COMMUNITY FACILITIES**

Educational Facilities

The first of the three new elementary schools opened in the Fall of 2007. The other two are scheduled to open in the Fall of 2008. Improvements to the existing Cottonwood and Martin/Meadowlark Elementary School, and athletic facilities are also included in the building program.

Improvements to the Butler Community College campus on 13th Street continue. A new student union is under construction, and aesthetic improvements are scheduled for 2008.

Parks and Recreation

The first 5-acre neighborhood park, recommended by the Park and Open Space Master Plan, in the Cornerstone 1st Addition has been purchased by the City. Plans for the development of the park are in process.

The YMCA branch near the third elementary school location south of US-54 and east of Andover Road is under construction. The Andover Parks and Recreation Department will be dividing some of the youth sports offerings with the YMCA.

**Chapter 12
PLAN IMPLEMENTATION**

The Plan Implementation section of the Comprehensive Plan needs only be updated as new regulations are adopted or as implementation plans and

policies are changed.

Chairman Coon asked Les Mangus for staff comments. Les Mangus informed the commission there were no substantial changes to the Comprehensive Development Plan. He felt it was appropriate to mention the economy and how it has slowed things around us, but the Andover real estate market is still good. He also included an update on the population and housing statistics to show the amount of growth in Andover. There were no big changes to the land use plan, just a correction to the acreage. Changes to the transportation section simply correct up the dates for the five-lane improvements to 21st Street from Andover Road to 159th Street which have been added to the 2008 WAMPO Transportation Improvement Program for construction in 2010. The Utilities and Stormwater section brings the status of the Wastewater Plant up-to-date.

Chairman Coon asked how many residences the Wastewater Plant could handle. Les Mangus said it is at 80 percent capacity which is the point at which the Department of Health will ask the City to begin designs for a new expansion. The City has budgeted for engineering on the expansion next year. Chairman Coon asked if the expansion would be at the same location. Les Mangus said yes.

Les Mangus said the updates to Community Facilities recognizes the new schools that are in construction or recently opened, improvements to the Butler Community College facility, the construction of the YMCA and the development of the first five acre neighborhood park in the Cornerstone Addition.

Chairman Coon asked if it was true that Butler Community College had a sinkhole problem at its 13th Street location. Les Mangus said as he understood it there were some foundation problems being addressed.

Lynn Heath asked if there had been any other prospects for businesses in the new Marketplace Addition. Les Mangus informed the commission a Kansasland Tire Store would soon begin construction along Andover Road next to the new Dillon's. He continued by saying there have been a couple of fast food restaurants looking at lots, but nothing firm. Chairman Coon asked if Kansasland Tire would be located on the north side of the street. Les Mangus said it will be located on the south side of Cloud Ave and the east side of Andover Road.

Byron Stout asked if there were plans for a light at the intersection of Harry and Andover Road. Les Mangus said there were no plans at this time.

Lynn Heath made a motion to recommend the addendum of the Comprehensive Development Plan to the City Council for approval. John Cromwell seconded the motion. Chairman Coon asked if there was any discussion, there was none. Motion carried 6/0.

Organization Meeting

Organization Meeting.

Chairman Coon opened the floor for nominations to the position of chairperson for the Planning Commission and Board of Zoning Appeals.

Lynn Heath nominated Quentin Coon to remain as chairperson. Jan Cox moved that nominations cease. Byron Stout seconded the motion. Motion

carried 6/0.

John Cromwell made a motion that the Planning Commission, Board of Zoning Appeals and Subdivision Committee remain as is. Dan Beck seconded the motion. Motion carried 6/0.

Quentin Coon will continue as chairperson of the Planning Commission and Board of Zoning Appeals; Lynn Heath will remain as vice-chairperson and Jan Cox will continue as secretary.

Lynn Heath, John Cromwell and Jan Cox will continue to serve as Subdivision Committee members. Lynn Heath will serve as chairperson, Jan Cox as vice-chairperson and Les Mangus as secretary.

Byron Stout asked Les Mangus if the vacant position with the Planning Commission needed to be filled by someone who resides outside the city limits of Andover but within the planning jurisdiction. Les Mangus said yes. Byron Stout asked if the mayor would make the appointment to the vacant position. Les Mangus said yes.

Member Items. There were no member items.

Member Items

Lynn Heath made a motion to adjourn the meeting at 7:46 p.m. Jan Cox seconded the motion. Motion carried 6/0..

Adjourn

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 17th day of June 2008 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.