

**ANDOVER CITY PLANNING COMMISSION/
BOARD OF ZONING APPEALS
Tuesday, December 20, 2011
Minutes**

1. Call to order.

2. Roll call.

Andover City Planning Commission members present were Chairman Quentin Coon, John Cromwell, Lynn Heath, Shane Davis, Lee Butler and Andrew Hart. Others in attendance were Director of Public Works and Community Development Les Mangus, City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland and Administrative Secretary Dayna DuFriend. Member not in attendance was Aaron Masterson.

3. Approval of the minutes of the November 15, 2011 meeting.

A motion was made by Lynn Heath, seconded by Andrew Hart to approve minutes of the November 15, 2011 meeting. Shane Davis abstained from the vote. Motion carried 5/0/1.

4. Communications:

- A. City Council minutes.
- B. Committee and Staff Report.
- C. Potential Residential Development Report.

5. Z-2011-01- A proposed reconfiguration of the boundaries of Parcels 15 and 16 of the Amended Final P.U.D. and an amendment of the zoning district classification of Parcel 16 eliminating the B-4 Central Business District and B-5 Highway Business District classifications to R-4 Multiple Family Residential District only with permitted uses limited to church and associated church uses, such as but not limited to senior center, child care facilities, educational facilities, and recreational uses. STAFF: The proposed use is a much less intensive use than those multi-family and highway businesses currently permitted, and would provide a very large buffer from US-54 to the GVG. I have had many calls and visits about this case. The only concern that I have heard is for the buffering between the proposed backage road and the rear of the existing single family residential lots.

Phil Meyer, Baughman Company, 315 Ellis, Wichita and Bill Johnson with Evans Construction were present to represent the application. Mr. Meyer explained that they met with the HOA of Green Valley and he will list out the proposal and answer questions then let the homeowners present any concerns and then answer any new questions.

Mr. Meyer further explained that access to Parcel 16 will be from Onewood Dr. and they will work with the homeowners association for access points across this reserve. Along Kellogg they propose to plat a 123.25ft. building set back to keep the development or any structures out of the future Kellogg right-of-way. They are working with Parsons Brinkerhoff for any future right-of-way needs. They also are requesting along Kellogg at the East property line a 30ft. temporary right-in/right-out access point. This will help the Church with ingress and egress to the site. At a later date that will be a full 60ft. Along the North line of the plat a 15ft landscape buffer reserve is proposed. A reserve for future street purposes for a backage road from Onewood Dr. to Andover Rd. is also being proposed. South of that is a 25ft building set back.

Andrew Hart asked what sort of traffic would be generated by this facility and if there would be any additional traffic control needed.

Mr. Meyer said that the church currently has 300 families and looks toward a goal of 800-1000 families. This goal may take 5-10 years.

Chairman Coon asked what the anticipated maximum occupancy of the building.

Mr. Johnson stated 1000 for the sanctuary.

Lee Butler inquired about Nine Iron being connected to the backage road and if it might be gated in the future.

Les Mangus stated that Nine Iron is platted to be an open public through street.

Chairman Coon opened the public hearing for comments:

Brian Lindebak, 225 S. Onewood Dr., President of Green Valley HOA, representing himself only. Mr. Lindebak presented to the Planning Commission a list of PUD General Provisions for Parcel 16.

Access:

Primary access to the development shall be via the planned US-54 frontage road. Temporary access shall be obtained from KDOT across frontage of development and/or by separate instrument agreement with the adjoining residential reserve. Traffic improvement projects are foreseeable, including but not limited to the extension of a left turn lane on US-54 Hwy. and Onewood Drive allowing stacking of traffic for peak flows. Petitions for such improvements shall be obtained from the owner/developer. It is foreseeable that temporary control measures will be necessary during peak operating hours. The church shall employ traffic control officers as needed.

Landscaping Buffer:

A minimum 60 foot wide landscape buffer shall be required along the north line of Parcel 16. The buffer shall contain at minimum a 6 foot tall berm with staggered evergreens planted atop the berm creating a living evergreen wall. All evergreens shall have a minimum trunk diameter of 3 inch at time of installation. No occupancy permits shall be issued without the creation of said landscaping buffer. Failure to properly maintain the required landscaping shall be considered a violation of the P.U.D.

Lighting:

All lights shall be shielded to reflect light downward and away from residential areas. All parking lot lighting shall share a consistent design (fixtures, poles, lamps, etc.) and shall not exceed 24 feet in height, EXCEPT when within 150 feet of residential properties the lighting shall not exceed 15 feet in height.

Screening:

All appurtenances to improvements upon the property, including but not limited to trash dumpsters, loading docks, service areas, and mechanical areas shall be screened by walls constructed of materials similar to the exterior of the main building, in both appearance and quality. All rooftop mechanical units shall be screened from street level view with materials that are compatible in appearance with the building. Utility boxes and mechanical equipment shall be further screened with landscaping materials.

Signs:

No illuminated building wall signs are allowed on the northern elevations.
No portable or off-site signs shall be permitted. (No highway billboards shall be allowed)
No flashing or moving signs shall be permitted.
No sign shall exceed 100 square feet in area.

Architectural Controls:

All building on Parcel 16 shall share a uniform architectural character, color, and same predominately exterior building materials. All building walls and roofs must have predominately earth-tone, with vivid colors limited to incidental accents, and must employ materials similar to surrounding residential areas. The building(s) walls shall not utilize metal as a predominant exterior façade material. Buildings shall be limited 45 feet tall. No building shall be placed within 150 feet of residential zoned lots.

Multiple Ownership:

If multiple ownership occurs, an owner's association agreement shall be established to provide for the maintenance of reserves and open spaces. All drives and parking areas shall be privately owned and maintained by the owner(s).

Utilities:

Drainage improvements shall be made at the sole cost of the owner and/or developer.

David & Carol Prucha, 338 Chippers Ct.,

The street is their major concern, have no problems with a church being built there.

Also concerned about the lighting, drainage issues and appearance of a metal building.

Ken Huston, 907 W. Putter Circle,

Concerned about the t intersection or round about on Onewood Dr.

Glen Leonard, 329 S. Nine Iron,

Concerned about screening for any generator or mechanical equipment.

Also concerned about speeders on Jamestown and Nine Iron not being a wide enough street.

Charlotte Bauer, 341 S. Nine Iron,

Concerned about speeders on Onewood and trash blowing along field.

Chad Armstrong, 333 S. Pitchers Ct.,

Concerned about specials for construction of street.

Jared Harrison, 118 N. Douglas Cir.,

Concerned about metal building and street. Would prefer that changes to Onewood be done first and construction traffic use that.

Lisa Henricks, 337 S. Pitchers Ct.,

Concerned about appearance and street.

Julie Armstrong, 333 S. Pitchers Ct.,

Wanted to know when they will be notified about the street and concerned about the street and appearance.

Betsy Baumgartner, 324 S Pitchers Ct.,

Concerned with traffic and appearance. Thrilled with church being built.

Phil Meyer returned to the podium to rebut the public comments. Mr. Meyer explained that Dr. Sanders, Pastor of the church, likes this site and wants to make sure that this church will fit into the community. All concerns will be reviewed and addressed.

Andrew Hart asked if there was any concern about back up of traffic on Onewood.

Les Mangus explained that as the project is worked through the system it will go to platting. A traffic study will be asked for that volume of traffic.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-2011-01

APPLICANT/AGENT: Revelation Ministries Christian Church/ Baughman Co., P.A. (Russ Ewy)

REQUEST: Amendments to the Amended Final General Planned Unit Development (P.U.D.) of Green Valley Greens. Reconfiguration of the boundaries of Parcels 15 and 16 of the Amended Final P.U.D. and an amendment to the zoning district classification of Parcel 16 eliminating the B-4 Central Business District and B-5 Highway Business District classifications to R-4 Multiple Family Residential District only with permitted uses limited to church and associated church uses, such as but not limited to senior center, child care facilities, educational facilities, and recreational uses.

CASE HISTORY:

LOCATION: N. of US-54 and East of Onewood Dr.

SITE SIZE: +/- 20 acres

PROPOSED USE: Church and associated uses.

ADJACENT ZONING AND EXISTING LAND USE:

- North: R-2 Green Valley 8, 9, 10 single family residences
- South: Butler Co. Ag-40 used vehicle sales, pet cemetery and office building
- East: R-1 & R-2 Single family residences
- West: R-3 Patio homes and vacant B-4 lot

Background Information: This property was zoned to accommodate either apartments or highway businesses several years ago. At that time stringent buffering and screening wall conditions were placed on the north and east property lines to provide some screening between the more intense proposed uses and the single family residences.

* Note: This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Planning Commission’s considered opinion. Sample motions are provided to ensure the accuracy of the motion and facilitate the summary of the hearing for the minutes. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

(As per Article 11, Section 100 of the City of Andover Zoning Regulation – 1993)

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant’s reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following factors as guidelines:

FACTORS AND FINDINGS:

1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES NO

STAFF:
 PLANNING:
 COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES NO

STAFF:
 PLANNING:
 COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

X STAFF:
 X PLANNING:
 COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES NO

X STAFF:
 X PLANNING:
 COUNCIL:

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

YES NO

X STAFF:
 X PLANNING:
 COUNCIL:

6. 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?

YES NO

X STAFF: All can reasonably be extended to serve the site.
 X PLANNING:
 COUNCIL:

7. Would the subject property need to be platted or replatted in lieu of dedications made for rights-of-way, easements access control or building setback lines?

YES NO

X STAFF:
 X PLANNING:
 COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

X STAFF: Some buffering of the nearby single family residences is necessary.
 X PLANNING:
 COUNCIL:

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

YES NO
 X STAFF: N.A.
 X PLANNING:
 COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO
 X STAFF: N.A.
 X PLANNING:
 COUNCIL:

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

YES NO
 X STAFF:
 PLANNING:
 COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO
 STAFF: No detriment is perceived because of the intensity of the existing permitted uses.
 PLANNING:
 COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO
 X STAFF:
 X PLANNING:
 COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

YES NO
 X STAFF: The Comp. Plan suggests a commercial strip 600 ft. from US-54, however the US-54 Corridor Study revises the uses to more mixed uses.
 X PLANNING:
 COUNCIL:

15. What is the support or opposition to the request?

YES NO
 STAFF: The majority of those who have inquired support the proposed use,

however some would like a larger buffer between the proposed backage road and the rear yards in the green Valley neighborhood.

PLANNING:
COUNCIL:

16. Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?

YES NO

X

STAFF: Staff recommends approval as applied for.

X

PLANNING:
COUNCIL:

17. If the request was not approved, would this result in a relative gain to the public health, safety and general welfare which would outweigh the loss in property value to or the hardship experienced by, the applicant?

YES NO

X

STAFF:
PLANNING:
COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I, Lynn Heath, make a motion that we recommend to the Governing Body that Case No. Z-2011-01 be approved to allow the proposed reconfiguration of the boundaries of Parcels 15 and 16 of the Amended Final P.U.D. and an amendment of the zoning district classification of Parcel 16 eliminating the B-4 Central Business District and B-5 Highway Business District classifications to R-4 Multiple Family Residential District based on findings 6, 7, 12, 13 and 14. Motion seconded by John Cromwell. Chairman Coon asked if there was any further discussion. Lee Butler asked about postponing the zoning while the applicant proceeded with the platting process. Les Mangus said this would be a risk for the applicant and may make the deal fall through. Phil Meyer stated that they would like the zoning ordinance withheld until the platting process is approved.

Lynn Heath amended original motion as contingent upon satisfactory platting. Motion was seconded by John Cromwell. Motion carried 6/0.

6. VA-2011-05- A public hearing on a petition for a vacation of the Final Planned Unit Development Plan, Andover Farm at Cedar Park - Fourth Phase located east of 159th St. E. and north of 13th St. N. STAFF: The developer wishes to vacate the plat that was filed a few years ago, due to the down swing in the housing market. The platted area was never improved with all of the public utilities and streets, but those improvements are guaranteed with bank letters of credit. Between the letters of credit and the increased taxes from being platted lots the developer can't afford the carrying costs while waiting on the housing industry to rebound. Staff supports the petition for vacation as submitted.

Phil Meyer, Baughman Company, 315 Ellis, Wichita, was present to represent the applicant.

A motion was made by John Cromwell, seconded by Lynn Heath to approve the petition for the vacation of the Final Planned Unit Development Plan, Andover Farm at Cedar Park – Fourth Phase located east of 159th St. E. and north of 13th St. N. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.

7. [Consideration of an amendment to the Comprehensive Development Plan for the Andover Area, Kansas 2003-2013 to include the US 54/400 Corridor Study. STAFF: Comments from KDOT were received last week, but the consultant needs some time to incorporate the changes, so once again we ask that the public hearing on the study be continued until the January 17, 2012 meeting.](#)

Les Mangus explained that comments from the DOT were received only a few days before the agenda went out and the consultant is busy working on the answers to those questions. It will be on the agenda for the January meeting.

A motion was made by Lynn Heath, seconded by John Cromwell to continue the Public Hearing for the consideration of an amendment to the Comprehensive Development Plan for the Andover Area, Kansas 2003-2013 to the next meeting date of January 17, 2012 at 7:00 p.m. Motion carried 6/0.

8. [Discussion with Clark Nelson to form an ad hoc committee to review the SPRC Procedure and Criteria. STAFF: Clark Nelson has offered to head up a group to review the SPRC Procedure and Criteria, and would like two members of the Planning Commission to serve. The committee will meet with the Site Plan Review Committee at its regularly scheduled meeting time and place until a recommendation is forwarded to the City Council for adoption. Staff would anticipate 3-4 meetings to accomplish the task.](#)

Quentin Coon and Lynn Heath volunteered to be on the ad hoc committee.

9. [Review and approve the City of Andover 2011 Planning Commission & Board of Zoning Appeals meeting and closing dates schedule.](#)

John Cromwell made a motion to approve the City of Andover 2012 Planning commission & board of Zoning Appeals meeting and closing date schedule. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.

10. [Member items.](#)

Andrew Hart said he wanted to thank the city for informing the citizens of the comprehensive plan. Secondly, he will be moving to Houston for a new job. This will be his last meeting.

A motion was made by Lynn Heath, seconded by Shane Davis to adjourn. Motion carried 6/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 17th day of January, 2012 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover