

**ANDOVER CITY PLANNING COMMISSION/
BOARD OF ZONING APPEALS
Tuesday, April 16, 2013
Minutes**

1. Call to order.

Chairman Quentin Coon called the meeting to order at 7:00 p.m.

2. Roll call.

Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Brian Lindebak, Ken Boone, William Schnauber and Aaron Masterson. Others in attendance were Assistant Director of Public Works Steve Anderson and City Administrator Sasha Stiles. Not in attendance was member Lee Butler, Director of Public Works and Community Development Les Mangus and Administrative Secretary Daynna DuFriend.

3. Approval of the minutes of the March 19, 2013 meeting.

A motion was made by Lynn Heath, seconded by William Schnauber to approve minutes of the March 16, 2013 meeting. Motion carried 3/0/1. Ken Boone abstained from the vote.

4. Communications:

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

5. VA-2013-01- Public hearing on a petition for vacation of a 20 foot rear yard utility easement located at 708 N. Waterview Place, Lot 10, Block C, Crescent Lake 5th Addition.

Kevin Mears, 708 N. Waterview Place, was present to represent the application.

Mr. Mears explained that the pool and small covered patio will only cover a portion of the utility easement. They are asking for the entire easement to allow for rear fence to be moved for more room.

Sasha Stiles noted that staff recommends vacation of the areas around the improvements only. The concern is for future use of the utility easement.

Mr. Mears asked what types of problems are they worried about.

Steve Anderson stated that as long as the utility is in the easement they need the legal right to exist in the easement.

Chairman Coon asked for further questions. There were none.

A motion was made by Brian Lindebak, seconded by Lynn Heath to approve the petition for vacation for VA-2013-01 per the legal descriptions provided by Armstrong Survey and vacate that portion of the drainage and utility easement. Motion carried 6/0.

6. Z-2013-01- Public hearing on a proposed amendment #5 to the Amended Cornerstone Addition Preliminary Planned Unit Development Plan to create a new Parcel 10 from a portion of the existing Parcel 9 with all permitted uses in the R-2 Single-Family Residential District of the Andover Zoning Regulations, including Public Schools located at SE corner of 159th Street and 29th Street North Street.

Dustin Marsh, MKEC was present to represent the application.

Jason Gish, MKEC was present to represent the application.

Lynn Heath asked if there were any homes built and occupied in adjoining parcels.

Mr. Marsh stated that there are 34 lots platted and ready and 174 unplatted lots for a total of 208 lots. He said there is currently 1 home built.

Steve Anderson asked if the number of access control openings had been discussed.

Mr. Marsh replied that they had reduced the number of openings upon recommendation by Les Mangus. This information is represented on the submitted document.

Chairman Coon suggested that they should consider a buffer for the neighboring residential lots abutting this Parcel 10. This could be either a fence or berm with at least 100 feet width.

Sasha Stiles said that from her discussion with Les they would prefer not to mandate the type of buffer used at this time; however, they want to avoid complaints of noise and lighting from residents.

Mr. Gish asked about the site plan review determining the buffer area for this property. He would like to request that this be determined by the developer and the property buyer.

Sasha Stiles commented that without a required buffer the Site Plan Review Committee does not have the ability to require a buffer. They would have the ability to enforce a buffer if it were incorporated at this stage.

Chairman Coon asked for further questions. There were none.

ANDOVER CITY PLANNING COMMISSION

Agenda Item No.

REZONING REPORT *

CASE NUMBER: Z-2013-01

APPLICANT/AGENT: Chestnut Ridge, LLC

REQUEST: All uses permitted in the R-2 single family residential district of the Andover Zoning Regulations, including Public Schools.

CASE HISTORY:

LOCATION: In the Cornerstone Residential Planned Unit Development, North of 21st Street and East of 159th St. East in Andover, KS.

SITE SIZE: +/- 105 acres

PROPOSED USE: Future school campus site

ADJACENT ZONING AND EXISTING LAND USE:

North: Butler Co. Agriculture

South: B-2 Neighborhood Business District (Robert Martin Elementary School) and R-2 Single Family Residential District(undeveloped Cornerstone lots)

East: R-2 Single-Family Residential District(undeveloped Cornerstone lots) and Butler Co. Agriculture

West: Sedgwick Co. vacant land

Background Information: The subject property is currently shown on the PUD plan as single family homes.

* 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: Vacant property
 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: R-2
 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 X STAFF: Public facilities can feasibly be extended.
 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 X STAFF:

- 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:
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
STAFF: N.A.
PLANNING: N.A.
COUNCIL:
11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?
YES NO
X STAFF:
X 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
X STAFF: Increased activity in the area.
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: The R-2 district lists schools as a permitted use.
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:
X PLANNING:
COUNCIL:
15. What is the support or opposition to the request?
YES NO
STAFF: None at this time.
PLANNING: None at this time.
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: Approval with adequate buffering from adjacent single family residential properties.

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

STAFF:
X PLANNING:
COUNCIL:

A motion was made by Ken Boone, seconded by Lynn Heath to approve the proposed amendment Z-2013-01 as written with the addition of screening and landscape buffer of maximum width of 100ft adjacent to residential properties on the east side of parcel 10 with actual width to be determined at time of final platting. Motion carried 5/0/1. Brian Lindebak abstained from vote.

10. Member items.

There were no member items.

11. Adjourn.

A motion was made by Lynn Heath, seconded by Ken Boone to adjourn at 7:46p.m. Motion carried 6/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 19th of June, 2013 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.