



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**
NOVEMBER 17, 2020 | 7:00pm
ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson William Schnauber called the meeting to order at 7:05 pm.

Mr. Constantino welcomed new planning commissioner Kirsten Barnes to the Planning Commission.

2. ROLL CALL

Commissioners in attendance: Chairperson William Schnauber, Kirsten Barnes, Marla Canfield, Brian Davidson, and Alex Zarchan. Vice Chairperson Erik Pedersen and Secretary Gary Israel were absent. Staff in attendance: Jennifer McCausland, City Administrator, 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 OCTOBER 20, 2020 MEETING

Marla Canfield made a motion to approve the minutes of the October 20, 2020 meeting as presented. Motion seconded by William Schnauber. Members Kirsten Barnes, Brian Davidson, and Alex Zarchan abstained. Motion carried 2/0/3.

4. COMMUNICATIONS

a. A. COMMITTEE & STAFF REPORT

Mr. Constantino stated that the Site Plan Review Committee met at their regularly scheduled meeting on November 3rd to review the site plan for the potential auto body shop to be located at 115 W. Cloud Avenue and that members of the committee relayed the Planning Commission's request to consider the screening of automobiles and automobile-related parts to keep them out of public view.

b. B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

None.

5. AGENDA

5.1 Z-2020-06 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE PRAIRIE CREEK ADDITION PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN TO AMEND PARCEL 2 TO ALLOW FOR 6 WATER WELLS WITHIN THE 41 RESIDENTIAL LOTS FOR THE PURPOSE OF IRRIGATION ON THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N. PRAIRIE CREEK ROAD AND E. 13TH STREET, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:11 pm.

Mr. Constantino stated that the applicant has requested a text amendment to the Prairie Creek Addition Planned Unit Development (PUD) plan to allow for six water wells within the 41 residential lots located in Parcel 2 for the purpose of irrigation. Mr. Constantino stated that the applicant has provided staff with a letter from Ground Water Associates, Inc. which states that "six wells pumping at 20 gallons per minute for

one hour per day for one hundred and fifty days will not adversely affect current domestic wells located in the immediate area or those wells located over a quarter mile away in an average or dry year.”

Phil Meyer of Baughman Company, representing the applicant, stated that the applicant is developing 41 duplex lots in Phase 2 of the Prairie Creek development and that they are looking to install six irrigation wells for the purposes of irrigation and general maintenance and that the owners will be maintaining their individual properties. Mr. Meyer stated that the applicant sought the opinion of a geologist regarding the impact of the water wells and that the geologist stated that the six water wells will not have a negative impact on any adjacent landowners that have water wells.

Mr. Zarchan asked if the maintenance of the outer berms that surround the property. Mr. Meyer stated that the entire property would be irrigated, including the reserves. Mr. Zarchan asked if all properties within Phase 2 were rental properties that would be maintained with the ownership of the applicant. Mr. Meyer said yes.

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

STAFF ITEMS

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?

STAFF : The subject property is currently platted and adequate public water, sewer, and streets are in place.

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?

STAFF : The subject property is currently platted.

3. If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?

STAFF : N.A.

4. What fact-based information in support of or in opposition to the requested zoning change has staff received?

STAFF : None.

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 subject property is suitable for the existing permitted use.

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 N.A.

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 six water wells proposed would be at the 2-acre maximum limit that the Department of Water Resources would consider to be a domestic water well used for irrigation purposes.

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 applicant has requested the change to limit the number of wells permitted to 6. The applicant owns and maintains all of the lots in the subject property area, so therefor has control of the proposed water wells.

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 a developing two family residential subdivision. located on two arterial street. The single family residences on two sides utilize private water wells for potable water.

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 The six private water wells for irrigation proposed would draw from the underground water source that homes in the area use for a source of potable water, but the limitation to only six wells would have minimal effect.

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 makes the following statement “The long term supply of water for personal and commercial use is among the most critical sustainability issues facing Andover.” The Plan suggests that more efficient use of water is a goal. The use of common water wells for irrigation to irrigate several properties is more efficient than well single wells on a lot.

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 Approval 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 There has been no evidence presented to Staff that would indicate any loss or gain to the public health, safety, or welfare resulting from the proposed change.

PLANNING Concur.

COUNCIL

Having considered the evidence at the hearing and the factors to evaluate the application, I, Alex Zarchan, move that we recommend approval to the Governing Body that Case No. Z-2020-06, amending the Prairie Creek Addition Preliminary Planned Unit Development Plan to allow for six water wells within the 41 residential lots for the purpose of irrigation on the property located at the northwest corner of N. Prairie Creek Road and E. 13th Street based on the findings of the Planning Commission on findings: 4, 12, and 14. Seconded by Brian Davidson. Motion carried 5/0.

5.2 Z-2020-07 – PUBLIC HEARING AND RECOMMENDATION ON A CHANGE OF ZONING DISTRICT CLASSIFICATION APPLICATION FROM THE SF-1 SINGLE-FAMILY RESIDENTIAL / LOW DENSITY DISTRICT TO THE MF-2 ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT ON THE PROPERTY GENERALLY LOCATED AT 309 W. TURNPIKE DRIVE, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:20 pm.

Mr. Constantino stated that this agenda item was originally heard by the Planning Commission at the October 20th Planning Commission meeting in which the item was tabled due to the Planning Commission’s request for additional information from the applicant. Mr. Constantino stated that the property is currently zoned SF-1 and that the applicant desires to rezone the property to MF-2, intended for medium-density residential neighborhoods of single-family attached and detached dwellings, two-family dwellings, and townhouses and allowing for certain appropriate public facilities. Mr. Constantino stated that the applicant is desiring attached single-family dwellings on the subject property.

Mr. Zarchan asked what were the additional questions from the Planning Commission on the October 20th meeting. Mr. Constantino stated that the Planning Commission was wanting to know the applicant’s intent with the development of the subject property.

Phil Meyer of Baughman Company, representing the applicant, stated that the applicant intends to develop duplexes on the subject property but is unaware of the amount of units proposed as they are still reviewing drainage and infrastructure plans for the property. Mr. Meyer stated that the applicant will likely develop six to eight duplexes on the property.

Mr. Zarchan asked where the main access point of the property would be located. Mr. Meyer stated that the access would be located off of Turnpike Road. Mr. Meyer stated that the existing access is built to a driveway standard. Mr. Zarchan stated that he was concerned with the traffic flow going through such a narrow point. Mr. Mangus stated that still will be recommending that the property be platted in the near future, which would include the dedication of a public street right-of-way across the frontage of the subject property to connect to the existing public street right-of-way from the 13th Street improvements from a few years ago. Mr. Meyer stated that he intends to go through the platting process in the near future but that this particular application pertains to land use.

Ms. Canfield asked if there was a home currently on the subject property. Mr. Meyer stated that there is a rental home located on the subject property that is currently vacant.

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

STAFF ITEMS

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?

STAFF Public sewer and water are available adjacent to the subject property. Access to the subject property is via a private access agreement. Platting and improvements to provide minimum street right of way and paved roadway would be required.

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?

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 | No Landscape Buffer would be required per 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 | Staff has received no comments

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 subject property is suitable for single family use, but the 1.9 acres devoted to one single family home is not efficient use of the land.

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 | No.

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 MF-2 Attached Single Family Residential District allows densities and building sizes that are compatible with the surrounding large lot single family residences and nearby multifamily residential developments.

PLANNING	Concur.
COUNCIL	
<p>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?</p>	
STAFF	Yes. The area is experiencing redevelopment from large lot older single family dwellings to allow two-family and townhouse multifamily dwellings.
PLANNING	Concur.
COUNCIL	
<p>10. What are the current land uses, character and condition of the subject property and the surrounding neighborhood?</p>	
STAFF	The surrounding properties have a mixture of uses from older single family dwellings, and new two-family and townhouse dwellings.
PLANNING	Concur.
COUNCIL	
<p>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?</p>	
STAFF	The proposed uses would allow increase activity and traffic in the neighborhood. At the maximum density permitted in the proposed MF-2 District 27 dwelling units with a maximum height of 35 feet would be allowed, which would not overwhelm the surrounding neighborhood. If developed at the maximum density, the Institute of Traffic Engineers Trip Generation table would estimate +/-162 trips per day would be generated by the development connecting to a substandard local street system.
PLANNING	Concur.
COUNCIL	
<p>12. How would the requested zoning change conform with the City's Comprehensive Plan and other adopted master plans and policies.</p>	
STAFF	The Comprehensive Plan Future Land Use Map proposes the use of the subject property for residential use, and further recommends "more housing diversity and affordability."
PLANNING	Concur.
COUNCIL	
<p>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?</p>	

STAFF	Staff supports the density and building size allowed by the proposed MF-2 Attached Single-family Residential District. However, platting of a public street right of way and street improvements would be required.
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	The public health, safety and welfare would not be negatively affected by the size of the proposed development and increased traffic with the required street improvements.
PLANNING	Concur.
COUNCIL	

Mr. Zarchan asked if the Planning Commission was taking into consideration the number of properties or how the property would be accessed. Mr. Constantino said yes and that the Planning Commission would be considering the use of the subject property.

I, Brian Davidson, move that we recommend to the Governing Body that Case No. Z-2020-07, changing the zoning district classification from SF-1 Single-Family Residential / Low Density District to MF-2 Attached Single-Family Residential District on the property generally located at 309 W. Turnpike Road, Andover, Kansas, be approved based on the findings of the Planning Commission: 2, 8, and 13. Seconded by Marla Canfield. Motion carried 5/0.

5.3 Z-2020-09 – PUBLIC HEARING AND RECOMMENDATION ON THE PROPOSED AMENDMENT TO THE GREEN VALLEY GREENS PLANNED UNIT DEVELOPMENT PLAN TO AMEND THE USES OF PARCEL 1 TO ALLOW FOR CHILD CARE ON THE PROPERTY GENERALLY LOCATED AT 425 GREENVALLEY DRIVE, ANDOVER, KANSAS

Chairperson Schnauber opened the public hearing at 7:40 pm.

Mr. Constantino stated that the applicant, Generations Church, is requesting a change to the use of the subject property to allow for childcare. Mr. Constantino stated that the current uses allow for a church and open space and the applicant is requesting the additional use of childcare and that the text amendment does not change the base zoning of the subject parcel.

Phil Meyer of Baughman Company, representing the applicant, stated that Generations Church has been a longtime applicant of the subject property and is hoping to open a childcare facility on the parcel. Mr. Meyer stated that the applicant is currently seeking a state license to allow for a child care facility and the zoning change to modify the use is their first step.

Mr. Zarchan asked if there was a need to further develop the property or if there was space in the existing structure to allow for adequate childcare. Mr. Meyer stated that there is adequate space in the existing church and no further expansion is planned at this time. Mr. Meyer stated that most of the traffic will be on the east side of the building and will be contained in the parking lot and the childcare facility will be located in the north part of the building.

Chairperson Schnauber asked about the hours of operation. Mr. Meyer stated that the hours would be 6:00 am to 6:00 pm Monday through Friday.

Mr. Zarchan asked if there was a planned size for the daycare center. Mr. Meyer stated that the applicant is asking for a license to host 40 children but is unsure if they will have 40 children to start.

Ruth Nelson, introducing herself as Secretary Treasurer of the Green Valley Greens homeowner's association, asked how the subject property and neighborhood would be impacted by increased traffic on N. Greenvalley Drive. Mr. Constantino stated that staff has anticipated an increase in traffic during drop-off and pick-up times but that is commonplace with childcare facilities.

Mr. Zarchan asked if the applicant was looking to expand the operation, would the applicant need City approval. Mr. Constantino stated that the applicant would have to apply for a building permit for any type of expansion and staff would make sure that the building was within the zoning lot coverage requirements and that anything exceeding those requirements would require a review by the Board of Zoning Appeals. Mr. Zarchan asked about an internal expansion. Mr. Constantino stated that certain internal expansions could potentially trigger the need for a building permit.

Mr. Zarchan asked if the Planning Commission could put a condition on the approval limiting the size to ensure that there isn't any unplanned expansion. Mr. Mangus stated that the Planning Commission could add conditions and stated that the church is used to having volumes of traffic significantly exceeding 40 trips during the weekend. Mr. Mangus stated that the traffic on Central Avenue is roughly 10,000 trips per day so if the facility generates 100 trips per day it's of little concern on Central Avenue. Mr. Mangus stated that the increased traffic could potentially have an impact on Greenvalley Drive.

Chairperson Schnauber asked if the applicant would be exceeding the building capacity with 40 additional occupants. Mr. Constantino stated that he did not believe the additional occupants would exceed the building capacity.

Mr. Meyer stated that he doesn't believe that there will be a significant traffic impact in the surrounding area and that Central Avenue can definitely handle the additional traffic. Mr. Meyer also stated that drop-offs and pick-ups would occur at different hours of the day.

Pastor Steven of Generations Church stated that the childcare license that the church is applying for does not currently allow them to take more than 40 children and that the church has no intention of expanding the building. Pastor Steven stated that the childcare facility will provide a service to the surrounding community that is in great need of a childcare.

Debbie Chambers of Generations Church stated that she has experience operating a childcare facility and in her years of experience she has never had a situation where children arrive at the same time, and that she anticipates arrivals to be dispersed between 6:00 am and 9:00 am.

Chairperson Schnauber closed the public hearing at 8:00 pm.

STAFF ITEMS

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?

STAFF The subject property is currently platted and adequate public water, sewer, and streets are in place.

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?
STAFF	The subject property is currently platted.
3.	If the zoning change request was approved, would the subject property need a screening plan for existing or potential uses?
STAFF	No buffering or screening is required by the Site Plan Review Standards Table of Required Landscape Buffers. However, the PUD requires the existing buffer berm on the west side of the subject property.
4.	What fact-based information in support of or in opposition to the requested zoning change has staff received?
STAFF	Staff has received verbal commentary from nearby neighbors that are generally not opposed to the proposed use. However, no fact based evidence has been submitted.
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 subject property is suitable for the existing permitted use for a church and open space.
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	No. The subject property has operated limited to a church and related accessory uses for many years.
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 child care facility would be well suited to the surrounding neighborhood and provide a needed service. Churches frequently operate child care facilities as an accessory use.
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	No. The church simply desires to add a service to the community.
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 located on an arterial street with single family residences on all sides.
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	In comparison to the existing permitted sole use as a church the proposed child care facility would potentially increase weekday traffic trip generation at peak times, lighting, noise, activity, etc. The building setbacks and landscape berm required by the PUD help to mitigate these effects. Adequate parking lot screening would help the effects to be minimized.
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 future land use map in the Comprehensive Plan depicts the subject property to be religious. Churches frequently operate child care facilities accessory to the religious use.
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 Approval, conditioned on continuous parking lot screening as detailed by the Site Plan Review Standards

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 There has been no evidence presented to Staff that would indicate any loss or gain to the public health, safety, or welfare resulting from the proposed change as compared to the existing permitted uses if the increased parking lot activity is effectively mitigated.

PLANNING Concur.

COUNCIL

I, Brian Davidson, move that we recommend to the Governing Body that Case No. Z-2020-09, amending the Green Valley Greens Planned Unit Development Plan to allow for childcare use on the property located at 425 N. Greenvally Drive, Andover, Kansas, be approved based on the findings of the Planning Commission: 6, 7, 8, 9, and 12. Seconded by Alex Zarchan. Motion carried 5/0.

6. MEMBER ITEMS

Mr. Zarchan asked for an update on the property located just outside the 13th Street sports park. Ms. McCausland stated that that staff is working on another amendment to the agreement.

7. ADJOURN

Brian Davidson made a motion to adjourn. Seconded by Marla Canfield. Motion carried 5/0. Meeting adjourned at 8:19 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the ___ day of ___ 2020 by the City of Andover Planning Commission.