



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS AGENDA**
FEBRUARY 16, 2021 | 7:00pm
VIRTUAL MEETING

1. CALL TO ORDER

Chairperson Erik Pedersen called the meeting to order at 7:03 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: 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. MINUTES

3.1 APPROVAL OF THE MINUTES OF THE JANUARY 19, 2021 MEETING

Gary Israel made a motion to approve the minutes of the January 19, 2021 meeting as presented. Motion seconded by Erik Pedersen. Motion carried 3/0/2.

3.2 APPROVAL OF THE MINUTES OF THE JANUARY 28, 2021 SPECIAL MEETING

Gary Israel made a motion to approve the minutes of the January 28, 2021 meeting as presented. Motion seconded by Kirsten Barnes. Motion carried 3/0/2.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

Mr. Mangus introduced and welcomed new Planning Commissioners Vance Garwood and Tim Hendricks. Mr. Constantino stated that Mr. Garwood and Mr. Hendricks were replacing outgoing Planning Commissioners William Schnauber and Alex Zarchan.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that things are off to a slightly slower start this year due to the colder weather, but that he anticipates a substantial increase in building once the colder weather subsides.

5. RECESS THE PLANNING COMMISSION AND CONVENE THE BOARD OF ZONING APPEALS

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-2020-01 – PUBLIC HEARING ON AN APPLICATION FOR A VARIANCE ON PROPERTY GENERALLY LOCATED AT 744 S. DAISY LANE, ANDOVER KANSAS

Chairperson Pedersen opened the public hearing at 7:10 pm.

Mr. Mangus stated that the subject property provides substantial area for the addition of an accessory structure and that the large lot size allows for adequate separation from existing structures located on neighboring properties.

Mr. Israel asked the applicant about the purpose of the building. Joseph Currie, the applicant, stated that he intended to use the building for storage and woodworking activities.

Mr. Israel asked about the materials of the building. Mr. Currie stated that the building would be a post frame with metal siding and would have white and gray trim.

Mr. Israel asked about the height of the building. Mr. Currie stated that the building would be 17 feet tall at its peak.

Mr. Israel asked if Mr. Currie had spoken with his neighbors regarding the project. Mr. Currie stated that he spoke with all of his surrounding neighbors and even obtained their signatures. Mr. Currie stated that his surrounding neighbors all have accessory buildings.

Chairperson Pedersen closed the public hearing at 7:20 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

<p>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.</p> <p>STAFF The subject property is 1 acre, which provides a substantial area for accessory structures while remaining below the zoning district’s maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets. No additional traffic is expected as the intended use is personal storage.</p> <p>BZA Concur.</p>
<p>2. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.</p> <p>STAFF No detriment and/or injury to other property or improvements is anticipated.</p> <p>BZA Concur.</p>
<p>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.</p> <p>STAFF The subject property is 1 acre, which provides a substantial area for accessory structures while remaining below the zoning district’s maximum allowable lot coverage limit of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets. No additional traffic is expected as the intended use is personal storage.</p> <p>BZA Concur.</p>
<p>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.</p> <p>STAFF The applicant has declared the intended use to be personal storage as an accessory residential use.</p> <p>BZA Concur.</p>

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 minimum lot size for the SF-1 Single-Family Residential/Low Density District is 20,000 sf. The subject property is substantially larger at 43,566 sf., which provides substantial area for accessory structures while not affecting adjacent property owners.

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 1 acre, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%.

BZA Concur.

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

STAFF The minimum lot size for the SF-1 Single-Family Residential/Low Density District is 20,000 sf. The subject property is substantially larger at 43,566 sf., which provides substantial area for accessory structures while not affecting adjacent property owners.

BZA Concur.

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

STAFF The subject property is 1 acre, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%. Additionally, the large lot size allows for adequate separation from existing and proposed structures to adjoining properties and public streets.

BZA Concur.

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

STAFF The intent of lot coverage maximum is to promote the health, safety and general welfare of residents. The subject property is 1 acre, which provides a substantial area for accessory structures while remaining below the zoning district's maximum allowable lot coverage of 30%. The large lot will allow for all required setbacks to be adhered to.

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-2021-01. Motion seconded by Vance Garwood. Motion carried 5/0.

6. ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE PLANNING COMMISSION

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

6.1 PRELIMINARY PLAT – REVIEW AND APPROVAL OF THE HODGES SIXTH SUBDIVISION PRELIMINARY PLAT GENERALLY LOCATED AT THE NORTHWEST CORNER OF MAIN STREET AND MAY STREET, ANDOVER, KANSAS

Mr. Mangus stated that the Planning Commission may be familiar with the area as the nearby Hodges Fifth Subdivision Final Plat was approved by the Planning Commission at the October 20th, 2020 meeting. Mr. Mangus stated that the Subdivision Committee reviewed and approved the preliminary plat with modifications at their February 9th meeting.

Chairperson Pedersen asked what modifications were outstanding. Mr. Constantino stated that staff still needed a revised drainage plan, that additional easements requested by Evergy be shown on the preliminary plat, and that the lot width of Lot 2, Block A be discussed between staff and the applicant.

Phil Meyer of Baughman Company, representing the applicant, stated that he would submit a revised preliminary plat showing the additional easements requested by Evergy and provide an updated drainage plan. Mr. Meyer stated that discussion regarding Lot 2, Block A would continue with staff.

Mr. Israel made a motion to approve the Hodges Sixth Subdivision Preliminary Plat with the condition that the applicant submit a revised preliminary plat showing the additional easements requested by Evergy, provide an updated drainage plan, and have ongoing discussions with staff regarding Lot 2, Block A. Motion seconded by Vance Garwood. Motion carried 5/0.

5.3 PRELIMINARY PLAT – REVIEW AND APPROVAL OF THE USD 385 ANDOVER DISTRICT OFFICE ADDITION PRELIMINARY PLAT GENERALLY LOCATED AT 1432 N. ANDOVER ROAD, ANDOVER, KANSAS

Mr. Constantino stated that the applicant had addressed all of the preliminary comments provided by staff and that staff still needed revised drainage and utility plans. Phil Meyer of Baughman Company, representing the applicant, stated that he would be submitting revised drainage and utility plans for the project.

Mr. Israel made a motion to approve the USD 385 Andover District Office Addition Preliminary Plat with the condition that the applicant submit an updated drainage plan and updated utility plan. Motion seconded by Kirsten Barnes. Motion carried 5/0.

5.4 VA-2021-01 – PUBLIC HEARING AND RECOMMENDATION ON A PETITION FOR VACATION OF ALL PLATTED SETBACKS ON THE PROPERTY GENERALLY LOCATED AT 1620 E. HIGHWAY 54, ANDOVER, KANSAS

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

Mr. Mangus stated that during the sale of the building on the subject property, it was discovered that two existing buildings were encroaching in the platted US Highway 54 frontage setback. Mr. Mangus stated that

it was unclear if the buildings were built before or after the setbacks were established. Mr. Mangus stated that staff is supportive of the vacation of the setback along US Highway 54 but does not support the vacation of the setback along Prairie Creek Road as it serves no official purpose.

Chairperson Pedersen closed the public hearing at 7:44 pm.

Mr. Israel made a motion to approve with modifications and recommend the City Council adopt an order vacating the platted 35-foot US 54 frontage setback on the property located at 1620 E. Highway 54. Motion seconded by Kirsten Barnes. Motion carried 5/0.

5.5 SUBDIVISION COMMITTEE APPOINTMENTS – APPOINTMENT OF AT LEAST TWO MEMBERS OF THE PLANNING COMMISSION TO THE SUBDIVISION COMMITTEE

Mr. Mangus stated that there are two Subdivision Committee vacancies that are required to be filled by the Planning Commission Chairperson with the concurrence of the Planning Commission.

Mr. Constantino stated that the two open vacancies would need to be filled until May 2021 and the Planning Commission would make annual appointments at their May meeting.

Chairperson Pedersen stated that he had spoken to Planning Commissioner Marla Canfield and that Ms. Canfield has agreed to serve on the Subdivision Committee.

Mr. Israel stated that serving on the Subdivision Committee has been a positive learning experience and has prepared him for his duties and responsibilities as a Planning Commissioner. Mr. Israel stated that serving as a Subdivision Committee member has allowed him to ask questions of the applicant and learn about the project before the project comes to the Planning Commission.

Mr. Garwood stated that he would serve on the Subdivision Committee. Mr. Garwood asked if the Subdivision Committee meetings were being held virtually. Mr. Constantino stated that the next few Subdivision Committee meetings would be held virtually.

Chairperson Pedersen made a motion to appoint Ms. Marla Canfield and Mr. Vance Garwood to serve on the Subdivision Committee until May 2021 and until their successor has been appointed. Motion seconded by Vance Garwood. Motion carried 5/0.

6. MEMBER ITEMS

Chairperson Pedersen asked about the US 54/400 highway extension and if staff was aware of the timeline or any key milestones regarding the project. Mr. Mangus stated that the project remains a priority for the Kansas Department of Transportation (KDOT) and the timeline for construction is likely within the 5 to 10 year range. Mr. Mangus stated that the highway extension would likely be completed in three phases - K-96 to 1/2 mile east of 143rd Street, 1/2 mile west of Andover Road to Prairie Creek Road, and finally closing the gap between the two projects, including the 159th Street interchange.

Mr. Israel asked if any progress has been made on the closing of the property located near the 13th Street sports park. Mr. Mangus stated that discussions regarding the closing of the property are ongoing.

7. ADJOURN

Kirsten Barnes made a motion to adjourn the meeting. Motion seconded by Tim Hendricks. Motion carried 5/0. The meeting was adjourned at 8:02 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the ____ day of ____ 2021 by the City of Andover Planning Commission.