



PLANNING & ZONING
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**PLANNING COMMISSION
& BOARD OF ZONING APPEALS MINUTES**

MAY 18, 2021 | 7:00pm

ANDOVER CITY HALL | 1609 E. CENTRAL AVE.

1. CALL TO ORDER

Chairperson Erik Pedersen called the meeting to order at 7:01 pm.

2. ROLL CALL

Commissioners in attendance: Chairperson Erik Pedersen, Secretary Gary Israel, Tim Hendricks, and Vance Garwood. Members Kirsten Barnes, Marla Canfield, and Brian Davidson were absent. Staff in attendance: Les Mangus, Director of Community Development, Justin Constantino, Assistant Director of Community Development, and Chip Jerauld, Building Official. A/V services provided by WAV Services.

3. APPROVAL OF THE MINUTES OF THE APRIL 20, 2021 MEETING

Gary Israel made a motion to approve the minutes of the April 20, 2021 meeting as presented. Motion seconded by Vance Garwood. Motion carried 4/0.

4. COMMUNICATIONS

A. COMMITTEE & STAFF REPORT

None.

B. POTENTIAL RESIDENTIAL DEVELOPMENT REPORT

Mr. Mangus stated that single-family construction has been slower than usual but that staff has seen a steady influx of community development-related permit applications. Mr. Mangus introduced new employee Chip Jerauld as the City's new Building Official. Mr. Pedersen welcomed Mr. Jerauld on behalf of the Planning Commission.

5. AGENDA

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

Mr. Constantino introduced the agenda item and stated that the subject property is located at 327 W. Turnpike Road. Mr. Constantino stated that the applicant is proposing 20 total lots on approximately 10.95 acres of property zoned MF-2 Attached Single-Family Residential District, and that water and sewer service for the subject properties are currently served and will continue to be served by the City of Andover. Mr. Constantino stated that at their May 11th meeting, Subdivision Committee recommended that the Planning Commission approve the final plat with the condition that any outstanding engineering comments be addressed. Mr. Constantino stated that the outstanding comments have been addressed.

Phil Meyer of Baughman Company, representing the applicant, stated that he was available for questions.

Gary Israel made a motion to approve the Hodges Sixth Subdivision Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Tim Hendricks. Motion carried 4/0.

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

Mr. Constantino introduced the agenda item and stated that the subject property is one lot on approximately 2.83 acres of property zoned B-1 Office Business District. Mr. Constantino stated that water and sewer service for the subject properties are currently served and will continue to be served by the City of Andover, and that the subject property currently receives access from N. Andover Road and Waggoner Street. Mr. Constantino stated that the Site Plan Review Committee has approved the corresponding site plan for the property contingent upon the approval of the final plat. Mr. Constantino stated that the Subdivision Committee recommended that the Planning Commission approve the final plat at their May 11th meeting.

Erik Pedersen made a motion to approve the USD 385 Andover District Office Addition Final Plat and recommend that the Governing Body accept the dedication of land for public purposes. Motion seconded by Gary Israel. Motion carried 4/0.

Gary Israel made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Tim Hendricks. Motion carried 4/0.

5.3 BZA-V-2021-04 – PUBLIC HEARING ON AN APPLICATION FOR A SIGN VARIANCE ON PROPERTY GENERALLY LOCATED AT 1609 E. CENTRAL AVENUE, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:09 pm.

Mr. Mangus stated that the subject property is the 80-acre Central Park that was a formal girl scout camp purchased by the City of Andover in the 1990s. Mr. Mangus stated that with the introduction of Yorktown Parkway that runs along the western border of Central Park, a landscape plan was developed that included a signage component. Mr. Mangus stated that the landscape architect came up with an archway sign located at Yorktown Parkway and the Dam Road which. Mr. Mangus stated that the park's A-1 agricultural zoning district limits the sign height to 15 feet, and the archway sign that is being proposed is 20 feet and 4 inches high, so the City is seeking a variance of 5 feet and 4 inches.

Mr. Israel asked about the measurement of the gutter to the top of the sign. Mr. Mangus stated that it was 14 feet. Mr. Israel stated that bridges are typically 13 feet and 6 inches. Mr. Mangus stated that was how the height calculation of the sign was determined.

Mr. Israel asked if the sign would be lit in a particular way. Mr. Mangus stated that he was unsure how the sign would be lit, but that he believes that the lettering on the sign would be made of black metal that would not be illuminated. Mr. Israel stated that it would be nice if the sign or the pillars were illuminated.

Mr. Pedersen asked if Yorktown Parkway was relatively well-lit. Mr. Mangus said that street lights were located at approximately 250-foot centers along Yorktown Parkway.

Mr. Garwood asked if the intent was to have Yorktown Parkway continue across Central Avenue to the north. Mr. Mangus stated that the long-term goal is to have Yorktown Parkway connect with 13th Street.

Chairperson Pedersen opened the public hearing at 7:19 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

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.
STAFF	The subject property is almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow. The 15' maximum height limit would not allow the required clearance below for traffic circulation.
BZA	Concur.
2.	Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.
STAFF	The subject property is almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow, which will virtually hide the view from any nearby properties.
BZA	Concur.
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.
STAFF	The subject property is almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow, which will virtually hide the view from any nearby properties.
BZA	Concur.
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.
STAFF	The 15' maximum height limit would not allow the required clearance below for traffic circulation on the existing roadway.
BZA	Concur.

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 subject property is almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow, which will virtually hide the view from any nearby properties.

BZA Concur.

2. Strict application of the provisions of these Zoning Regulations would result in unnecessary hardship to 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 almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow, which will virtually hide the view from any nearby properties. The 15' maximum height limit would not allow the required clearance below for traffic circulation on the existing roadway.

BZA Concur.

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

STAFF The subject property is almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow, which will virtually hide the view from any nearby properties.

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 almost 80 acres. The location of the proposed sign is such that it is surrounded by the City Park and separated from the adjacent +/-160-acre School Campus by a mature hedgerow, which will virtually hide the view from any nearby properties.

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 proposed archway sign is in character and scale with the large public gathering spaces around its location. And poses no threat to public health and safety.

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-2021-04. Motion seconded by Tim Hendricks. Motion carried 4/0.

5.5 BZA-V-2021-05 – PUBLIC HEARING ON AN APPLICATION FOR A SETBACK VARIANCE ON PROPERTY GENERALLY LOCATED AT 309 W. TURNPIKE ROAD, ANDOVER, KANSAS

Chairperson Pedersen opened the public hearing at 7:25 pm.

Mr. Mangus stated that the subject property had recently gone through a rezoning from single-family to multi-family and a preliminary plat has been reviewed. Mr. Mangus stated that the subject property has an odd, long, triangular shape. Mr. Mangus stated that the applicant intends to build duplexes facing west on a newly-constructed private drive that runs north and south. Mr. Mangus stated that for the purposes of zoning, the front yard is W. Turnpike Road, and given the unique layout of the property, the applicant is seeking a variance of 10 feet along the northern property line adjacent to W. Turnpike Road.

Mr. Pedersen asked if this was the area that recently had trees cleared. Mr. Mangus said yes.

Phil Meyer of Baughman Company, representing the applicant, stated that he was available for questions. Mr. Meyer stated that even with the 15-foot setback, the hedgerow still exists along the Kansas Turnpike and the bridge abutment that provides screening along 13th Street. Mr. Meyer stated that he was in agreement with the conditions in the staff report.

Mr. Israel asked if changing the setback would impact sewer, drainage, or utilities. Mr. Meyer stated that sanitary sewer and water would be located on the west side in the private drive and the utility easement for Evergy will be located on the east side of the property.

Mr. Meyer stated that the Hodges Seventh Final Plat would be reviewed at the next Planning Commission meeting.

Chairperson Pedersen closed the public hearing at 7:34 pm.

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The physical surroundings, shape or topography of the property would result in a practical difficulty, a distinguished from a mere inconvenience, for the owner, lessee or occupant.	STAFF	The subject property is 1.69 acres, but is an unusually long narrow parcel, which doesn't support the typical house configuration of individual buildings abutting a public street. The developer proposes instead to orient the buildings to an internal private driveway.
	BZA	Concur.
2. Granting the variance will result in material detriment or injury to other property or improvements in the neighborhood.	STAFF	No detriment and/or injury to other property or improvements is anticipated because the proposed setback is similar to existing houses in the area.
	BZA	Concur.
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 value in the neighborhood.		

STAFF	The proposed configuration of buildings doesn't increase the number of dwellings allowed.
BZA	Concur.
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.	
STAFF	The proposed configuration of buildings doesn't increase the number of dwellings allowed.
BZA	Concur.

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 subject property is 1.69 acres, but is an unusually long narrow parcel, which doesn't support the typical house configuration of individual buildings abutting a public street.
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 a minimum front setback is to provide separation from the street. The proposed reduced front setback provides for an adequate front yard because of its triangular shape.
BZA	Concur.
3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.	
STAFF	The proposed reduced front setback provides for an adequate front yard because of its triangular shape.
BZA	Concur.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.	
STAFF	The intent of a minimum front setback is to provide separation from the street. The proposed reduced front setback provides for an adequate front yard because of its triangular shape, and access to the internal private driveway eliminates the need for typical parking in front setback.
BZA	Concur.
5. The requested variance will not be opposed to the general spirit and intent of these Zoning Regulations.	

STAFF	The intent of a minimum front setback is to provide separation from the street. The proposed reduced front setback provides for an adequate front yard because of its triangular shape, and access to the internal private driveway eliminates the need for typical parking in front setback.
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), Erik Pedersen made a motion to authorize the Chairperson to sign a resolution granting the variance for case BZA-V-2021-05. Motion seconded by Gary Israel. Motion carried 4/0.

Erik Pedersen made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Motion seconded by Tim Hendricks. Motion carried 4/0.

5.6 SUBDIVISION COMMITTEE APPOINTMENTS

Mr. Mangus stated that annual appointments are required for both the Planning Commission and Subdivision Committee. Mr. Mangus stated that the Planning Commission Chairperson is currently vacant and would need to be filled as the seat is currently occupied by the Vice Chairperson.

Gary Israel made a motion for Erik Pedersen to serve as the Planning Commission Chairperson. Motion seconded by Vance Garwood. Motion carried 4/0.

Gary Israel stated that he was always willing to fill in but finds it helpful to have a Vice Chairperson that regularly attends.

Erik Pedersen made a motion for Vance Garwood to serve as Vice Chairperson. Motion seconded by Gary Israel. Motion carried 4/0.

Mr. Pedersen asked if Mr. Garwood and Mr. Israel were comfortable continuing to serve on the Subdivision Committee. Mr. Israel stated that he enjoyed serving on the committee and that it was good preparation for the Planning Commission meeting. Mr. Garwood concurred.

Mr. Pedersen asked if staff was under the impression that Ms. Canfield would continue to serve on the Subdivision Committee. Mr. Constantino stated that he has spoken with Ms. Canfield at the May 11th Subdivision Committee meeting and his impression was that Ms. Canfield would continue to serve on the committee.

Erik Pedersen made a motion for Marla Canfield, Vance Garwood, and Gary Israel to serve on the Subdivision Committee for the next term. Motion seconded by Gary Israel. Motion carried 4/0.

Erik Pedersen made a motion for Vance Garwood to serve as the Subdivision Committee Chairperson. Motion seconded by Gary Israel. Motion carried 4/0.

6. MEMBER ITEMS

Gary Israel stated that he was happy to have Mr. Hendricks join the Planning Commission.

7. ADJOURN

Gary Israel made a motion to adjourn the meeting. Motion seconded by Tim Hendricks. Motion carried 4/0. The meeting was adjourned at 7:49 pm.

Respectfully submitted by:

Justin Constantino, AICP
Assistant Director of Community Development

Approved on the 15th day of June 2021 by the City of Andover Planning Commission.