

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS**
Tuesday, July 21, 2015
Minutes

1. [Call to order.](#) 00:00:57

Vice-Chairman Brian Lindebak called the meeting to order at 7:00 p.m.

2. [Roll call.](#) 00:01:00

Planning Commission members present were Vice-Chairman Brian Lindebak, Stephanie Gillespie, Lynn Heath, Lee Butler and Aaron Masterson. Others in attendance were Director of Public Works Les Mangus and City Administrator Mark Detter, City Council Liaison Sheri Geisler and Administrative Assistant Daynna DuFriend. Members Quentin Coon and William Schnauber were absent.

A/V: Cindy Barrett and Craig Brown

3. [Approval of the minutes of the June 16, 2015 meetings.](#) 00:01:10

A motion was made by Lynn Heath, seconded by Lee Butler to approve minutes of the June 16, 2015 meeting. Motion carried 4/0/1. Stephanie Gillespie abstained.

4. [Communications](#)

A. Committee and Staff Report.

B. Potential Residential Development Report.

5. [Public hearing on proposed amendments to the Amended Terradyne Preliminary General Planned Unit Development Plan.](#) 00:02:00

Les Mangus explained that this application is to amend text in the original PUD limiting the number of dwelling units allowed over all in the PUD. The applicant desires to create a new parcel with two new single-family residential lots from an unused portion of the golf course parcel. An amendment to the Parcel Provisions of the PUD is necessary to allow the addition of these dwelling units.

Bill Fox, Poe & Associates was present to represent the application.

Lynn Heath stated these are large lots with both entrances off of Glendevon. He asked applicant if any trees were in this area.

Mr. Fox replied that there are several trees at the north end of the area.

Vice-Chairman Lindebak opened the hearing for public response.

LaRoux Gillespie and Karen Tevis, 1123 Terradyne Ct., the view from the deck of his home of the grassed area would be obstructed. He does not endorse as the addition of 2 lots is not advantageous to the area. This request is not consistent with the golf course. A change is not demanded. He does not wish to see the number of houses changed. This request is for what 2 people want, not what the community wants. He does not see any reason for the requested change. The current owner of the golf course is not taking care of the fence on the property as it is currently rusted and damaged.

Linda Wallace, 648 N. Glendevon Pl., stated that the HOA does not maintain the fence that belongs to Terradyne. The HOA maintains the grass and the watering of the grass outside of the fence.

Joanne Barclay, 1117 W. Terradyne Ct., is opposed as they selected their home because of the ambience of the area. This is not the first time development of this area has been discussed. 10 years ago it was also opposed.

Kyle Hartman, 510 N. Parallel Dr., is opposed, the public appreciates this open area and would not like to see houses in this area. He also questioned the installation of utilities for these lots.

Vice-Chairman Lindebak asked if the applicant wished to respond.

Mr. Fox noted that there is an existing water line in the Glendevon Road right-of-way that would be access to water for the properties. There is a sanitary sewer near the north end that would be brought south through the golf course area. As he understands maintenance of the grass area along Central is currently handled by the HOA. This could be changed.

Lynn Heath asked about plans for the lawn care in front of the fence along Central.

Les Mangus stated that by City Code, street right-of-way maintenance is the responsibility of the adjacent property owner.

Nick Wride, 530 N. Glendevon Rd., is opposed, he has a great view of the open area from his home. He doesn't see the point of adding more houses in this area.

The following are letters of protest received concerning the Amended Terradyne Preliminary General Planned Unit Development Plan.

Sent from my iPhone

From: Tari Ernst <ioerger51@cox.net>
Date: July 21, 2015 at 1:07:39 AM CDT
To: Caroline Hale <chale@andoverks.com>
Cc: CouncilMail <CouncilMail@andoverks.com>
Subject: Rezoning

Caroline,

Just voicing my opinion to you as our council member. I am not in favor of rezoning the tract of land along Glendevon Rd, in Terradyne. As one of the original residents of the subdivision, that will significantly detract from the aesthetics of the area, the natural grass look and one of the reasons we chose to live in Terradyne. Driving by more houses does not enhance the appeal, takes away from the Scottish style golf course and in general decreases the appeal of living in Terradyne.

Thanks,

Tari M Ernst, MD

From: Steven loerger [<mailto:ioerg69@cox.net>]
Sent: Saturday, July 18, 2015 12:30 PM
To: CouncilMail
Subject: Re zoning

My name is Steven loerger, and I live at 659 Glendevon Ct in Andover (Terradyne). I am NOT in favor of rezoning the entrance to Terradyne Country Club. I like the natural look that it presently maintains.

Sent from my iPad

From: McCue, Stephen [<mailto:smccue@nordam.com>]
Sent: Thursday, July 16, 2015 7:15 AM
To: CouncilMail
Subject: Proposed Zoning Change for Terradyne Housing Area

City Council:

I have become aware of the desire to change the zoning to allow for more houses to be added to the Terradyne Housing Development at the corner of Central and Glendevon Court. As an active resident in the Terradyne neighborhood (653 Glendevon Court), I am strongly against this addition. Though the plan is different from a proposal put forth several years back, I do not feel that the current proposal addresses all of the concerns that were made at that time.

I would like to go on record as being “STRONGLY AGAINST” this change.

Sincerely,

Stephen McCue
653 Glendevon Court

Vice-Chairman Lindebak closed the public hearing at 7:41 p.m.

Lee Butler asked staff what the history is of PUD amendments in the City, how many have been in Terradyne and if this land could be rezoned in the future.

Les Mangus replied that amendments are very common, there have been two (2) previously done in the Terradyne PUD. He stated that this PUD specifies a maximum number or range of dwelling units allowed per acre.

ANDOVER CITY PLANNING COMMISSION
Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-2015-02

APPLICANT/AGENT:
Sechrest LLC

REQUEST: Proposed amendments to the Amended Terradyne Preliminary General Planned Unit Development Plan.

Existing Parcel 1

1. Reconfigure the boundaries of Parcel 1 to create a new Parcel 1-B.
2. Increase the maximum number of single-family detached dwelling units to reflect an increase from 101 to 103 existing single-family dwelling units.

Parcel 1-B

1. To allow not more than 2 single-family dwelling units in the R-2 Single-Family Residential District.

CASE HISTORY: The PUD and subsequent amendments reflect a limit on the number of dwelling units equal to the number of dwelling units currently existing in Parcel 1.

LOCATION: Northwest corner of West Central Avenue and North Glendevon Road
SITE SIZE: 1.6 acres

PROPOSED USE: Two additional single family residential dwelling units.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Single Family Residential District – Terradyne Golf Course – owned by the applicant
South: R-1 Single Family Residential District
East: R-2 Single Family Residential District
West: R-2 Single Family Residential District – Terradyne Golf Course – owned by the applicant

Background Information:

* 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:

YES NO 1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Uses on page 1 of 4)

STAFF:
PLANNING:
COUNCIL:

YES NO 2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4)

STAFF:
PLANNING:
COUNCIL:

YES NO 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 4. Would the request correct an error in the application of these regulations?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 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?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 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?

STAFF: Water and streets are in place and adequate. Sewer can be readily extended to the site.

PLANNING:
 COUNCIL:

YES NO 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?

STAFF:
 PLANNING: Platted in future.
 COUNCIL:

YES NO 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

STAFF:
 PLANNING:
 COUNCIL:

YES NO 9. Are suitable vacant lands or buildings available or not available for development that currently has the same zoning as is requested?

STAFF: N/A
PLANNING: N/A
COUNCIL:

YES NO 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

STAFF: N/A
PLANNING: N/A
COUNCIL:

YES NO 11. Is the subject property suitable for the current zoning to which it has been restricted?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

STAFF: No detriment to the neighborhood is perceived.
PLANNING: Agree
COUNCIL:

YES NO 13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

X STAFF:
X PLANNING:
COUNCIL:

YES NO 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

X STAFF: The Comprehensive Plan supports optimization of land available and a variety of housing types.
X PLANNING:
COUNCIL:

YES NO 15. What is the nature of the support or opposition to the request?

STAFF: None at this time.

PLANNING: Opposition is due to obstruction of aesthetics.

COUNCIL:

YES NO 16. Are there any informational materials or recommendations available from knowledgeable persons or experts which would be helpful in its evaluation?

STAFF: Staff has no objection to the request.

PLANNING:

COUNCIL:

YES NO 17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

STAFF:

PLANNING:

COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the zoning application, I Lynn Heath, move that we recommend to the Governing Body that Case No. (Z-2015-02) be approved for the proposed amendments to the Amended Terradyne Preliminary General Planned Unit Development Plan

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based on the findings of 11 and 14 by the Planning Commission as recorded in the summary of this hearing. Motion seconded by Vice-Chairman Lindebak. Motion carried 3/2. Lee Butler and Aaron Masterson opposed.

Vice-Chairman Lindebak called for a five minute recess of the Planning Commission at 8:05 p.m.

Les Mangus noted that this case will be heard by the City Council on August 11, 2015.

6. Review and approve the Final PUD Plan of The Cornerstone 6th Addition. 01:12:00

Vice-Chairman Lindebak recused himself from any discussion due to business relations.

Les Mangus announced that the Planning Commission no longer held a required quorum to hear agenda item #6.

Lynn Heath announced that due to a lack of quorum this item will be heard at 7:00 p.m. on August 5, 2015 at a continued meeting of the Planning Commission.

7. Member Items. 01:13:18

Lee Butler asked how many members were currently on the Planning Commission.

Les Mangus replied that there are eight (8) positions with seven (7) members currently.

8. Adjourn. (continued to August 5, 2015 meeting) 01:15:00

Respectfully Submitted by

Daynna DuFriend
Administrative Assistant

Approved this 18th of August, 2015 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.