

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
June 16, 2009
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, June 16, 2009 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:01 p.m. Commission members present were Lynn Heath, Jan Cox, John Cromwell and Ken Boone. Others in attendance were City Council Liaison member Dave Tingley, City Administrator Sasha Stiles, Assistant City Administrator Shane Coehlo, Director of Public Works and Community Development Les Mangus, and Administrative Secretary Kandace Hunt. Members absent were Byron Stout and Dan Beck.

Call to order

Review the minutes of the May 19, 2009 Planning Commission meeting.

Review the minutes of the May 19, 2009 Planning Commission meeting.

Lynn Heath made a motion to approve the minutes as presented. Ken Boone seconded the motion. Motion carried 4/0/1 with John Cromwell abstaining.

Communications

Communications:

Review the minutes of the April 14, 2009, April 28, 2009, May 12, 2009 and May 26, 2009 City Council meetings. The minutes were received and filed.

Review the minutes of the May 5, 2009 Site Plan Review Committee meeting. The minutes were received and filed.

Review the minutes of the April 14, 2009 Subdivision Committee meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

Recess the Planning Commission and convene the Board of Zoning Appeals.

Recess the Planning Commission and convene the Board of Zoning Appeals.

Jan Cox made a motion at 7:06 p.m. to recess the Planning Commission and convene the Board of Zoning Appeals. Lynn Heath seconded the motion. Motion carried 5/0.

BZA-CU-2009-01

BZA-CU-2009-01- A public hearing on a request to establish an off-premises parking area on property zoned as the R-2 Single-Family residential District.

From Les Mangus' Memo: This application for conditional use is the result of the operator of the Timbuktu Bar & Grill's desire to expand the parking area. The property adjacent to the west of the existing parking area has been secured, and the screening fence already moved. The Zoning Regulations Section 5-102 provides for the approval of a conditional use for parking on offsite locations, and Section 8-105 provides for the extension of the legal nonconforming use and gravel parking area. Staff is not opposed to the conditional use because it would allow for better access; more organized parking and the requirement for paving the additional 32 feet of parking would not make sense when the remainder of the lot is gravel.

Les Mangus explained this application is similar to one handled a few months ago where a business along Andover Road needs more parking and is asking to establish off-site parking on a separate, but adjacent lot. As part of the conditional use application the applicants are asking that the existing gravel surface be allowed as an extension onto the new 32 foot strip as provided for in Section 8-105 of the Zoning Regulations. The property is already screened by a six foot privacy fence and has an access pattern that encircles the entire building.

Chairman Coon asked if any members of the Board intended to disqualify themselves from hearing, discussion and voting on this case because of conflicts of interest or a particular bias on this matter. No members did.

Chairman Coon asked if Board members had received any ex parte, verbal or written communications prior to this hearing which they would like to share with all members. Board members had no ex parte communications to report.

Jan Cox asked if the house on this lot will be demolished. Les Mangus said no. Jan Cox asked if customers would park around the house. Les Mangus said no, the applicants have only asked that a 32 foot strip on the east side of the lot be converted for parking.

Ken Boone asked if the existing fence would be moved. Les Mangus said the fence has already been moved to accommodate the proposed conditional use and still allows for a yard that is in excess of 30 feet.

Applicants Larry and Michelle Sell were present to represent the application.

Mr. Sell explained he and Michelle have been the proprietors of Timbuktu Bar and Grill since 2004 and over the years have been concerned with the parking lots function and safety. He continued by saying the applicants are studying parking designs and feel the additional area will provide them the opportunity to make the parking lot safer and more efficient.

Chairman Coon asked what the depth of the reaming lot would be. Mr. Sell said it will be 115 feet x 85 feet.

Chairman Coon asked if the parking lot addition would be paved. Mr. Sell said no, the new parking area will be an extension of the existing gravel parking lot. He continued by saying they will be using a washed rock that will not crumble in order to keep the dust to a minimum.

Chairman Coon opened the public hearing at 7:19 p.m. With no public input Chairman Coon closed the public hearing at 7:19 p.m.

CONDITIONAL USE REPORT

CASE NUMBER: BZA-CU-2009-01

APPLICANT/ AGENT: Oldtown Andover LLC.

REQUEST: To establish an off-premises parking area on property zoned as the R-2 Single-Family Residential District.

CASE HISTORY: Existing single family residence

LOCATION: 1254 N. Main Street.

SITE SIZE: 115' X 115'

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Westar Electric transformer station

South: R-2 Single family residence

East: B-2 Timbuktu Bar & Grill

West: R-2 Single family residence on the subject property

NOTE: This report is to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing in order to decide whether a conditional use as an exception should be granted with the evidence and reworded as necessary to reflect the Board of Zoning Appeals 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.

HAS THE APPLICANT SUBMITTED STATEMENTS ATTACHED TO THIS REPORT COMPLYING WITH SECTION 10-108A 1-4? Yes

IN WHAT ZONING DISTRICT(S) IS THE CONDITIONAL USE REQUESTED EXPRESSLY AUTHORIZED TO BE PERMITTED? R-2

DOES THE EVIDENCE SUPPORT THE CONCLUSION THAT:

1. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards; unless a concurrent application is in process for a variance. **NA**

Les Mangus informed the Board this question is not applicable because no property has changed hands.

2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood. **True**
3. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to: **True**

- a. The location, nature, size and height of building, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
4. Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 5 of these regulations. Such areas will be screened from adjoining residential uses and located so as to protect such residential uses from injurious effects. **NA**
 5. Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees. **True**
 6. Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads. **True**

Jan Cox stated she would like a message sent to the Site Plan Review Committee that the Board of Zoning Appeals does not feel landscaping would be necessary with this parking lot extension.

Having considered the evidence at the hearing for Case No. BZA-CU-2009-01 and determined that the findings of fact in the conditional use report support the conclusions which are necessary for granting a conditional use as set out in Section 10-108C of the Zoning Regulations. I Lynn Heath move that the Chairperson be authorized to sign a Resolution granting the conditional use as requested with a message being sent to the Site Plan Review Committee stating the Board emphasizes minimal to no landscaping be required. John Cromwell seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

Adjourn the Board of Zoning Appeals and reconvene the Planning Commission.

John Cromwell made a motion at 7:26 p.m. to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Ken Boone seconded the motion. Motion carried 5/0.

Adjourn the Board of Zoning Appeals and reconvene the Planning Commission.

Review and approve the final plat of The Course At Green Valley Greens 11th Addition.

Final plat of The Course At Green Valley Greens 11th Addition

From Les Mangus' Memo: The proposed plat of the Green Valley 11th Addition encompasses a portion of the parcel bounded on the south by US-54 and on the west by Onewood Drive, and is connected to the GVG 8, 9 and 10th Additions by Nine Iron Drive. The zoning parcel allows either multifamily residential or commercial uses, but not intermingled uses. In staff's opinion the proposed multifamily dwellings would create a good buffer between the single family uses to the north and east, and the proposed commercial uses to the south. An issue exists with gaining access across the GVG 8th Reserve adjacent to Onewood Drive, but the developer is working with the homeowners association on the issue. Staff supports the plan as submitted with the corrections and additions noted in the checklist and gaining access to Onewood Drive.

Les Mangus explained to the north of this plat is the Green Valley 8th Addition, to the west is the Green Valley 10th Addition, on the east is the Andover Village Addition and to the south is undeveloped commercial Green Valley property. This particular parcel was allowed two different uses by the PUD, it could either be multi-family or B-4 Business, but not a combination of both. The owner has decided to build duplexes on this property as a buffer between the single family homes and the commercial land. All of staff's comments have been addressed on the plat and the easements requested by Westar have been added. Drainage and utility comments are still being worked out.

Agent for the applicant Phil Meyer of Baughman Company was present to represent the application.

Mr. Meyer explained the proposed addition will be located at the Northeast corner of U.S. Highway 54 and Onewood Drive with 350 to 400 feet of land between the addition and Highway 54. The three reserves in front of the development were left for beautification purposes. There is a strip of land at the northeast corner of the property that was never platted with the Green Valley Greens 8th Addition, but was zoned R-2 Single-Family Residential. The developers are proposing to include this strip in Lot 1 of the 11th Addition as a building setback. Mr. Meyer informed the Commission there is an access issue as a homeowners reserve was platted along the east side of Onewood Drive. The developer will be working with the Homeowner's Association to have a portion of the reserve dedicated as right-of-way. Mr. Meyer is requesting the Planning Commission approve the plat subject to the developer receiving the dedication from the Homeowner's Association with the plat not being presented to the City Council until the dedication is received.

Lynn Heath asked if the development will have sidewalks. Mr. Meyer said no.

Chairman Coon asked why Reserve C had such a strange border. Mr. Meyer explained it is due to the zoning line.

Lynn Heath asked if screening would be installed with this development or if that would come with the commercial development. Les Mangus said the commercial property will be required to screen.

John Cromwell made a motion to approve the final plat of The Course At Green Valley Greens 11th Addition contingent on final approval of the drainage and utility plans by Les Mangus, the title report being filed and gaining access to Onewood Drive. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

**Review for recommendation to the Butler County Planning Commission
Butler County case RZ-09-05 and PL-09-06 a request for a change in
zoning classification from AG-40 to Rural Residential on +/- 30.11 acres
together with a request for a lot split to create two residential lots.**

Butler County
Cases RZ-09-
05/PL-09-06

From Les Mangus' Memo: This case lies near the eastern boundary of the Andover Planning Area on Meadowlark Road. The subject property is +/- 30 acres that is currently used for agriculture. The applicant intends to divide the property and build a single family home. The property lies near the boundaries for gravity sewer service to the Andover Wastewater facility, and

with the Rural Water District 5 Service Area. Much of the surrounding area is divided into 5-10 acres tracts. Any further division of the property would require platting. Staff is not opposed to the rezoning as applied for.

Les Mangus explained the property is located a half mile east of the existing City limits on Meadowlark Road and is serviced by Rural Water District 5.

Jan Cox asked if Parcel B will have access to Meadowlark. Les Mangus said yes.

Chairman Coon asked what the chances are that the City will expand further east in the future. Les Mangus said there is no doubt the City will eventually grow further east, but there is enough land available with the subject property that it could be redeveloped into smaller lots.

Lynn Heath made a motion to recommend approval of Butler County cases RZ-09-05 and PL-09-06 by the Butler County Planning Commission as presented. John Cromwell seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

Review the Butler Road Corridor Study and Access Management Plan.

From Les Mangus' Memo: Over the past two years Butler County and cities of Andover and Rose Hill have hired a consultant to study the Andover Road corridor from US-54 through Rose Hill. The plan is now complete, and has no real surprises for the Andover Planning Area. Suggested improvements over time are not out of line with staff expectations. The City Council has accepted the study and asked the Planning Commission to review the Access Management Plan for adoption within our jurisdiction. The plan is very detailed and deserves a little time for Planning Commission members to read and absorb. Staff recommends that the Planning Commission accept the document for review and take some time to consider the adoption of the Access Management Plan after careful review.

Les Mangus explained a couple of years ago Butler County and Rose Hill come to the City asking that we participate in a study of the Butler Road corridor. A potential land use map has been developed for the entire corridor based on the City of Andover's Comprehensive Development Plan future land use map, the County's future land use map, Rose Hill's future land use map and existing zoning. From that the consultants gathered traffic generation numbers and put together a set of potential improvements to the road to accommodate the full development of a corridor that is a mile wide on either side of Andover Road. He continued by saying this item was put on the agenda to allow for comments and questions by the Commission then, at a later time, the access management plan will be presented. It will take some time to become comfortable with the access management plan because it is very stringent and will require some amendments to the Subdivision Regulations.

Chairman Coon asked at what point this document would have legal standing. Les Mangus said it is a study at this point but can be referred back to when reviewing cases.

Les Mangus said the report also has an estimate and plan for phasing improvements to Andover Road to the south side of Rose Hill with a cost of approximately \$127,000,000. Lynn Heath asked if it will be a five lane road.

Review the Butler Road Corridor Study and Access Management Plan

Les Mangus said it starts at US Highway 54 as a five lane road and then becomes a divided four lane road at Harry Street and continues that way to 150th and then becomes a three and two lane section through Rose Hill with adjacent parking.

Chairman Coon stated he did not see any bike lanes included in the study. Les Mangus said the plan has a 10 foot bike/ped path from Andover to Rose Hill, but there is no adjacent bike lane. Chairman Coon asked if there was a reason we do not incorporate bike lanes. Les Mangus said most people in the area are not commuter bicyclist and do not want to be out in the traffic. He continued by saying bicycle clubs have expressed that they would like a network of roads around the area where the shoulders are widened so the bikes can travel on the shoulder.

Chairman Coon asked if the project will be done in phases. Les Mangus said yes and the report suggests the money be spent on hot spots such as turning lanes and intersections.

Chairman Coon asked if Harry Street really needs two left turning lanes. Les Mangus said the design was done on a 30 year design horizon.

Review and approve the revised Planning Commission and Board of Zoning Appeals Meetings and Closing Date Schedule.

From Les Mangus' Memo: The Andover Journal has closed its doors, which left the City without an official newspaper for publication of notices of planning and zoning matters. The City Council has named the Augusta Daily Gazette the new official publication. The Gazette publishes four days a week, Tuesday, through Friday, which will help with the scheduling of required zoning notices. The adoption of a new schedule of publication dates is necessary to reflect the changes.

Lynn Heath made a motion to approve the revised Planning Commission and Board of Zoning Appeals Meetings and Closing Date Schedule as presented. Ken Boone seconded the motion. Motion carried 5/0.

Member Items: Lynn Heath asked why eastbound US Highway 54 was only one lane. Les Mangus explained some construction is being done east of Andover Road on Plaza Street and the tapers are required to be on the other side of Andover Road.

Les Mangus reminded members of the joint workshop with the City Council and Site Plan Review Committee being held June 23 at 7:00 p.m. at the lodge at Central Park to discuss the Highway 54 Corridor Study.

Lynn Heath made a motion to adjourn the meeting at 8:09 p.m. John Cromwell seconded the motion. Motion carried 5/0.

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 18th day of August 2009 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.

Review and
approve the revised
Planning
Commission and
Board of Zoning
Appeals Meetings
and Closing Date
Schedule

Member Items:

Adjourn

