

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
December 15, 2009
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, December 15, 2009 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:00 p.m. Commission members present were Lynn Heath, Jan Cox, Byron Stout and Ken Boone. Others in attendance were City Council Liaison member Dave Tingley, City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretary Kandace Hunt. Members absent were John Cromwell and Dan Beck.

Call to order

Review the minutes of the November 17, 2009 Planning Commission meeting.

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Ken Boone made a motion to approve the minutes as presented. Byron Stout seconded the motion. Motion carried 5/0.

Communications

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Review the minutes of the November 10, 2009 and November 24, 2009 City Council meetings. The minutes were received and filed.

Review the minutes of the November 3, 2009 Site Plan Review Committee meeting. The minutes were received and filed.

Review the minutes of the June 9, 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.

Byron Stout made a motion at 7:03 p.m. to recess the Planning Commission and convene the Board of Zoning Appeals. Jan Cox seconded the motion. Motion carried 5/0.

BZA-V-2009-02

BZA-V-2009-02- A public hearing on a request of a variance of six feet from the maximum 35 foot height limitation for the purpose of constructing a 41 foot double-sided dormer over the entry foyer of the proposed city hall building on property zoned as the A-1 Agricultural District.

From Les Mangus' Memo: This variance arises from the design of the proposed new city hall. The design picks up on some of the design elements of the library, including the raised entry foyer. The library is a single story 31 foot building. The city hall is proposed to be a two-story building with an entry element that is 41 feet high, which exceeds the 35 foot maximum height allowance in the A-1 Agricultural Transition District. Staff and the project architect feel the height is not out of character with the surroundings, including the Library and school campus buildings. No negative comments have been received from the adjacent neighbors, who in fact support the design and development of the city government complex rather than another

residential subdivision adjacent to their agricultural properties.

Les Mangus explained the architects for the new city hall project have designed a two story building with a basement because the site is fairly restrictive. Instead of constructing a sprawling one story building the architects decided to build up. The proposed building will have a raised entry foyer creating a tower appearance which is six foot taller than the allowed 35 foot height limitation in the Agricultural Transition District. Flattening the roof slopes would make the building appear boxy and the roof slopes would be much harder to maintain. The proposed city hall will share many similar features with the library in order to tie the two facilities together.

Chairman Coon asked if the location of the facility is south of the grove of trees. Les Mangus said the proposed site is east of the library and north of the lodge. He added that with the proposed two story design many of the trees in the area will be allowed to remain.

Jan Cox asked if a public building in the Agricultural Transition District would require a conditional use application. Les Mangus said that was handled for the entire property when the city acquired the land.

Lynn Heath asked if the entrance to the site would be on the south side of the road. Les Mangus said yes and explained in the future there will be a drive between city hall and the library that will connect each entrance.

Chairman Coon stated that given the park setting it is his opinion that the building should be subdued. Chairman Coon asked how tall the trees in the area are. Les Mangus said they are 30 plus feet with the oak and sycamore trees having the ability to grow in the 60 foot plus range. He continued by saying the landscape architect who designed Central Park recommended using tall structures in the park to distract a persons eye from the 100 foot water tower to the east, keeping the focus on the park and government center.

Chairman Coon opened the public hearing at 7:13 p.m. With no public input, Chairman Coon closed the public hearing at 7:13 p.m.

ANDOVER BOARD OF ZONING APPEALS**For Dec. 15, 2009****VARIANCE REPORT****CASE NUMBER: BZA-V-2009-02****APPLICANT/AGENT: City of Andover****REQUEST:** Six foot variance of the 35 foot maximum height to allow a 41 foot entry foyer on the proposed City Hall building.**CASE HISTORY:** This location is part of the Central Park Master Plan**LOCATION:** 1609 E. Central Ave.**SITE SIZE:** 4.8 acres**ADJACENT ZONING AND EXISTING LAND USE:**

North: Butler County AG-40 Agriculture – horse boarding stable

South: Butler County AG-40 Agriculture; Southwest Butler County R Residential – Bicentennial 2nd Addition

East: Butler County AG-40 Agriculture

West: City of Andover A-1 Agriculture Andover Central School Campus

*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-107 D 1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Board of Zoning Appeals considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator.

BACKGROUND INFORMATION:

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced; **True**,
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property, **True**,
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, **True**,
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

True.

SPECIFIED CONDITIONS TO BE MET:

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant because the architect wants to draw attention from the 100 foot water tower to the east, help the building blend into the trees and keep the building from being a sprawling one story facility;
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents because of the distance to the nearest residential area;
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application because the property could not be utilized as planned,
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare because the proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood,
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations because the variance allows the building to blend with the surrounding area.

Lynn Heath made a motion to approve BZA-V-2009-02 as presented. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

Ken Boone made a motion at 7:37p.m. to adjourn the Board of Zoning Appeals and convene the Planning Commission. Byron Stout 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 Summerfield 2nd Addition.

From Les Mangus' Memo: The proposed plat is a replat of the Summerfield Addition, which was filed a few years ago to accommodate a multifamily residential complex on a single lot. The replat divides the same area into three lots, which meet the minimum lot area for the R-3 Multiple-Family Residential District. Variances of the minimum setbacks have been previously granted in order to most effectively utilize the triangular shaped piece of property. The variances have expired, which will require a new application and public hearing. Staff checklist items have been satisfied.

Final Plat of the Summerfield 2nd Addition

Craig Sharp was present to represent the application.

Les Mangus explained this property was platted a few years ago as a single lot with the intent of developing several multifamily residences. The new owner would like to divide the lot into three individual lots and place one multifamily residence on each lot. The lots meet the minimum areas for the zoning district but the applicant will be back before the Board of Zoning Appeals in January with an application for a variance of the front and rear yard setbacks on Lot 3.

Jan Cox noted that page two of the December 8 Subdivision Committee minutes states the applicant will be providing a 25 foot setback on Lots 1 and 2, but the plat shows a 15 foot setback. Mr. Sharp explained when the plat was originally approved with 15 foot setbacks, but his plans for Lots 1 and 2 will be based on 25 foot setbacks.

Chairman Coon asked if each lot will have a single building. Mr. Sharp said triplexes will be built on Lots 1 and 2 with a duplex on Lot 3.

Jan Cox asked if staff received covenants and the topographic survey. Les Mangus said no, covenants are not required nor is a topographic survey as long as a drainage plan has been provided.

Byron Stout made a motion to approve the Final Plat of the Summerfield 2nd Addition with the condition of a drainage plan being provided to staff. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

City of Andover 2010 Planning Commission & Board of Zoning Appeals meeting and closing date schedule.

Lynn Heath made a motion to approve the City of Andover 2010 Planning Commission & Board of Zoning appeals meeting and closing date schedule. Jan Cox seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

Member Items:

Member Items: Lynn Heath asked for the status of the south Andover Road project. Les Mangus explained the storm sewer work is currently under construction, but the weather along with unforeseen utility issues have slowed

the project down.

Ken Boone asked if the variance reports could be changed or reworded to make them less confusing. Les Mangus said the forms are designed by City Planning Consultant Bickley Foster and based on legal conditions.

Les Mangus informed the Commission the zoning workshops between the City Council, Planning Commission and Site Plan Review Committee have been set for the evenings of January 25 and February 22. On January 25 the evening's focus will be on zoning issues with platting and PUD discussions on February 22. He asked members to forward any specific topics they would like to discuss to staff. Chairman Coon asked if this would be the appropriate time to discuss revising the Zoning Regulations. Les Mangus said the revision should be handled with the update of the Comprehensive Development Plan in 2011.

Les Mangus added the City Council has instructed staff to prepare a community survey to ask people what they want to see in the community and the best way to get there.

Lynn Heath made a motion to adjourn the meeting at 7:52 p.m. Ken Boone seconded the motion. Motion carried 5/0.

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 19th day of January 2010 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.