

**ANDOVER CITY PLANNING COMMISSION;  
BOARD OF ZONING APPEALS**  
**Tuesday, June 19, 2012**  
**Minutes**

1. Call to order.

2. Roll call.

Planning Commission Members present were Chairman Quentin Coon, John Cromwell, Lynn Heath, Ken Boone, Lee Butler and William Schnauber. Others in attendance were Director of Public Works and Community Development Les Mangus, Assistant City Administrator Jennifer McCausland and Administrative Secretary Daynna DuFriend. Members not in attendance were Shane Davis, Aaron Masterson and City Council Liaison Kris Estes.

3. Approval of the minutes of the May 17, 2012 meeting.

*A motion was made by John Cromwell, seconded by Lynn Heath to approve minutes of the May 17, 2012 meeting as amended. Motion carried 6/0.*

4. Communications:

- A. City Council minutes.
- B. Committee and Staff Report.
- C. Potential Residential Development Report.

5. Z-2012-01- Proposed change of zoning district classification from the B-2 Neighborhood Business District to the R-3 Multiple-Family Residential District. STAFF: The applicant has reconsidered the B-2 zoning granted a few months ago in light of the amount of vacant commercial property available, and has a plan to convert the existing former residence into efficiency type multifamily dwellings. Staff supports the application because it furthers the statement in the Comprehensive Plan to "provide a variety of housing types". The proposed use also provides a good buffer between the existing single family residences to the west and Andover Rd. and the shopping center to the east.

Kim Quastad was present to represent the application.

Mr. Quastad explained that this rezoning would be a better market for this property and that they plan to make one of the 4 units ADA compliant.

Ken Boone asked where the parking would be placed on the property.

Mr. Quastad said they plan to have the large tree removed on the backside that is causing some foundation and drainage issues. Currently there are 6-7 parking spaces. If more are needed they will put in this back area.

There will be no parking in the front.

### Rezoning Report

#### ANDOVER CITY PLANNING COMMISSION Agenda Item No. 5

##### REZONING REPORT \*

CASE NUMBER: Z-2012-01

##### APPLICANT/AGENT:

PTQ Properties/Goodman Family LTD Partners

REQUEST: Proposed change of zoning district classification from the B-2 Neighborhood Business District to the R-3 Multiple-Family District.

##### CASE HISTORY:

LOCATION: 615 N. Andover Rd.

SITE SIZE: +/- 14,000 sq. ft.

PROPOSED USE: Speculative multifamily uses.

##### ADJACENT ZONING AND EXISTING LAND USE:

North: R-1 Single family residences

South: R-1 Single family residences

East: B-4 Central Business Plaza Shopping Center

West: R-1 Single family residences

Background Information: This former single family residence was zoned for office business use many years ago and was operated as an optometrist office until recently. The new owner of the property desires to change the permitted uses to allow for the conversion of the now vacant building to a multifamily dwelling.

\* 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 is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

STAFF:  
PLANNING: B-1  
COUNCIL:

YES    NO    2.    What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

STAFF:  
PLANNING: B-2  
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?

X                    STAFF:  
X                    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: Lack of commercial growth.  
                          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:    All are in place and adequate.  
    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:  
                          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.    Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

   STAFF:    There are no vacant buildings in the area with similar zoning.  
    PLANNING:  
                          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 uses in 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:       The intensity the proposed multifamily residential permitted uses could create more traffic, noise, lighting, etc. than the existing office business permitted uses.  
X            PLANNING:  
              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:       The subject property is better suited to the intent and purpose of the R-3 Multifamily Residential District because of its limited size, location along an arterial street, and adjacent residential neighbors.  
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 Comp. Plan suggests a variety of housing options.  
X            PLANNING:  
              COUNCIL:

YES    NO    15.    What is the support or opposition to the request?  
STAFF:       None at this time.  
X            PLANNING: None.  
              COUNCIL:

YES    NO    16.    Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?

   STAFF:    Staff recommends approval.  
    PLANNING: Planning Commission recommends approval.  
    COUNCIL:

YES    NO    17.    If the request was not approved, would this result in a relative gain to the public health, safety and general welfare which would outweigh the loss in property value to or the hardship experienced by, the applicant?

   STAFF:  
    PLANNING:  
    COUNCIL:

*Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I, Lee Butler, move that we recommend to the Governing Body that Case No. 2012-01 be approved changing zoning district classification from B-2 Neighborhood Business District to R-3 Multiple-Family Residential District based on the finding 4, 5, 6, 11, 13, 14 and 16 of the Planning Commission as recoded in the summary of this hearing. Motion seconded by Lynn Heath. Motion carried 6/0.*

6.    Member items.

*A motion was made by Lynn Heath, seconded by William Schnauber to adjourn. Motion carried 6/0.*

Respectfully Submitted by

Daynna DuFriend  
Administrative Secretary

Approved this 17<sup>th</sup> of July, 2012 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover.