

**ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
Tuesday, January 21, 2014
Minutes**

1. [Call to order.](#) 00:00:05

Chairman Quentin Coon called the meeting to order at 7:00 p.m.

2. [Roll call.](#) 00:00:19

Planning Commission members present were Chairman Quentin Coon, Lynn Heath, Brian Lindebak, William Schnauber, Lee Butler and Aaron Masterson. Others in attendance were Director of Public Works Les Mangus, City Administrator Sasha Stiles, City Council Liaison Kris Estes and Administrative Assistant Dayna DuFriend. Assistant Director of Public Works Steve Anderson and member Ken Boone were not in attendance.

A/V: Cindy Barrett

3. [Approval of the minutes of the December 17, 2013 meeting.](#) 00:01:02

A motion was made by Brian Lindebak, seconded by Lee Butler to approve minutes of the December 17, 2013 meeting. Motion carried 6/0.

4. [Communications:](#) 00:01:21

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

5. [Z-2013-05- A public hearing on proposed change of zoning district classification from the R-1 Single-Family Residential District to the B-1 Office Business District.](#) 00:07:52

Jerry Dixon, Goedecke Surveying, agent to the applicant was present to represent the application.

Les Mangus explained that the owner of Heritage Funeral Home, 502 W. Central Avenue also owns the residences adjacent to the north (526 N. Prosperity Lane). They desire to expand their parking area for future use. To do this they can rezone this property and then shift the boundary line of the properties in order to make this expansion.

Chairman Coon asked if the agent wished to speak.

Mr. Dixon agreed with the information provided by Les Mangus.

ANDOVER CITY PLANNING COMMISSION
Agenda Item No. 5

REZONING REPORT *

CASE NUMBER: Z-2013-05

APPLICANT/AGENT:

Andover Business Traditions, Inc./Goedecke Surveying, LLC

REQUEST: Proposed change of zoning district classification from the R-1 Single-Family Residential District to the B-1 Office Business District.

CASE HISTORY:

LOCATION: 526 N. Prosperity Lane

SITE SIZE: ± 10,878.3 sq. ft.

PROPOSED USE: Additional space for existing commercial business.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-1 Single family residences

South: B-1 Office Business

East: R-1 Single family residences

West: R-1 Single family residences

Background Information:

The applicant owns the funeral home at 502 W. Central and the residence adjacent to the north at 526 N. Prosperity and desires to do a boundary shift to give the funeral home additional space for parking.

* 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: R-1, B-1
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: R-1
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?

X STAFF:
X 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?

X STAFF:
X 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?

X STAFF:
X 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?

X STAFF: Additional right of way to satisfy the minimum street right of way width could be dedicated by separate instrument.

X PLANNING:
COUNCIL:

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

X STAFF: Addition of the parking area would require review and approval by the Site Plan Review Committee.

X 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?

X STAFF:
X 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?

X STAFF:
X PLANNING:
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: Additional traffic and lighting in the area.
PLANNING: Minimal impact with required screening.
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:
X PLANNING:
COUNCIL:

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

STAFF: Opposition to additional traffic on Prosperity St.
PLANNING: None noted at Planning Commission meeting.
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: Approval as applied for.
PLANNING: Zoning Administrator recommends approval.
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?

X STAFF:
PLANNING:
COUNCIL:

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Lynn Heath, move that we recommend to the Governing Body that Case No. Z-2013-05 be (approved) (modified & approved) (disapproved) to change the zoning district classification from the R-1 Single-Family Residential District to the B-1 Office Business District based on the findings of 1, 2, 9 and 11 by the Planning Commission as recorded in the summary of this hearing. And that the following conditions be attached to this recommendation, contingent upon dedication of required Right of Way. Motion seconded by William Schnauber . Motion carried 6/0.

8. Member items.

00:18:42

There were no member items.

A motion was made by Lynn Heath, seconded by Brian Lindebak to adjourn at 7:19 p.m. Motion carried 6/0.

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 18th of February, 2014 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover