

ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS

March 17, 2009

**Minutes**

The Andover City Planning Commission met for a regular meeting on Tuesday, March 17, 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 Jan Cox, John Cromwell, Byron Stout, Dan Beck and Ken Boone. Others in attendance were Assistant City Administrator Shane Coelho, Director of Public Works and Community Development Les Mangus, and Administrative Secretary Kandace Hunt. Member Lynn Heath, City Council Liaison member J.R. Jessen and City Administrator Sasha Stiles were absent.

Call to order

**Review the minutes of the February 17, 2009 Planning Commission meeting.**

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*Byron Stout made a motion to approve the minutes as presented. John Cromwell seconded the motion. Motion carried 5/0/1 with Jan Cox abstaining.*

**Communications:**

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**Review the minutes of the February 10, 2009 City Council meeting.** The minutes were received and filed.

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

**Review the minutes of the February 10, 2009 Subdivision Committee.** The minutes were received and filed.

**Review the Potential Residential Development Lot Report.**

**VA-2009-01-** A Public Hearing on a petition for the vacation of the Final Planned Unit Development Plan Andover Farm at Cedar Park – Third Phase.

VA-2009-01

**From Les Mangus' Memo:** This petition for vacation of the Final PUD Plan of the Third Phase of the Andover Farm at Cedar Park is the result of the developer's desire to postpone development until some turnaround is seen in economic conditions. The correct action is to vacate the plat in order to relieve the developer of the financial burden of guaranteeing the installation of all of the public infrastructure.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained the developer has chosen to postpone the third phase of the residential development after recording the plat. He has also asked for the letters of credit to be returned in order to relieve them of the financial obligation of guaranteeing the installation of public infrastructures. In order to do so the plat has to be vacated to remove it from the record.

Chairman Coon asked what would happen if the City relieved the developer of the financial burden but left the plat on the record. Les Mangus said that would allow a lot to be sold by a lot and block description with no guarantee

that water, sewer and streets would ever be installed.

Jan Cox asked what the process would be if, in the future, the developer decides to proceed with the phase. Les Mangus said the developer will have to re-file the final plat under a new name. Jan Cox asked if the developer could make changes to the plat when re-filing. Les Mangus said yes.

Les Mangus noted that this plat covered an area containing a Westar main transmission line. Westar has asked that easement remain.

Chairman Coon opened the public hearing at 7:08 p.m. With no public input Chairman Coon closed the public hearing at 7:08 pm.

*Byron Stout made a motion to recommend the City Council approve case VA-2009-01 as presented. John Cromwell seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.*

**VA-2009-02-** A Public Hearing on a petition for the vacation of the north 10 feet of the 20 foot rear yard drainage and utility easement at the south/southwest property line of Lot 9, Block C, Final Planned Unit Development Plan – Fifth Phase Crescent Lakes Addition.

VA-2009-02

**From Les Mangus' Memo:** This petition for vacation of a portion of the 20 foot rear yard drainage and utility easement is requested to accommodate the placement of a swimming pool in the back yard. The subdivision is under construction and the rear yard utilities have not yet been installed, so they propose no obstacle to the vacation. Staff supports the vacation as requested.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained this petition is unusual as this subdivision is not yet complete. The water and sewer are in place with streets and drainage underway, but gas, electric, telephone, cable, etc. have not yet made installations. The construction of this home includes several back yard improvements, but due to the shape of the lot the backyard is more restrictive then the improvement plans allow. Public utility companies have been notified and all say the remaining 10 feet as well as the adjacent homeowners reserve will allow enough room for their installations.

Agent for the applicant Dave Martine of Treescapes was present to represent the application.

Mr. Martine said the homeowner would like to install a pool and outdoor cabana. He continued by saying the only utilities going into the easement will be electric, cable and possibly phone. Mr. Martine said he has contacted those companies and they have no objection to using the remaining 10 feet of the easement.

Chairman Coon opened the public hearing at 7:14 p.m. With no public input Chairman Coon closed the public hearing at 7:14 p.m.

*Byron Stout made a motion to recommend the City Council approve case VA-2009-02 as presented. Dan Beck seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.*

**VA-2009-03-** A Public Hearing on a petition for the vacation of the south 12.5 feet of the 25 foot sanitary sewer easement of part of Lot 3, Block 2. The River at Andover, an Addition to Andover, Butler County, Kansas.

VA-2009-03

**Member Items:** This petition for vacation of a portion of the 25 foot sanitary sewer easement is the result of the owner's desire to place a sign on the Andover Road frontage of the lot, which is currently encumbered by the easement. There is adequate easement for the existing sewer and any maintenance in the future. Staff supports the vacation as requested.

Chairman Coon asked Les Mangus for staff comments. Les Mangus said Spangles would like to place its pylon sign on the northeast corner of its lot, which is encumbered by a sanitary sewer easement. He continued by saying there is a substantial distance between where the sewer is actually located and the boundary of the easement.

Chairman Coon asked where the sewer lines run. Les Magus said the lines cross Andover Road to the west side, then turn and run north.

Agent for the applicant Jason Mohler of Crafton Tull Sparks was present to represent the application.

Mr. Mohler said he had nothing further to add, but would answer any questions the Commission might have. The Commission had no questions for Mr. Mohler.

Chairman Coon opened the public hearing at 7:16 p.m. With no public input Chairman Coon closed the public hearing at 7:16 p.m.

*Jan Cox made a motion to recommend the City Council approve case VA-2009-03 as presented. John Cromwell seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.*

**LS-2009-01-** Review and approve the proposed lot split of Lot 3, Block 2, The River at Andover, an Addition to Andover, Butler County, Kansas.

LS-2009-01

**From Les Mangus' Memo:** This application for lot split is the result of the developer's desire to split a large lot along Andover Road into two smaller lots. The two lots created by the split meet the bulk regulations for the zoning district and each have independent access to Andover Road. Staff recommends approval of the lot split as requested.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained during the platting process the developer platted large lots in hopes of having large users. Since that time the opportunity to sell half of Lot 3 to Spangles has come about, so the developer is asking to split the large lot into two separate lots which met the bulk regulations for the zoning district.

John Cromwell noted that the applicant will be handling improvements for parking and access on the lots to the north and west of their property as well.

*John Cromwell made a motion to approve case LS-2009-01 as presented. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 6/0.*

**Appointment of member Ken Boone to the Subdivision Committee.**

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*Chairman Coon made a motion to nominate Ken Boone to the Subdivision Committee. Byron Stout seconded the motion. Motion carried 5/0.*

**Member Items:** Byron Stout welcomed Jan Cox back from her vacation.

Member Items:

*Jan Cox made a motion to adjourn the meeting at 7:25 p.m. Dan Beck seconded the motion. Motion carried 6/0.*

Respectfully Submitted by

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Kandace Hunt  
Administrative Secretary

Approved this 21<sup>st</sup> day of April 2009 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.