

ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS

June 15, 2010

**Minutes**

The Andover City Planning Commission met for a regular meeting on Tuesday, June 15, 2010 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 Julie Reams, City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, Director of Public Works and Community Development Les Mangus, and Administrative Secretary Kandace Hunt. Member John Cromwell was absent.

Call to order

**Review the minutes of the May 18, 2010 Planning Commission meeting.**

Review the minutes of the May 18, 2010 Planning Commission meeting

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

**Communications:**

Communications

**Review the minutes of the May 11, 2010 and May 25, 2010 City Council meetings.** The minutes were received and filed.

**Review the minutes of the May 4, 2010 Site Plan Review Committee meeting.** The minutes were received and filed.

**Review the minutes of the May 11, 2010 Subdivision Committee meeting.** The minutes were received and filed.

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

**Z-2010-02-** A public hearing on a proposed change of zoning district classification from the B-3 Central Shopping District to the R-4 Multiple Family Residential District.

Z-2010-02

**From Les Mangus' Memo:** As a follow up to the discussion of the zoning district boundaries in the Andover Landing Subdivision the developer has applied to change zoning district classification from the B-3 Central Shopping District to the R-4 Multiple Family Residential District to reflect the current configuration of the commercial and multifamily lots in the final plat submitted for review and approval. Staff supports the change as applied for.

Les Mangus explained this application is an effort to match the zoning to the proposed final plat of Andover Landing. The developer has done more engineering on the drainage and street system and found the proposed commercial layout along 21<sup>st</sup> Street does not work well with the drainage and amount of commercial land currently available. This proposal utilizes duplexes instead of apartments.

Rob Hartman of Professional Engineering Consultants was present to represent the application.

Chairman Coon opened the public hearing at 7:06 p.m. With no public input the Chairman Coon closed the public hearing 7:06 p.m.

**ANDOVER CITY PLANNING COMMISSION**

Agenda Item No. 5

REZONING REPORT \*

CASE NUMBER: Z-2010-02

APPLICANT/AGENT: BC Partners, L.L.C./Rob Hartman PEC

REQUEST: A change of zoning district classification from the B-3 Central Shopping District to the R-4 Multiple Family Residential District.

CASE HISTORY: Change of configuration of the commercial and multifamily lots from the BC Addition, which was never completed, to the current Andover Landing Subdivision.

LOCATION: Southeast corner of Andover Rd. and 21<sup>st</sup> St.

SITE SIZE: +/- 2 acres

PROPOSED USE: Multifamily residential dwellings.

**ADJACENT ZONING AND EXISTING LAND USE:**

North: B-3 BCC Classrooms and mini-storage facility

South: R-4 undeveloped multifamily property owned by the applicant

East: R-4 undeveloped multifamily property owned by the applicant

West: B-3 undeveloped commercial property owned by the developer

**Background Information:** The BC Addition reviewed a few years ago was never completed. The developer desires to construct two family dwellings on the multifamily portion property rather than the apartments that were proposed originally. The change in zoning is to reflect the current multifamily/commercial lot configuration.

\* 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:**

- 1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES    NO

STAFF:

PLANNING:    Subject property: B-3 Central Shopping District; North: B-3 BCC Classrooms and mini-storage facility; South: R-4 undeveloped multifamily property owned by the applicant; East: R-4 undeveloped multifamily property owned by the applicant; West: B-3 undeveloped commercial property owned by the developer.

COUNCIL:
  
- 2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES    NO

STAFF:

PLANNING:    Current zoning: B-3 Central Shopping District; North: B-3 BCC Classrooms and mini-storage facility; South: R-4 undeveloped multifamily property owned by the applicant; East: R-4 undeveloped multifamily property owned by the applicant; West: B-3 undeveloped commercial property owned by the developer.

COUNCIL:
  
- 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES    NO

X

STAFF:

PLANNING:

COUNCIL:
  
- 4. Would the request correct an error in the application of these regulations?

YES    NO

X

STAFF:

PLANNING:

COUNCIL:
  
- 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?

YES    NO

X

STAFF:

PLANNING:

COUNCIL:
  
- 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?

YES    NO

X

STAFF:            All are in the area and can be readily extended to service the subject property.

X

PLANNING:

COUNCIL:

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?

YES NO

X

STAFF: Review of the proposed Andover Landing Subdivision is on the agenda

X

PLANNING:  
COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

YES NO

X

STAFF: No screening is required because the commercial and multifamily residential properties are separated by a reserve.

X

PLANNING:  
COUNCIL:

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

YES NO

X

STAFF: There is a substantial amount of multifamily zoned land owned by the applicant available in the area, the subject property merely reflects the proposed configuration of final development plan.

X

PLANNING:  
COUNCIL:

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

YES NO

STAFF: N.A.

PLANNING: N.A.

COUNCIL:

11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

YES NO

X

STAFF:

X

PLANNING:

COUNCIL:

12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

YES NO

STAFF: No detriment is perceived.

PLANNING: None

COUNCIL:

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

YES NO

X

STAFF:

X

PLANNING:

COUNCIL:

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- YES NO  
X STAFF: The Comp. Plan suggests a variety of housing types be available to accommodate the entire range of the population.  
X PLANNING:  
COUNCIL:
15. What is the support or opposition to the request?
- YES NO  
STAFF: None at this time.  
PLANNING: None presented.  
COUNCIL:
16. Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?
- YES NO  
X STAFF: Staff recommends approval as applied for.  
X PLANNING:  
COUNCIL:
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?
- YES NO  
STAFF:  
X 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 number Z-2010-02 be approved to change the zoning district classification from the B-3 Central Shopping District to the R-4 Multiple Family Residential District based on findings 3, 5 and 14 of the Planning Commission as recorded in the summary of this hearing. Ken Boone seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.*

**Review and approve the preliminary plat of 3T Estates.**

3T Estates

**From Les Mangus' Memo:** The proposed preliminary plat is the division of a +/- 12 acre parcel into two lots in the extraterritorial jurisdiction at the corner of 13<sup>th</sup> Street and Meadowlark Road. There are a few details regarding existing and proposed easements, and access controls that need to be cleaned up as noted on the review checklist.

Les Mangus stated the access controls shown on the revised plat have general control to Meadowlark and 13<sup>th</sup> Street. He would like to see these narrowed to keep the access points out of the tapers of the right-of-way and outside of 75 feet from the intersection corner.

Les Mangus informed the Commission there is a Rural Water District #5 line shown running north and south along the property on the east side of Meadowlark. This will create an issue if the title work shows the easement belongs solely to the water district as they would have prior rights. This means the applicant would not be able to dedicate right-of-way over the top of the easement unless the water district agrees to abandon the easement and

dedicate it to the City as public right-of-way. This typically is not done as it would become the responsibility of the water district to relocate its lines if a street project in the area ever took place.

Landowner Cory Shackelford was present to represent the application.

Mr. Shackelford presented the title work for the property which shows the easement belongs solely to Rural Water District #5. Les Mangus said this issue will need to be resolved between the applicant and the water district before a final plat can be approved.

*Byron Stout made a motion to approve the Preliminary Plat of 3T Estates contingent on the resolution of the Rural Water District #5 easement. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.*

### **Review and approve the final plat of Andover Landing**

Andover Landing

**From Les Mangus' Memo:** This final plat is the follow up to the preliminary plat reviewed last month. The staff and consultant comments from the preliminary plat have been addressed, but some new issues regarding overlapping easements have turned up in the title report. The designer is working though these issues with the utility companies.

Les Mangus explained after reviewing the title work for the property he discovered there is a 20x20 easement that conflicts with the road right-of-way as the developer had it tying into Andover Road for Aaron Street. This easement is specific to Southwestern Bell Telephone Company and is a regional hub for the company's fiber optics. Relocation of this hub would be time consuming and cost the developer at least \$100,000. This has created much debate over how to handle Aaron Street since there is only 69 feet of land connecting the property to Andover Road, leaving only 49 feet to build a road, and the developer wants a reserve in the center with a monument sign to create an appealing entrance. The City's Engineer Poe & Associates and staff are deliberating over what the configuration of these road connection need to be based on traffic reports for the development as it is proposed today at 42 two-family lots. It is possible to make the road work within these 49 feet if the developer is able to acquire an easement on the south side of the telephone company's easement to route the sidewalk connection into the development. Aaron Drive will have one entrance lane and one exit lane.

Byron Stout asked how many lanes the 21<sup>st</sup> Street entrance will have. Les Mangus said it is proposed as one lane in and one lane out. He continued by saying he feels an additional exit lane is needed at this site. The Commission agreed.

Rob Hartman of Professional Engineering Consultants was present to represent the application.

Mr. Hartman stated the developer is agreeable to an additional exit lane off of 21<sup>st</sup> Street, but two exit lanes will not work for Aaron Drive. Mr. Hartman had a traffic engineer conduct a traffic analysis to determine the time delay of one lane versus two and it is .1 seconds difference. The traffic engineer's suggestion was to have a one in and one out road at Aaron Drive to provide space to the north for signage and to the south for a sidewalk and utility easement.

Mr. Hartman said he would like to recommend that screening along 21<sup>st</sup> Street be done with landscaping. Lynn Heath said he is concerned that each home along 21<sup>st</sup> Street could put up a different fence style. Mr. Hartman explained at this time the developers do not plan to sell the lots, so each will remain uniform. Les Mangus said there is no perpetual guarantee that the developers will remain as the owners. Sasha Stiles noted City Code prevents overgrown weeds, abandoned vehicles and trash on any City property. Les Mangus suggested putting a five foot screening easement adjacent to the utility easement making it the responsibility of the owner, through restrictive covenants, to maintain either a six foot solid fence or a landscape screen. Ken Boone asked if the approval of the plat could be contingent on Site Plan approval of screening along 21<sup>st</sup> Street. Les Mangus said at this time the only items requiring site plan approval are the entry monuments. Byron Stout asked if the Commission could require the applicant to receive Site Plan approval for screening along with the monuments. Les Mangus said yes, but the Subdivision Regulations give the Commission the authority to require screening. Rob Hartman suggested making the screening requirement part of the developer's agreement. Les Mangus said he will discuss this option with Planning Consultant Bickley Foster and he find a way to make the requirement appear on the plat or be guaranteed by petition. Sasha Stiles suggested adding a condition that no building permits be issued for the area until they receive Site Plan approval for the screening and monuments.

*Byron Stout made a motion to approve the Final Plat of Andover Landing contingent on acquisition of a utility easement, approval by City Engineer Poe & Associates of the single entrance and exit lanes on Aaron Drive and the double exit, single entrance on Springbrook Street, and approval of the screening buffer and monument signs by the Site Plan Review Committee prior to any building permits being issued. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. Chairman Coon suggested the motion be amended to include a contingency for a five foot screening easement along 21<sup>st</sup> Street. Byron Stout amended his motion to include a contingency for a five foot screening easement along 21<sup>st</sup> Street. Les Mangus noted Mr. Hartman will need to describe the purpose of the screening easement in the owner's dedication to clarify who the easement belongs to and the rights of the owner. Lynn Heath seconded the amended motion. Motion carried 5/0.*

#### **Review and approve the final plat of Autumn Ridge Second Addition**

Autumn Ridge  
Second Addition

**From Les Mangus' Memo:** Typically the division of the multifamily lots in the Autumn Ridge Addition is accomplished by lot split, but because the proposed split is for three family dwellings a replat is required.

Gene Wrath of MKEC was present to represent the application.

Les Mangus explained the City's Subdivision Regulations only allow lots to be split into two separate properties, in order to divide the property into three lots it must be replated. Les Mangus noted comments from staff as well as Planning Consultant Bickley Foster have been addressed.

*Lynn Heath made a motion to approve the Final Plat of Autumn Ridge Second Addition as presented. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.*

**Member Items:** Les Mangus introduced Assistant City Administrator Jennifer McCausland. The Commission welcomed Mrs. McCausland. Member Items

*Lynn Heath made a motion to recess the Planning Commission to the June 21, 2010 US 54 Andover Corridor Study meeting at Central Park Lodge. Ken Boone seconded the motion. Motion carried 5/0.*

Respectfully Submitted by

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Kandace Hunt  
Administrative Secretary

Approved this 20<sup>th</sup> day of July 2010 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.