

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
December 21, 20 10
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, December 21, 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, John Cromwell, Byron Stout, Troy Tabor and Andrew Hart. Others in attendance were City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretary Dayna DuFriend. Member Ken Boone was absent.

Call to order

Review the minutes of the November 16, 2010 Planning Commission meeting.

Review the minutes of the November 16, 2010 meeting.

Byron Stout made a motion to approve the minutes as presented. Troy Tabor seconded the motion. Motion carried 7/0.

Communications:

Communications

Review the minutes of the November 9, 2010 and November 30, 2010 City Council meetings. The minutes were received and filed.

Review the minutes of the November 2, 2010 Site Plan Review 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.

Recess the Planning Commission and convene the Board of Zoning Appeals.

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

BZA-CU-2010-02- A public hearing on an application filed by Linda Presley and Scott Presley requesting a conditional use to allow a single-family dwelling as an accessory use to a business on property zoned as the B-4 Central Business District located at 301 W. Central.

BZA-CU-2010-02

From Les Mangus' Memo: The owner of Tomorrow's Memories bridal shop inquired about the possibility of living in a vacant space in the commercial building where her business is located. The Zoning Regulations have been amended to allow a conditional use for an accessory single family dwelling in the business zones. There is a planning trend to better accommodate people to live and work without the typical drive to work. Staff has worked with the applicant and Planning Consultant Bickley Foster to devise a conditional use with performance standards that would accommodate the request, while not outright permitting the co-mingling of business and home. Staff supports the application as presented.

Les Mangus explained this is a follow up to the case for the zoning amendment heard October 19, 2010 to finalize the conditional use that would allow them to live in their business building.

Chairman Coon asked if applicants wished to speak, they declined.

CONDITIONAL USE REPORT

CASE NUMBER: BZA-CU-2010-02

APPLICANT/ AGENT: Linda Presley & Scott Presley

REQUEST: A conditional use to allow a single-family dwelling as an accessory use to a business on property zoned as the B-4 Central Business District.

CASE HISTORY: The subject property has been owned and operated by the applicant for many years as Tomorrow's Memories bridal shop, a daycare, and various other businesses. The daycare tenant space has recently become vacant and the applicant desires to convert the space to a single family dwelling.

LOCATION: 301 W. Central.

SITE SIZE: 30,000 square feet.

ADJACENT ZONING AND EXISTING LAND USE:

- North: B-3 Central Shopping District.
- South: R-3 Multiple-Family Residential District.
- East: B-4 Central Business District.
- West: B-3 Central Shopping District.

NOTE: This report is to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing in order to decide whether a conditional use as an exception should be granted with the evidence and reworded as necessary to reflect the Board of Zoning Appeals 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.

BACKGROUND INFORMATION: The applicant recently applied to amend the Zoning Regulations to create an opportunity for the operator of a business to apply for a conditional use to allow a single family dwelling in a business zone.

HAS THE APPLICANT SUBMITTED STATEMENTS ATTACHED TO THIS REPORT COMPLYING WITH SECTION 10-108A 1-4? Yes

No

If no, provide explanation: _____

IN WHAT ZONING DISTRICT(S) IS THE CONDITIONAL USE REQUESTED EXPRESSLY AUTHORIZED TO BE PERMITTED?

B-4 Central Business District

DOES THE EVIDENCE SUPPORT THE CONCLUSION THAT:

- 1. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards; unless a concurrent application is in process for a variance. **True**

Les Mangus informed the Board that there are no known non-conformances.

The proposed use would be housed within the existing conforming structure.

- 2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood. **True**

The proposed use would be housed within the existing conforming structure.

- 3. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to: **True**

- a. The location, nature, size and height of building, structures, walls and fences on the site; and
- b. The nature and extent of landscaping and screening on the site.

The proposed use would be housed within the existing conforming structure. Little or no changes will be made to exterior of the structure.

- 4. Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 5 of these regulations. Such areas will be screened from adjoining residential uses and located so as to protect such residential uses from injurious effects. **True**

Adequate parking is in place.

- 5. Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees. **True**

All of the necessary public facilities are in place.

- 6. Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads. **True**

Adequate entrance and exit drives are in place.

To Approve a Conditional Use:

Having considered the evidence at the hearing for Case No. BZA-CU-____2010 - ____02 and determined that the findings of fact in the conditional use report support the conclusions which are necessary for granting a conditional use as set out in Section 10-108C of the Zoning Regulations. I Troy Tabor move that the Chairperson be authorized to sign a Resolution granting the conditional use as requested. Lynn Heath seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.

Adjourn the Board of Zoning Appeals and reconvene the Planning Commission.

John Cromwell made a motion at 7:05 p.m. to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Byron Stout seconded the motion. Motion carried 7/0.

Review and approve the City of Andover 2011 Planning Commission & Board of Zoning Appeals meeting and closing dates schedule.

Jan Cox made a motion to approve the City of Andover 2011 Planning Commission & Board of Zoning Appeals meeting and closing date schedule. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 7/0.

Review and approve the City of Andover 2011 Planning Commission & Board of Zoning Appeals meeting and closing dates schedule.

Member Items:

There were none.

Lynn Heath made a motion to adjourn the meeting at 7:10 p.m. Andrew Hart seconded the motion. Motion carried 7/0.

Member Items:

Respectfully Submitted by

Dayna DuFriend
Administrative Secretary

Approved this 18th day of January, 2011 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.