

ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
March 15, 2011  
**Minutes**

The Andover City Planning Commission met for a regular meeting on Tuesday, March 15, 2011 at 1609 E. Central Ave. in the Andover City Hall. 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, Ken Boone 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. Members absent were Troy Tabor.

Call to order

**Review the minutes of the February 15, 2011 Planning Commission meeting.**

Review the minutes

These minutes were not included in member packets. To be carried forward to April meeting.

**Communications:**

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**Review the minutes of the January 25, 2011 and February 8, 2011 City Council meetings.** The minutes were received and filed.

**Review the minutes of the February 10, 2011 Site Plan Review Committee Meeting.** The minutes were received and filed.

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

**Butler County Case CU-11-04-** A request for a conditional use permit for a home based business on property zoned Rural Residential.

Recommendation on Butler County case CU-11-04, 12072 S.W. Mockingbird Rd.

**From Les Mangus' Memo:** The applicant in this case requests conditional use authorization to operate a home based lawn and landscaping business on property within a platted subdivision zoned Rural Residential District. From the application it seems that maybe the business is existing and that the applicant is trying to establish a permanent base for operations and storage. The activities listed would have a substantial visual impact on the area if not well screened. The traffic generated by the operation would not be of any consequence to the road system, but could be problematic to the neighborhood because of early/late hours of arrivals, deliveries, and departures. As we learned from the previous application in this neighborhood there are restrictive covenants for the subdivision that limit activities to only single family residences, but no evidence has been presented that would either confirm or deny. Based on the review of the proposal submitted Staff would not recommend a favorable recommendation to the Butler County Planning Commission.

Chairman Coon asked if having a driveway off of Mockingbird Rd., with the property facing Mockingbird Rd., was legal to have a driveway off of Pawnee.

Les Mangus said that the county engineer would have to answer if there is access control to Pawnee.

Lynn Heath asked if this area would be annexed into the City would it be commercial.

Les Mangus said that the City's comprehensive plan doesn't suggest much commercial south along Andover Road.

*Lynn Heath made a motion to submit a recommendation to the Butler County Planning Commission to not approve this request. Byron Stout seconded the motion. Motion carried 7/0.*

**Butler County Case RZ-11-03-** A request for a change in zoning classification from AG-40 to Residential (R) on (4.38±) acres delineated as two properties located respectively at: 1715 E. Harry St. comprised of (1.5±) acres; and 1807 E. Harry St. comprised of (2.8± acres).

Recommendation on Butler County case RZ-11-03, 1807 E. Harry St.

**From Les Mangus' Memo:** The subject property is located adjacent to the City on Harry St. next to the Montana Hills Subdivision. The proposed Butler County Residential District zoning would allow 0.5 acre minimum lot sizes if the lot is served by public water and sewer, and it is on a paved road. The City Subdivision Regulations require a minimum lot size of 5 acres in order to utilize on site water and sanitary sewer facilities. The proposed zoning would not comply with the requirements of the district or the Subdivision regulations because there is no public sewer or paved road across the frontage of the property. Therefore Staff would not recommend a favorable recommendation to the Butler County Planning Commission.

Lynn Heath asked if they are wanting to increase the acreage and then split it into spots and make more homes.

Les Mangus said it appears as though they are trying to make a larger tract which encompasses a barn. On the aerial photo at the SW corner there is a barn that looks like they are trying to encompass. On the original parcel you can see a fence line.

Chairman Coon said they wouldn't need a zoning change to do that, would they?

Les Mangus said it must be a situation where someone was caught. The City of Andover's regulations say that anything less than 5 acres gross any subdivision has to be platted, this is not platted. A mortgage maybe involved, sometimes the banks will catch things like this and red flag it on title work.

Lynn Heath asked if they would expand it to be 5 acres and use different terminology that would fall in line with the county.

Les Mangus said yes, if it was more than 5 acres net, and if they had applied for the rural residential zone it would fall in line with things that have been done in many other locations.

Byron Stout said that this is really an invalid request.

Les Mangus said it is not in compliance with either the Cities' subdivision regulations or the Counties' zoning regulations.

Byron Stout commented that we do not have a right to approve it if we wanted

to.

Les Mangus said it would be contrary to the Cities' regulation.

*Byron Stout made a motion to submit a recommendation to the Butler County Planning Commission to reject this zoning request based on it not a legitimate zoning request. Ken Boone seconded the motion. Motion carried 7/0.*

**Member Items:** No member items.

Member Items:

*Ken Boone made a motion to adjourn the meeting at 7:30 p.m. Lynn Heath seconded the motion. Motion carried 7/0.*

Respectfully Submitted by

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Daynna DuFriend  
Administrative Secretary

Approved this 17th day of May, 2011 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.