

**ANDOVER CITY PLANNING COMMISSION /  
BOARD OF ZONING APPEALS  
Tuesday, July 19, 2011  
Minutes**

1. Call to order.

2. Roll call.

City Council Members present were Chairman Quentin Coon, John Cromwell, Lynn Heath, Ken Boone, Lee Butler, Andrew Hart, City Administrator Sasha Stiles, Assistant City Administrator Jennifer McCausland, and Administrative Secretary Dayna DuFriend. Member Nikki Huntington was absent.

3. Approval of the minutes of the June 21, 2011 meeting.

A motion was made by John Cromwell, seconded by Lynn Heath to approve motion to move approval of June 21, 2011 Planning Commission minutes to August 16, 2011 meeting for minutes to be completed. Motion carried 6/0.

4. Communications:

A. City Council Minutes.

Meeting minutes for City Council and Site Plan were received and filed.

B. Committee and Staff Report.

At the last meeting Staff anticipated reviewing the Comprehensive Plan along with the final draft of the US 54/400 Corridor Study. The US/54 study is not yet ready for review, so the discussion will be postponed until that time.

C. Potential Residential Development Report.

5. ZA-2011-01- Public hearing on proposed amendment to the Zoning Regulations of the City of Andover, Kansas.

STAFF: This public hearing begins the process to amend the Zoning Regulations to reflect the changes to the signage regulations as discussed a couple months ago. Staff has drafted the proposed changes and supports the amendment.

Chairman Coon asked for a report from City staff.

Sasha Stiles explained the background of this signage change to the Zoning Regulations. Twice each year the Wichita Area Builders Association hosts a Spring and Fall Parade of Homes and each year they express how important it is to post signage around the community for this event. Off site signage is not allowed under current Zoning Regulations. These changes would allow for that off site signage and define wordage for garage sales signs and open house real estate signage.

A motion was made by Lynn Heath, seconded by John Cromwell to approve ZA-2011-01 as presented and recommend to City Council for approval. Motion carried 6/0.

6. VA-2011-02- Public hearing on a petition for a vacation of the northeast 15 feet of the 20 foot rear yard utility easement of Lot 16, Block C, Crescent Lakes 5th Phase.

STAFF: the proposed vacation is requested in order to build a swimming pool in the rear yard. The 20' rear yard easement abuts the pond reserve and only has telephone cable, which actually loops out into the pond reserve. Staff supports the vacation as petitioned for.

David Foley, 705 N. Deerfield Ct., was present to represent the application. Mr. Foley explained that he originally asked for 15ft., 10ft would allow enough room for the swimming pool.

Chairman Coon asked for an explanation of the drawings and legal description. The submitted Easement Vacation Description provided by Baughman Company, P.A. must be verified before the vacation is recorded.

A motion was made by John Cromwell, seconded by Lynn Heath to approve VA-2011-02 in the 15'X72.2' hatched diagram on the chart and verification of the legal wording. Motion carried 6/0.

7. Butler County Case RZ-11-06- A request for a change in zoning classification from AG-40 to Commercial on (5.6±) acres by Applicant/Owner - Dale & Patricia Ellis and Agent/Springboard LLC., on the following property: 913 E. Hwy. 54

STAFF: The proposed change in County zoning is an effort to permit a billboard sign on the subject property, which is an island surrounded by the City. The applicant needs commercial zoning in order to secure a permit for the billboard from KDOT. As you are aware the City Zoning Regulations do not allow billboards. Staff would suggest that

although the permitted uses in the County Commercial District (C) are not out of character with those in adjacent parcels within the City, the proposed billboard would not be allowed in the City. Staff recommends that the subject property be annexed into the City and an appropriate zoning application be filed in accordance with the Andover Zoning Regulations.

Sasha Stiles gave a brief background. This is an island of county land surrounded by City property that was not purchased by the developer at the time of area development.

Chairman Coon stated that before affect any zoning on the property in question it would have to be annexed into the City limits.

Sasha Stiles said that Butler County is asking for a recommendation on the case that they are going to hear to change the zoning from AG-40 to Commercial.

Chairman Coon said that there are two ways to look at this. Due to its location we would like the commercial zoning. We could recommend that it be zoned commercial or we would like this to be annexed. And then our Zoning Regulations would apply

Lynn Heath suggested using the same verbiage as done on a similar previous case asking for the property to be annexed and approve things as appropriate.

Andrew Hart asked if there is a house on this property and whether they would want to be annexed into the City.

Sasha Stiles said that there is a house on the property but does not believe that anyone currently resides there.

Lee Butler asked why this property was not annexed before this and why this was in question since they are not asking now.

Sasha Stiles said that an agreement could not be met between the property owner and the developer. The City does not unilaterally annex property unless it is at the request of a property owner. Occasionally the City has annexed properties that are involved in a public improvement and infrastructure project. Normally the City doesn't make it a policy to annex property unless it is requested by the property owner and at that time it was not being requested by the property owner for annexation.

Quentin Coon said it is an option of this Commission to give the Butler County Planning Commission a recommendation.

Lynn Heath mentioned that it is still up to the property owner to ask for annexation and what is being said is that the Commission does not recommend approving this sign. If they are interested in taking this further they will need to ask for annexation and follow zoning requirements.

Lee Butler suggested that what is being done is to potentially annex this property to block the sign and his understanding of the wordage from the agenda it appears to be an attempt by the Government to block a billboard going up.

A motion was made by Lynn Heath, seconded by Ken Boone to not recommend Butler County Case RZ-11-06. If applicant wishes to pursue a billboard at this location, annexation should be requested and they should go through the City's zoning processes. Motion carried 4/1/1 with Andrew Hart abstaining.

### **AGENDA ADD ON**

A motion was made by Chairman Quentin Coon, seconded by Lynn Heath to approve add Butler County Case CU-11-05 as additional item to agenda. Motion carried 6/0.

1. Butler County Case CU-11-05- A request by David R. Bigley to utilize a 1 acre tract of land and two existing structures to establish an early learning/childcare business and to use another existing structure with a 12 ft. X 12 ft. addition for retail sales (possibly antiques and/or locally grown produce).

STAFF: The subject property is located on a divided four-lane highway with traffic volumes approaching 20,000 vehicles per day. Access to the property is by private driveway directly to the highway. There is no median crossing at this location. Given this scenario, I would suggest that an effort be made to get access to SW Fairfax St. to avoid the danger of those customers entering westbound US-54/400, but wishing to actually travel eastbound.

The AG-40 District Classification is in no way proper for this proposed use, both in permitted uses and bulk regulations. I would recommend that an application for a more fitting business zone be filed to bring the subject property more in line with the literal intent and purpose of the zoning district.

Lynn Heath stated that his concern would be the same as that of Les Mangus, the traffic access to the property is only from the westbound lane of US-54/400.

Sasha Stiles explained that from comments made by Les Mangus, there is not a median break at this location. By accessing Fairfax Street it would allow them to go down to Meadowlark where there is a median break and they could get east or west bound access to the US-54/400.

John Cromwell pointed out that that would also be a way for eastbound traffic to have access without having to make a U-turn on the highway.

Sasha Stiles also stated that this is a Conditional Use case asking to remain in the AG-40 District Classification.

A motion was made by Lynn Heath, seconded by Ken Boone to recommend Butler County Case CU-11-05. City of Andover Planning Commission does not have a problem with businesses as requested. However, the AG-40 District Classification is in no way proper for this proposed use,

both in permitted uses and bulk regulations, and would recommend that an application for a more fitting business zone be filed to bring the subject property more in line with the literal intent and purpose of the zoning district. Motion carried 6/0.

8. Planning Commission liaison appointment to PAI committee.

STAFF: The PAI (Promote Andover Inc.) is a group of local business people who at one time owned the Andover Industrial Park. The group meets monthly to promote business and industrial activity in the City.

STAFF: State Law requires the Planning Commission to review and approve the Capital Improvement Plan (CIP) for the City. The CIP projects the major capital expenditures for the next five years. Improvements listed within the CIP range from major equipment purchases to buildings and roads. The CIP is updated annually at budget time in order to reflect changes in priorities and add the 5th future year to the plan.

Andrew Hart volunteered.

A motion was made by Chairman Quentin Coon, seconded by Lynn Heath to approve Appoint Andrew Hart as Planning Commission liaison to the PAI committee.

Motion carried 6/0.

### **Review Capital Improvement Program.**

Chairman Coon asked if these figures were within the City's budget.

Sasha Stiles explained that figures shown for 2011 are budgeted amounts are within the approved budget. The budget for 2012 is being developed now. The budgets are done one year at a time, so all future years are estimates.

A motion was made by Lynn Heath, seconded by Andrew Hart to approve 2012 - 2016 Capital Improvement Program. Motion carried 5/0.

9. Member items.

No member items.

### **Adjourn.**

A motion was made by Lynn Heath, seconded by Ken Boone to adjourn. Motion carried 6/0.

Respectfully Submitted by

Dayna DuFriend

Administrative Secretary

Approved this 20th of September, 2011 by the Andover City Planning Commission/Board of Zoning Appeals, City of Andover