

ANDOVER CITY COUNCIL MEETING
MINUTES
Andover City Hall
1609 E. Central Avenue

August 25, 2015 – 7:00 p.m.

(The times noted on this document reflect the time on the video, not necessarily the number of minutes past 7:00 p.m.)

1. Mayor Ben Lawrence called the meeting to order.
2. Roll Call

City Council Members present were Troy Tabor, Sheri Geisler, Clark Nelson, Caroline Hale, Kris Estes and Quentin Coon.

Staff: Police Chief Michael Keller, Chief Financial Officer Donna Davis, Fire Chief Chad Russell, Assistant City Administrator Jennifer McCausland, City Attorney JT Klaus, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, and City Administrator Mark Detter.

A/V: Cindy Barrett and Craig Brown

00:01

3. Invocation was given by Pastor Eric Goodman of the Andover Police Department Chaplains.
4. Pledge of Allegiance was led by Mayor Lawrence

00:02

5. Public Forum-no one addressed the Council.

00:03

6. Acceptance of Agenda

Mark Detter stated on the bench was information relating to agenda item 9. Z-2015-02 Terradyne including City Ordinance 1301, emails and a petition received prior to the meeting.

A motion was made by Council Member Nelson, seconded by Council member Tabor to accept the agenda with the additional information provided for agenda item 9. Motion carried 6/0.

00:04

7. Consent Agenda

- a. Approval of Minutes
City Council Meeting: August 11, 2015
- b. Receive & file reports
Police: July 2015
- c. Receive & file minutes
CVB: July 13, 2015
- d. Approval of appropriation ordinance B-15-15 in the amount of \$ 642,476.17.
- e. Approval of non-elected personnel items
Shanna Bruce, new hire police department communications officer, at an hourly rate of \$13.98, effective September 2, 2015.
Jordan Haig, new hire fire department firefighter, at an hourly rate of \$11.92, effective August 26, 2015.
Michelle Matson, police department status change from MCO I to MCO II, with a pay increase from \$17.25 to \$17.58 per hour, effective August 16, 2015.
- f. Approval of a license for underground conduit on city property (YMCA).
- g. Approval of the Wastewater Department recommendation of an agreement with Institutform, Belton, Missouri, for annual sewer line rehabilitation in the amount of \$46,762.80.
- h. Approval of a GSI, Wichita, supplemental agreement for additional exploration at the street maintenance shop site in the amount of \$1,750.
- i. Approval of the Mayoral appointment of Tyson Bean, 738 N. Deerfield Circle, to the Planning Commission for a three (3) year term expiring May 2018.

A motion was made by Council Member Nelson, seconded by Council Member Estes to approve the consent agenda as presented. Motion carried 6/0.

Mayor Lawrence introduced Tyson Bean, Planning Commission appointee.

00:05

8. VA-2015-04 725 Deerfield Circle

Les Mangus explained this was a common request where the property was platted with a 20' (twenty feet) rear yard drainage easement and after construction only 10' (ten feet) of the easement was used. There are no utility conflicts and the Planning Commission has recommended approval.

A motion was made by Council Member Nelson, seconded by Council Member Hale to approve the vacation as requested. Motion carried 6/0.

00:06

9. Z-2015-02 Terradyne

Mayor Lawrence stated although he did not have a personal financial interest in the case he had expressed a personal interest with the developer. He disclosed ex-parte communications as brief and preliminary with Senior Council Members Hale and Nelson to discuss the preliminary scope of the project after submitted by the developer. He had no other conversations. Mayor Lawrence stepped down from the bench.

Council President Estes presided over the agenda item.

Council President Estes called Agenda Item # 9, Case No. Z-2015-02, consideration of an Ordinance amending the previously amended Preliminary General Terradyne Planned Unit Development Plan, so as to create a new Parcel 1-B from a portion of the existing Parcel 1 and to allow two additional single family residential dwelling units.

Before proceeding, she asked the Council if anyone intended to disqualify themselves from participating due to conflict of interest.

Council Member Nelson stated he did not intend to recuse himself and disclosed ex-parte communication with the Mayor as he had stated, one with the owner many months ago, as well as City staff to better understand the request. He is a resident of Terradyne, has no monetary benefit and so does not feel there is any conflict of interest.

Council Member Hale agreed that she had a preliminary discussion with the Mayor and Council Member Nelson and she had spoken with the applicant prior to it the application to the City.

Council President Estes stated she had not met or spoken with the applicant or any of the Council Members regarding this case. She had received emails from the public with her

return statement thanking them for their comments and advising them they would be considered. She had not met with any homeowners in Terradyne and had no other ex parte communication to disclose.

Council Member Geisler stated other than all of the emails she and other Council Members have received she has only spoken with one other Council Member.

Council President Estes confirmed the Council Members had received copies of the approved Minutes of the Planning Commission for July 21, 2015. They had.

Council President Estes inquired if all Council Members had received the written correspondence the planning commission and/or the City had received from the general public and others on this topic? They concurred.

Council President Estes confirmed there was a quorum of six (6) members present.

Council President Estes called on Zoning Administrator Mangus for a report and then asked to hear from the Applicant and any members of the general public who wish to speak on this case. She added the applicant and the public are respectfully requested to confine their presentation to new information not otherwise presented.

Les Mangus, Zoning Administrator, stated this application for amendment was filed on June 18, 2015, official notice was published on June 27, notices were mailed to twenty seven (27) property owners on June 25, ten (10) of those owners were within the required five-hundred feet (500') in the Terradyne Estates PUD and seventeen (17) outside the PUD but within two-hundred feet (200') of the Terradyne PUD. On July 21st the Planning Commission held a public hearing, reviewed and recommended amendments as reflected in the ordinance presented.

Council President Estes confirmed with City Staff and Council Members if there were any other written communications other than those in the Planning Commission packets, City Council packets, and those received on the bench. Mark Detter read an additional email that was received at approximately 6:50p.m. from Diane Fox. *(emails received up to meeting time and the petition [un-official] filed that evening are a part of these minutes and follow at the end)*

Council President Estes asked the City Clerk if any protest petitions had been received. Ms. Renner responded no protest petitions had been filed in the office of the City Clerk within the required fifteen (15) days following the Planning Commission public hearing on July 21, 2015.

Bill Fox, Poe & Associates, 544 W. Douglas, representing the applicant Seichrist LLC, who is also the owner of the golf course. Mr. Fox stated the Planning Commission had approved this application on July 21. The application proposed to create two (2) new residential estate lots that would remain zoned R-2 (he stated R-1 but was corrected later in the meeting), the property is considered part of the golf course but is not used as golf course. If approved the owners of the proposed lots would become responsible for the maintenance of the fence and the reserve property outside the fence facing Glendevon (east) and (as corrected by Mr. Mangus later in these minutes) the right of way property facing Central (south). The applicant requests the limit of one-hundred-one (101) lots be increased to one-hundred-three (103) to optimize the use of the property. Utilities are available to the site, entrances to the property would be north of the island on Glendevon and there would be no access from Central Avenue. Single family housing is the best use and is compatible with the current zoning.

Les Mangus confirmed that by City ordinance the right of way maintenance is the responsibility of the property owner, to the center line of the road. He added the Terradyne HOA has never been responsible for the right of ways on Glendevon or Central.

Council President Estes asked if anyone would like to address the council regarding this issue.

Kimberly Wride, 530 Glendevon, was not in favor of the amendment.

Joann Barclay, 1117 Terradyne Court, had presented the petition against the PUD amendment and she was not in favor of the amendment.

Larue Gillispie, 1123 Terradyne Court, sees no reason to amend the PUD.

Barry Anderson, 812 Bramerton, would like to see the property improved.

Nick Wride, 530 Glendevon Road, was not in favor of the amendment.

Kyle Hartman, 510 N. Parallel, was not in favor of the amendment.

William Downs, 823 Bramerton, commented on the covenant preventing Terradyne home owners from drilling water wells.

Paul Hanneman, 1204 Terradyne, was in favor of the amendment.

Kevin McMaster, 8405 Greenbriar Court, was in favor of the amendment.

Steve Iorger, 659 Glendevon Court, signed the petition.

Council President Estes closed the public hearing.

Council President Estes asked if the applicant had any further response to the public comments. The applicant had none.

Council President Estes asked if the Council had any further questions for the applicant. No one did.

Council President Estes confirmed the Council had received the information they needed on this case, having heard from our Zoning Administrator, and the applicant and the general public given an opportunity to provide new information she brought the discussion to the bench for deliberation. She then confirmed with the Council they had been advised of the Planning Commission’s recommendation of approval and received an outline of action choices:

(Planning Commission recommendation to approve.)

- (1) I move to adopt the findings and factors and recommendation of the Planning Commission and thereby adopt Ordinance No. __ amending the Amended Terradyne Preliminary General Planned Unit Development Plan to create a new Parcel 1-B from a portion of the existing Parcel 1 and to allow two additional single family residential dwelling units thereon and to record the amending document with the County Register of Deeds within 15 days. (Majority Vote needed)

(Override Planning Commission recommendation to disapprove)

- (2) I move to override the Planning Commission’s recommendation, and to disapprove the requested amendment to the Amended Terradyne Preliminary General Planned Unit Development; and further amend in detail the planning commission’s findings and factors supporting such disapproval, as follows:
_____ (2/3 majority needed)

(Return to Planning Commission For Additional Consideration)

- (3) I move we return the recommendation to the Planning Commission on the proposed amendment to the Amended Terradyne Preliminary General Planned Unit Development Plan for further consideration at its next regular meeting. The basis for the Council’s concern includes _____.*
- (Majority Vote needed)

* *Note: If the City Council returns the Planning Commission’s recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reason therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Council, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation, or it need take no further action thereon.*

If the Planning Commission fails to deliver its recommendation to the City Council following the Planning Commission’s next regular meeting after receipt of the City Council’s report, the City Council shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original

recommendation and proceed accordingly. In either circumstance, the City Council may take any action they desire by majority vote.

- (4) I move to table the proposed amendment to the Amended Terradyne Preliminary General Planned Unit Development Plan to create a new Parcel 1-B from a portion of the existing Parcel 1 so as to allow two additional single family residential dwelling units; until at p.m. in this same meeting room for more (information) (and) (study) in regard to . (Majority vote needed)

Council President Estes asked JT Klaus if there was any further discussion on the options provided.

Council President Estes asked the Council how they would like to proceed.

Council Member Tabor commented he does not live in Terradyne and is not a member of any country club. He felt when a City Council is to make a decision it is important to have everyone's input and to be sensitive to that input and to the land owner as well. He added what he heard this evening was the golf course is in tremendous shape, much better than before, and to achieve that there has been a lot of resources put in to that.

Council Member Geisler continued that she was in attendance at the Planning Commission meeting and commented on the seventeen (17) factors and findings that is used by the Planning Commission to make their decision and commented on questions 9, 15 and 16 and 17. Council Member Geisler believes it should go back to the Planning Commission to assure due diligence.

Council Member Hale asked for confirmation of ex parte communications. JT Klaus explained it was communication separate and apart from this public forum. Council Member Hale went on to state she lives in Terradyne, has no financial interests but has had phone calls from residents but told no one what she would vote on this issue. Council Member Hale also provided some local history of the property.

JT Klaus explained the City does have the right to amend their ordinances, this is a zoning land use ordinance and clarified not an agreement, but, subject to change through the Planning Commission and City Council process currently being followed for the case.

Council Member Nelson stated his duty is to abide by the law and he refers to Kansas Supreme Court Case Golden vs the City of Overland Park 1978; a Kansas landmark case regarding this situation. He believes the City of Andover adopted a similar proposition in 1993 which included the addition of the seventeen (17) questions currently used by the Planning Commission. Council Member Nelson stated he had read and reviewed the Planning Commission meeting and they had everything necessary to render a decision. He added the Golden case states the general rule for approval by the Planning Commission must be fair and reasonable; "it is unreasonable that when the action taken is so arbitrary that it can be said that without regard to the benefit of the detriments, that it was so wide of the mark, that is lies outside the realm of fair debate". The question is whether two

additional residential units are so far out the realm of fairness and reasonableness that it is not even debatable. Council Member Nelson then addressed additional criteria referred to in Golden vs the City of Overland Park case.

Council Member Quinten Coon stated his experience with developers has been they wanted to have some kind of natural and attractive entrance to their addition. He added you can think something nice will happen there but there is no guarantee and he is giving more weight to the home owners.

Council President Estes commented she has lived in Andover for sixteen (16) years in Green Valley, and she has no special interest other than it is important to our City. She understands change as she can no longer see Kellogg from her home because of the growth of the Green Valley additions. She also wants to follow the rule of law and is not finding any negative factors, environmental concerns, health hazards, or traffic issues. She believes the Planning Commission considered the questions in the process. She added it is an amendment to an ordinance and there would always be changes. She agrees with the Planning Commission findings and is inclined to be in support.

A motion was made by Council Member Nelson, seconded by Council Member Tabor to approve the Planning Commission recommendation and allow the change in the PUD and the addition of two lots to the Terradyne PUD on the terms and conditions set forth by the Planning Commission. Motion failed 3/3. Council Members Geisler, Hale and Coon opposed.

JT Klaus stated the regulations do not adequately address this occurrence and he would withhold an opinion until he has had adequate time to research the issue.

No other motions were made.

JT Klaus stated a decision as to the next step would be made at the next Council meeting and no additional notifications will be sent.

02:25

Mayor Lawrence returned to the bench and called a five (5) minute recess.

02:32

9. Neighborhood Revitalization Program (NRP)

- a. The public hearing was opened by Mayor Lawrence. No one addressed the Council and the hearing was closed.

Mark Detter explained the differences in the previous NRP and the proposed program. He added this type of program keeps the city competitive with Wichita and Sedgwick County. If the

resolution is adopted and the Interlocal agreement accepted Mr. Detter will propose the program to USD 385 School Board, Butler Community College Board of Trustees and the Butler County Commission.

- b. Adopt Resolution approving City of Neighborhood Revitalization Agreement.

A motion was made by Council Member Geisler, seconded by Council Member Hale to adopt the resolution as presented. Motion carried 6/0. Resolution number 15-18 was assigned.

- c. Interlocal Agreement

A motion was made by Council Member Estes, seconded by Council Member Geisler to approve the Interlocal agreement and authorize the Mayor to sign.

10. Emergency phones for Central Park, 13th Street Park and the Redbud Trail

Police Chief Keller stated the proposed direct-immediate access to E-911 phones would be available 24 (twenty four) hours a day. The proposed placement was for one (1) at the 13th Street Park ball diamonds, one (1) in Central Park near the restrooms soon to be under construction, and three (3) on the Redbud Trail.

Chief Keller explained there would be an ongoing charge of approximately \$10 per month for phone line access for each phone. The cost of the phones and the monthly fees will be paid for from the E-911 Fund.

A motion was made by Council Member Geisler, seconded by Council Member Estes to purchase the five phones from GraybaR, Wichita, in the amount of \$24,904.98 and approve the monthly fee of approximately \$50 for cell phone line access.

11. Discussion: Council meeting dates for the September 28 & 29th

The Council discussed options for changing the dates or cancelling the meetings.

A motion was made by Council Member Nelson, seconded by Council Member Geisler to cancel the September 28 workshop meeting and the September 29 council meeting. Motion carried 4/2. Council Members Hale and Tabor opposed.

12. Executive session – privileged in the attorney client relationship

A motion was made by Council Member Tabor, seconded by Council Member Geisler to go in to executive session for approximately five (5) minutes and include the Governing Body, City Administrator and City Attorney. Motion carried 6/0.

A motion was made by Council Member Estes, seconded by Council Member Geisler to come out of executive session. Motion carried 6/0.

No action was taken as a result of the executive session.

13. Member Items

Council Member Troy Tabor

- Appreciates the different views shared regarding the Terradyne zoning case.

Council Member Geisler had none.

Council Member Nelson had none.

Council Member Kris Estes

- Disappointed in the cancelling of the next meeting (she would have been chair).

Council Member Caroline Hale had none.

Council Member Quentin Coon had none.

10:08

A motion was made by Council Member Coon, seconded by Council member Geisler to adjourn. Motion carried 6/0.

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 8th day of September, 2015, by the City Council, City of Andover, Kansas.

Q. M. W.
-1-

August 1, 2015

This petition was received in
the Office of the City Clerk
of Andover, KS on 6:55pm 8/25/15

Accepted 

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. *Wesley Ems* 1120 Terradyne Ct.
2. *Stephen & Clifton* 1022 TERRADYNE CT. ANDOVER, KS. 67002
3. *Burford Blythe* 1005 Terradyne " " "
4. *Shirley Blythe* 1005 Terradyne Cir. " " "
5. *Karen S. Riley* 909 Terradyne Circle Andover 67002
6. *James L. Riley* " " "
7. *Sandra Riley* 913 Terradyne Circle Andover 67002
8. *Lisa Gartner* 1016 Terradyne Cir Andover 67002
9. *David Gartner* 1016 TERRADYNE CIR ANDOVER 67002
10. *Peter J. Top* 1015 TERRADYNE CIR ANDOVER, KS 67002
11. *[Signature]* 1015 Terradyne Cir Andover KS 67002
12. *Eugenia A Leedes* - 1215 Terradyne CT.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. MKE ADAMS, 624 N 18th FAIRWAY 
2. TUONG NGUYEN 618 18th FAIRWAY
3. STEVE KANONWITZ 720 N 18th FAIRWAY
4. Gerald Thimmesch 1205 Terradyne Ct Gerald Thimmesch
5. Lisa Thimmesch 1205 Terradyne Ct Lisa Thimmesch
6. Joanne Barclay 1117 Terradyne ct.
7. Dave Trousdale 710 Bramerton Ct Andover 
8. Mary Trousdale 710 Bramerton Ct Andover
Mary Trousdale
9. Melinda Fritze 804 Bramerton, Andover 67002
10.  744 Bramerton, Andover 67002
11.  804 Bramerton 67002
- 12.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. *Lauren Collette* 1123 Terradyne Ct. Andover
2. *Michael V. L.* 1117 TERRADYNE PL. ANDOVER
3. *Greg* 1113 Terradyne Dr.
4. *Diane B. B.* 638 Parallel Dr
5. *Eric D. B.* 638 N PARALLEL DR
6. *And M* 1120 Terradyne Ct.
7. Shannon Hobbs 15635 E. Majestic, Wichita
8. *Byn E. L.* 632 18th Fairway
9. *Jason Starbird* 550 N Parallel Dr, jasonstarbird@yahoo
10. GREG GOUGH 1128 TERRADYNE ANDOVER *Greg Gough*
11. Mary Ellen Chaffin 1514 W. Highlander Ct. Andover *Mary Ellen Chaffin*
12. Mark Chaffin 1514 W. Highlander Ct, Andover *Mark Chaffin*

727-6375

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. Richard Courbs Rly JLL 6405 Glendon Ct
2. Meghan + Trent Brooklyn Mehrbaum 628 Glendon Ct
3. Tripp Owings 633 Glendon Ct Andover, KS 67002
4. ~~John~~ ~~Smith~~ 645 Glendon Ct Andover, KS
5. Jannura Carris 635 Glendon Way Andover, KS.
6. Lane Prainch 646 Glendon Way Andover, KS
7. Sharon Krasnucka 646 Glendon Way, Andover, KS
8. ~~Ruth~~ ~~Ann~~ 651 GLENDEVON WAY ANDOVER, KS
9. Peter ~~Wynn~~ 659 Glendon court
10. Tan M. ~~Cur~~ 659 glendon Ct Andover KS
11. Sharon McCue 653 Glendon Ct Andover, KS
12. William A. ~~Phillips~~ 705 GLENDEVON WAY, ANDOVER, KS

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. Steven Fritz 884 Brampton

2. William E. Downs 823 Brampton

3. Arlen Racht 753 Brampton

4. Jarnaesh Adh 733-9285 1111 Terradyne Pl.

5. Mindy Bryant 700 Brampton Ct.

6. Nancy Werrill 686 Brampton Ct

7.

8.

9.

10.

11.

12.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. Randy + Amy Westenberger 614 N. Parallel Dr.
2. ~~June Stutz~~ 550 N Parallel Dr.
3. ~~Dave Booth~~ 574 Parallel Dr.
4. Tim C 606 N Parallel Dr
5. Rochelle Enloe 606 N Parallel Dr
6. Jan Chabon 630 N Parallel Dr
7. Dennis L. Train 627 N. Parallel Dr.
8. MaryBeth Bonnewell 529 N. Parallel Dr.
9. Natalie ~~Hodman~~ 510 N Parallel Dr.
- 10.
- 11.
- 12.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

- 1. Kim Wride - 530 Glendevon Rd., Andover, KS 67002
- 2. Nick Wride 530 Glendevon Rd. ANDOVER, KS 67002
- 3. Nancy Assaf 624 Glendevon Pl. Andover KS
- 4. Jennifer Schroeder 521 N Parallel Dr, Andover KS 67002

5.

6.

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11.

12.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. Kyle Hartman 510 N. Parallel Dr.
2. Regina A. Whitehead 1604 Oxford Ct
3. LARRY HAYNES 641 N PARALLEL DR
4. Ron ZERB 622 N. PARALLEL DR
5. Wilma Gilley
6. Wilma Lewis - 609 N. Parallel
7. ~~John A. Ryan~~ 563 N. Parallel
8. Sally Ryan - 571 N. Parallel
9. Dawn Wabefeld - 555 N. Parallel Dr.
10. Dorey Wabefeld 555 W. Parallel Dr.
11. Steve Widak 537 PARALLEL
12. Roney Jarman 528 parallel ~~_____~~
13. Edna Cooper 520. Parallel.
14. Shirley Schrock 521 N Parallel Dr.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. Alice J. Lopez 423 S. Sunset # 1 Orbaev
2. Sharon Clanton 1022 Terradyne Cir.
3. Amy Armstrong 745 Bramerton St.
4. ~~Jarmstrong~~ 745 Bramerton St
5. ~~Eric Felt~~ 636 GLENDEVON CT.
6. Johannforst 6386 Glendevon Ct.
7. ~~Michael W~~ 626 Glendevon
8. Penny Case 626 Glendevon
9. Darryl Lado 1125 Terradyne CT
10. Doug Smith 1206 Terradyne CT.
11. ~~Andrew Scody~~ 1117 Terradyne Ct
12. ~~Hartleben~~ 1114 Terradyne Ct.
13. Paul D. ~~Spur~~ 1114 Terradyne Ct.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

1. Linda Crowe 637 Glendevon Ct Andover KS 67002
2. ~~R. M. M. M.~~ 465 Glendevon Rd Andover KS 67002
3. Lori McComas 665 Glendevon Rd Andover, KS 67002
4. Ann Katt 670 Glendevon Rd And, KS 67002
5. Steve Down 659 Glendevon Ct. Andover 67002
6. Britter Sawyer 659 Glendevon Ct Andover, KS 67002
7. Rebecca Combs 640 Glendevon Ct Andover KS 67002
8. ~~Tom A. Chap~~ 1111 TERRADYNE CT ANDOVER 67002
- 9.
- 10.
- 11.
- 12.

August 1, 2015

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

- 1. Melinda Easterwood 632 18th Fairway Andover
- 2. Thomas C. Ludes 1215 Terradyne CT. Andover 67002
- 3. John E Perkins 805 Bramerton 67002
- 4. Cathy Christy 805 Bramerton 67002
- 5. Rick Young 735 BRAMERTON 67002

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- 12.

Mark Detter

From: Kimberly Wride <kwrideshop@me.com>
Sent: Tuesday, August 25, 2015 5:53 PM
To: CouncilMail
Subject: Terradyne

City council members,

We are against the development of the corner property in Terradyne that will be discussed tonight at the City Council meeting.

We purchased our home in an established neighborhood with the final number of homes already determined for a reason. The club cannot come back after the fact and shame the homeowners for expecting this agreement to be honored. If these agreements mean nothing, why make them in the first place? We would love to have the mayor in our neighborhood but not like this. There are homes for sale that he can update/improve and for him to have anything to do with this agreement being broken between the club and the home owners would be wrong. If water prices are going up as Rob claims, the sale of these two lots won't solve their problems and he will have to continue to build which is our greatest concern. A yes to this build sets a precedence for future building. Rob claims his purchase of the club was contingent on the sale of the corner property. Why would that be a condition without first speaking to the homeowners? He claims in his letter the HOA approved but that is not true. As far as the view, we aren't getting anything for free. This was part of buying in an established neighborhood that had a limit of 101 homes. We are not members of the club, although we did call three times about a summer membership, and never had our calls returned. If they would focus on memberships more than real estate maybe they wouldn't be in this position. Also, we have neighbors that are against and have paid dues for over twenty years! Membership status is irrelevant because the limit of 101 homes wasn't based on how many Terradyne homeowners were club members. You can't come back after the fact and change the conditions and try to shame the owners who expect you to stick to the agreement. Also, our dues help pay for upkeep for a portion of the clubs land as well as the fact that we can't have a well on our property because the club claims all of the water which means we pay higher water bills to keep our property looking nice. Do they want to amend that as well? We hope that the council will consider the facts, hold the club to their agreement with the current homeowners, hear the voice of the over 100 people that signed the petition against and not be swayed by the fact that the mayor will benefit from approving this sale.

Sincerely,

Nick and Kim Wride
530 Glendevon Rd.

From: Philip White <pwhite@warriorlawyers.com>
Sent: Monday, August 24, 2015 4:29 PM
To: Quentin Coon; Sheri Geisler; Troy Tabor; Kris Estes; Caroline Hale; Clark Nelson; Susan Renner
Cc: 'Philip White'; paulhanny@sbcglobal.net
Subject: Zoning change for residential lots inside Terradyne CC

Dear Members:

I reside within the Oxford Court HOA @ 1520 Oxford Ct, which is located directly across from the property in question which is the subject of the proposed change in use. I encourage you to adopt the zoning change to permit the Terradyne owners to further develop and commence construction 2 residences. I am in favor of the proposed zoning change for the following reasons, to-wit:

1. Andover city streets will not be significantly impacted; I doubt the addition of 2 or 3 additional motor vehicles per residence will have any impact on motor vehicle congestion or wear and tear of the roadways located @ Central;
2. The City, School, and County tax base will be expanded at minimal cost to the City;
3. Construction of any residence within Andover must be encouraged for obvious reasons and apparently such construction is encouraged by the City given the current number of new residence construction currently underway at various locals within Andover;
4. Several tenets of real estate and property law should be utilized:
 - a. Beneficial use: -- the right to use property and all that makes that property desirable or habitable, such as light, air, and access, even if someone else owns the legal title to the property;
 - b. Highest and best use: -- in valuing property, the use that will generate the most profit; esp. used to determine the fair market value of property subject to eminent domain – often shortened to best use – also termed most suitable use;
 - c. Reasonable use: -- use of one's property for an appropriate purpose that does not unreasonably interfere with another's use of property;

Applying these tenets, the Terradyne owners have the right to beneficial use of their property, to make that property desirable or habitable, such as building residences on their property, as the proposed change will be a beneficial use;

The proposed change will generate a highest and best use by an increase in value of such property from undeveloped gunch on a golf course to a use that will generate a profit for the Terradyne owners, an increase the fair market value for such property for various tax bases including City, School, and County entities, and also generate a small number of good paying construction jobs which will in turn generate a small amount of additional revenue from sales tax;

The proposed change is a reasonable use by the Terradyne owners given the existing reasonable use of such other like property within the Terradyne golf development, in other words, the addition of 2 residential lots is not inconsistent with the existing use of Terradyne property in general.

5. The only complaint against the proposed change concerns an obstruction of viewing of the Terradyne property by individuals from the standpoint on public property. When I drive east or west on Central I cannot view the Terradyne course given the berm and brick wall (obstructions); when I walk on the sidewalk on the north-side of Central, the same obstructions prevent any viewing of the course; the same obstruction , brick wall proceeds north off of Central with the same result. So, I don't believe the addition of 2 residences will change the current lack of view by the general public of the Terradyne property. Who among you would object to the legal tenet that as private property owners you can prevent the general public from viewing onto or into your private property; we all have trees, fences, garage doors, windows, doors, etc., which promote such private use of our private property, the Terradyne owners are private property owners entitled to the application of the same legal tent; but, in reality,

nothing will change from the standpoint of the public's view of such property; if the public wants to view the private property of Terradyne it has a couple of choices: join Terradyne CC or purchase a home on or in Terradyne ;

6. Andover is a great community and Terradyne is a great part of the larger Andover community. I cannot think of one disadvantage to Andover resulting from the proposed change; rather, I believe that only advantage and benefit will result from such change;
7. Concluding, I want to paint a picture for you: Unless that small parcel of gunch is somehow transformed into a beautiful and contiguous piece of the Flint Hills, why would anybody reasonable object to a proposed change of un-useable gunch to 2 beautiful residences.

Philip R. White
328 N. Main
Wichita, KS 67202
p-316-265-5511
f-316-265-4433

Susan Renner

From: Wayne Wallace <wwwallace1320@gmail.com>
Sent: Friday, August 21, 2015 1:00 PM
To: Susan Renner
Subject: Fwd: Terradyne Country Club

FYI my email below.

Sent from my iPhone

Begin forwarded message:

From: Wayne Wallace <wwwallace1320@gmail.com>
Date: August 20, 2015 at 9:19:42 PM CDT
To: "blawrence@andoverks.com" <blawrence@andoverks.com>, "sgeisler@andoverks.com" <sgeisler@andoverks.com>, "ttabor@andoverks.com" <ttabor@andoverks.com>, "kestes@andoverks.com" <kestes@andoverks.com>, "chale@andoverks.com" <chale@andoverks.com>, "cnelson@andoverks.com" <cnelson@andoverks.com>, "gcoon@andoverks.com" <gcoon@andoverks.com>
Subject: Terradyne Country Club

As a "dues-paying-member" of Terradyne Country Club, I have received a copy of Robert Patton's August 20, 2015 letter to the Andover City Council regarding Terradyne's planned divestiture for development of 1.6 acres in the southeast corner of the golf course near Central and Glendevon, as well as ground in front of the clubhouse. I became a member of Terradyne approximately two years ago because of the many improvements to the condition of the golf course and clubhouse which had been recently made. Since joining additional improvements have continued to be made, and hopefully they will continue in the future with the aid of additional funding provided by these planned divestitures. I would appreciate your support of Terradyne's and Robert Patton's requests.

Respectfully, Wayne W Wallace

Sent from my iPad

Susan Renner

From: Mark Torline <mgtorline@gmail.com>
Sent: Tuesday, August 25, 2015 10:59 AM
To: Susan Renner
Subject: Terradyne Country Club

RECEIVED
AUG 28 2015
CITY OF ANDOVER

City Council Members,

I am writing this to you in full and complete support of the proposal coming before the City Council this evening regarding the General Planned Unit Development at Terradyne Country Club.

I am a new homeowner in the Terradyne community and a new member of the Golf Club as well. I am quite familiar with the history of Terradyne since the early days of Roe Messner and have seen it go through its trials and tribulations. My wife and I spent considerable time looking at property within Terradyne, Crestview and Tallgrass before we purchased a residence at Terradyne. Much of our comfort level was provided by the capital infusion that has been made to date by Mr. Patton in an effort to return the clubhouse and golf course to the excellent condition it was meant to be in. If I had thought there was a possibility the continued capital improvement and maintenance expenditures necessary to support such a facility would be interrupted due to the inability to build the planned development I would not have purchased a home in Terradyne.

I am personally aware of a number of individuals currently considering a move to Terradyne precisely because of the improvements Mr. Patton has made to the facilities. I can also assure you that if a vocal minority is allowed to disrupt the current pattern of expenditures most will quickly reconsider as their will once again be a great deal of concern regarding the financial viability of the club. I am fortunate to be in a position to relocate and would quickly consider doing so before the decline in property values sets in as I am sure would happen if viability concerns arise.

I would not think the city council would have any interest in derailing the progress that has been made in improving Terradyne as the influx of new residents and the rise in property values is beneficial to the city. As such I strongly urge you to consider the quieter majority of voices of those who are both residents of the Terradyne development and dues-paying members of the golf club who support both Terradyne and the merchants of Andover. It is the current exceptional condition of the golf club that brought us to Andover and I would hope the city council will support Mr. Patton's request and allow him to continue funding the improvements that will ultimately prove to be beneficial to the city of Andover as well.

Kind regards,

Mark Torline
646 18th Fairway
Andover, KS

Susan Renner

From: Mark Detter
Sent: Friday, August 21, 2015 12:24 PM
To: Susan Renner
Subject: FW: Terradyne Property Sale

Mark R. Detter
City Administrator
City of Andover, Kansas
1609 East Central
PO BOX 295
Andover, KS 67002
316-733-1303 ext.411
316-733-4634 (fax)
316-641-6035 (cell)
mdetter@andoverks.com

From: Ben Lawrence - Home
Sent: Friday, August 21, 2015 12:15 PM
To: Mark Detter <MDetter@andoverks.com>
Subject: Fwd: Terradyne Property Sale

Ben Lawrence
Office 733-9310

Begin forwarded message:

Resent-From: <blawrence@andoverks.com>
From: Lora Rick Siegrist <rlsiegrist@att.net>
Date: August 20, 2015 at 9:37:54 PM CDT
To: "chale@andoverks.com" <chale@andoverks.com>, "blawrence@andoverks.com" <blawrence@andoverks.com>
Subject: Terradyne Property Sale
Reply-To: Lora Rick Siegrist <rlsiegrist@att.net>

Mayor & City Council, As a long time member of Terradyne CC and a previous 16 year homeowner in Terradyne I support the owners of Terradyne CC in their quest to sell property, approx. 1.6 acres, on the southeast corner of the property for the use of residential development. I believe this will be nothing but a positive improvement in all respects for everyone and the city and I find it very hard to believe anyone could reasonably believe otherwise. Thanks, Rick Siegrist



Dear Mayor Lawrence:

Our bank proudly serves Sechrest, LLC, a group of Wichita businessmen whom own and operate the Terradyne Country Club. I can attest that the group devised plans years ago to convert land to cash without compromising the character of the golf course. One has to be especially resourceful to maintain a stable, private golf course and club. There are fine lines, but I submit that neighbors must consider the main objective of all: manage Terradyne such that the golf course and clubhouse themselves can be well-maintained in a predictable manner.

The plan to develop the 2 acres that make up the southeast corner of Terradyne has been in the making for 3 years or more and it is a component of an overall plan to make the club a predictable success story.

I was not prompted by the Sechrest members to author this letter. Rather, I have learned there is some discussion about the subject real estate's future and I want to make clear how the sale of the subject acreage has been and is a part of the overall plan for Terradyne.

I respect the views of others and I wish you well in your deliberations as you consider the fate of the subject property. Please contact me at 409-2599 if I can be of assistance.

Best regards,

Michael Babich
Senior Vice President

Susan Renner

From: Naaman Ritchie <naaman@blakeclotia.com>
Sent: Saturday, August 22, 2015 8:58 AM
To: Quentin Coon; Sheri Geisler; Troy Tabor; Kris Estes; Susan Renner
Subject: development at 159th & Glendevon

Dear City Council Members,

This is an interesting situation, because normally I don't care what people do and don't voice my opinion. However, in this case, I would like to let you know how we (Jeramie and I) feel about this project.

We are 100% in favor of the development. I'm sure you received the letter from Rob Patton explaining his point of view and I whole heartedly agree with all of his points. Here is the letter in case you have not received it.

[CLICK HERE TO VIEW LETTER](#)

I am really bothered that someone who doesn't live here in the Terradyne neighborhood or is not a member at Terradyne Country Club would have any say in the matter whatsoever. They don't pay for the view, we do and have for the last 13 years. Also, you might consider that most golf courses don't have any public view and should not be entitlement. For those that do live here in Terradyne and are not in favor of it, maybe they should move to a lot right on the course. They are probably the same people who thought that wood shake shingles should stay even though they are a fire hazard, don't last as long as other products, are terribly expensive and look terrible after a few years.

I pay Terradyne HOA dues, significant property taxes and I'm full member at Terradyne Country Club and I think it is a great project and will be very disappointed in the City Council if they don't support this small development. I am sick and tired of people in this part of the state holding back development and improvements. It is Rob's property and he should be able to do as he wants with it. This is totally within the norm of the neighborhood and city development and is a great improvement.

I really want to keep Terradyne Country Club in good shape, maintain an improving membership and move forward in the neighborhood. I really think it can only help the neighborhood and city and to deny them their development request is too much "not in my back yard" thinking. Terradyne Country Club needs to thrive and we in the neighborhood need it to thrive. It would be a disaster to have Terradyne Country Club fail again!!!

I sincerely hope you support Rob and his partners in their vision of the Terradyne and the neighborhood.

Thank you for listening to your neighbor!!

Naaman Ritchie
Jeramie Ritchie
846 Bramerton
316-733-9444 home
316-617-5721 cell

Susan Renner

From: Scott Martin <smartin765@yahoo.com>
Sent: Monday, August 24, 2015 12:38 PM
To: Susan Renner
Subject: Terradyne

I wanted to let you know I am in favor of the development in Terradyne. Rob Patton has done everything he said he was going to do in our neighborhood including much more.

Our property values are directly related to what Rob Patton has done in the last few years. I don't think our neighbors would enjoy a country club with boarded up windows.

With the additional two homes in our neighborhood would only enhance Andover, Ks.

Thank you
Scott Martin
708 Glendevon Way
Andover, Ks 67002

Susan Renner

From: Mark Detter
Sent: Sunday, August 23, 2015 9:24 PM
To: Susan Renner; Jennifer McCausland
Subject: Fwd: oppose

Sent from my iPad

Begin forwarded message:

From: Ben Lawrence - Home <blawrence13@cox.net>
Date: August 23, 2015 at 8:54:07 PM CDT
To: Mark Detter <MDetter@andoverks.com>
Subject: Fwd: oppose

Ben Lawrence
Office 733-9310

Begin forwarded message:

Resent-From: <blawrence@andoverks.com>
From: Wanda Lewis <pslmama@aol.com>
Date: August 23, 2015 at 8:12:21 PM CDT
To: <council@andoverks.com>
Subject: oppose

Council members-

I earlier said I was in favor of these 2 new plots for houses; but after debate with neighbors, I'm NOT in favor of these 2 houses. My husband feels the same. Thank you for considering our thoughts in your discussions. I am not able to come to meeting because I teach at BCC that evening. Wanda and John Lewis

Susan Renner

From: JKirby6004@aol.com
Sent: Friday, August 21, 2015 10:43 AM
To: Susan Renner
Subject: Terradyne Country Club

Subject: Council meeting on 8/25/15 regarding development of 1.6 acres at Terradyne Country Club.

As a 20 year dues paying member of Terradyne Country Club, I want to voice my support for the development of the 1.6 acres located at the SE corner of the Terradyne Country Club property.

As a member of the club it is important to me to keep the club healthy both financially and from a usability standpoint. Part of the club's financial plan includes development of that land.

Terradyne Country Club provides a wealth of revenue to the city of Andover from a tax base, employment base and water usability rate. This would not be healthy to see this go away.

I want you as Council members to know that I am totally behind this initiative.

**Jack Kirby
316.685.2237
jkirby6004@aol.com**

Susan Renner

From: Greg Bray <gbray@terradynecountryclub.com>
Sent: Saturday, August 22, 2015 9:23 AM
To: Quentin Coon; Sheri Geisler; Troy Tabor; Kris Estes; Caroline Hale; Clark Nelson; Susan Renner
Subject: Development at 159 and glendevon

From: mike Kimminau [mailto:mdkimminau@gmail.com]
Sent: Saturday, August 22, 2015 8:27 AM
To: Greg Bray; rob@lipizzancompanies.com
Subject: Re: FW: Development at 159 and glendevon

To Andover City Council,

We have lived in Terradyne since 1992 and are Terradyne Club members. There have been many changes during that time and under previous ownership the changes were not always best for our neighborhood or the club. This has not been the case with the current owners and management. There have been significant changes in the neighborhood and improvements in the golf course resulting in a positive effect. We would support the proposed addition of two lots near Central and Glendevon as long as it is done in a manner consistent with the HOA covenants and in an appropriate manner with the Terradyne neighborhood which has been proposed to the HOA board. Past actions by the current owners and management would indicate that this would be the case. Thank you for consideration of our opinion.

Jonni and Mike Kimminau

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Susan Renner

From: Bob Hill <bobh@fahnestockhvac.com>
Sent: Friday, August 21, 2015 11:21 AM
To: Susan Renner
Subject: Council Meeting on August 25,2015

To the Andover City council Members:

As a member at Terradyne for the past 16 years I have had a front row seat to the issues Mr. Patton talks about in his letter and I want to commend his actions since he has assumed ownership at Terradyne. He has made it a club to be proud to be a member at again.

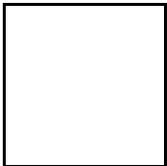
I fully support his position on the divestiture issues, and if a property owner does not have this right, then what have we become as a society.

And to the objections regarding the view—if these folks are not members of the club and thus do not play golf there, I doubt they purchased homes based on the view.

Thank you for your consideration

Robert Hill
Member # 1123

Bob Hill
Controller
Fahnestock Plumbing, HVAC and Electric
3532 North Comotara
Wichita, KS 67226-9883
316-943-4328
Fax 316-943-5736
[Fahnestock on YouTube](#)
<http://www.fahnestockhvac.com>



Bob Hill
Controller
Fahnestock Plumbing, HVAC and Electric
3532 North Comotara
Wichita, KS 67226-9883
316-943-4328

Fax 316-943-5736

[Fahnestock on YouTube](#)

<http://www.fahnestockvac.com>



From: Terradyne [<mailto:information@terradynecountryclub.ccsend.com>] **On Behalf Of** Terradyne

Sent: Thursday, August 20, 2015 6:12 PM

To: Bob Hill

Subject: Letter from Rob Patton



Dear Members,

Attached you will find a letter to the Andover City Council Members. I am asking you to please read the letter and to let the Andover City Council know if you are in favor of the issue discussed, prior to the next city council meeting. This will be heard and voted on next Tuesday, August 25th. I appreciate your time considering this matter.

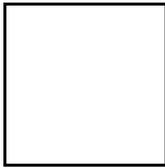
Thank you,

Robert Patton

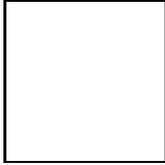
[CLICK HERE TO VIEW LETTER](#)

Terradyne Country Club
1400 Terradyne Drive
Andover, KS 67002

[Forward this email](#)



This email was sent to bobh@fahnestockhvac.com by sarah@terradynecountryclub.com | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [About our service provider](#).



Terradyne | 1400 Terradyne | Andover | KS | 67002

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For more information please visit <http://www.symanteccloud.com>

Susan Renner

From: Hanny <paulhanny@sbcglobal.net>
Sent: Friday, August 21, 2015 8:46 PM
To: Susan Renner
Subject: 159th terradyne zoning

As a resident of 1204 terradyne and a member of terradyne country club for 15 years our household along with many other residents are in favor of terradyne developing the 2 lots. I have spoken with a lot of terradyne home owners and weren't aware that our own HOA was sending around a petition to try and get this overturned.

A lady came to our door and spoke with my wife, I was in the next room and listened to how she was worded it (the petition she was looking to get signed) "We are getting a petition to stop them from building some ugly houses that are gonna ruin our view" We of course knew what she was talking about and said "we weren't in favor of going against it"

From a long time resident and long time member it seems "ODD" that any resident would go against the very organization that took a bankrupt club and beautified it and then to say thank you for all your money and effort we don't want to see you succeed and gain money from selling off these 2 lots? I mean if it wasn't for those very people they are going against we wouldn't have a nice view to complain about now would we? Thanks for your time. paul hanneman 1204 terradyne andover ks 67002

0-IX

Mark Detter

From: Melinda Fritze <melinda.fritze@gmail.com>
Sent: Monday, August 24, 2015 9:58 PM
To: CouncilMail
Subject: Vote no - Terradyne Zoning Case

Andover City Council,

Please vote against the modification to the Terradyne PUD. Although this proposed change involves the platting and sale of only two lots in our PUD, it establishes a precedent which would allow the owner to continue to sell additional lots – with no assurance that these sales will keep the club financially viable.

We have been homeowners in Terradyne Estates for 22 years and have been members of the Terradyne Country Club for 18 of those years. We appreciate that we live in a golf course community and understand the interdependence of the golf course and the homeowners.

This interdependence was articulated in the 2006 PUD which allowed Terradyne Country Club to establish new areas for platting additional homes/selling lots while assuring existing homeowners that the green space in our neighborhood would be maintained – thus, limiting the number of homes to 101.

Mr. Patton states that he met with "representatives of the Terradyne HOA and they were supportive of this proposal." Apparently, these individuals were acting in their own capacity and did not represent the views of the Terradyne HOA board or the homeowners. As a member of the PUD, we were never given the opportunity to view the proposed plat or express our opinion on the issue.

Homeowners support the club in a number of ways. One important way is that we do not have private water wells to protect the groundwater for the course. We purchase expensive water from the City of Wichita for all of our lawn watering. The homeowners also support the golf course by funding all improvements and maintaining the right of way outside the wall on Central and Glendevon Road. Since 1998, our HOA has spent over \$100,000 for these improvements and maintenance. None of the Terradyne golf course owners have ever contributed, even though the course is the adjacent property.

It is in our best interest for the country club to be successful – it is good for our neighborhood and good for our city. We understand that many golf courses in our area are struggling and we appreciate Mr. Patton's efforts to maintain the course. This one-time sale of property does not provide the ongoing source of revenue that is needed for the long term stability of the course. As a former commercial lender, it doesn't make sense that a financial institution would make a loan contingent on the future sale of this particular parcel of land when it had not been platted for such a purpose.

Thank you for your service to the City of Andover.

Respectfully,

Melinda Fritze

Mark Fritze
~Block D Lot 7
Terradyne Estates

Susan Renner

From: Mark Detter
Sent: Tuesday, September 01, 2015 2:43 PM
To: Susan Renner
Subject: FW: Terradyne PUD

Mark R.Detter
City Administrator
City of Andover, Kansas
1609 East Central
PO BOX 295
Andover, KS 67002
316-733-1303 ext.411
316-733-4634 (fax)
316-641-6035 (cell)
mdetter@andoverks.com

-----Original Message-----

From: Diane Fox [mailto:dianedfox@sbcglobal.net]
Sent: Tuesday, August 25, 2015 6:50 PM
To: CouncilMail <CouncilMail@andoverks.com>
Subject: Terradyne PUD

I didn't hear back from anyone on the council and would like to reiterate that I am strongly against changing the Terradyne PUD. Unfortunately, I will not be able to make to the meeting tonight. I have a lovely home for sale on the golf course if Mayor Lawrence is looking to live in Terradyne.

Diane Fox
1015 Terradyne Cir
Sent from my iPhone

Susan Renner

From: Mark Detter
Sent: Sunday, August 23, 2015 9:24 PM
To: Jennifer McCausland; Susan Renner
Subject: Fwd: Terradyne PUD

Sent from my iPad

Begin forwarded message:

From: Diane Fox <dianedfox@sbcglobal.net>
Date: August 23, 2015 at 8:36:42 PM CDT
To: CouncilMail <CouncilMail@andoverks.com>
Subject: Terradyne PUD

I am writing to express my disagreement with the proposed PUD changes within Terradyne. How much more land will the current or future owners of Terradyne Country Club request after this. There needs to be another way for them to fund their endeavors rather than chipping away at the common areas in the neighborhood.

Thank you,

Diane Fox
1015 Terradyne Cir
Sent from my iPhone

Susan Renner

From: Mark Detter
Sent: Tuesday, August 11, 2015 4:02 PM
To: Susan Renner; Daynna DuFriend; Les Mangus
Subject: FW: Zoning changes at Terradyne

Mark R.Detter
City Administrator
City of Andover, Kansas
1609 East Central
PO BOX 295
Andover, KS 67002
316-733-1303 ext.411
316-733-4634 (fax)
316-641-6035 (cell)
mdetter@andoverks.com

-----Original Message-----

From: skc6466@cox.net [mailto:skc6466@cox.net]
Sent: Tuesday, August 11, 2015 2:48 PM
To: CouncilMail <CouncilMail@andoverks.com>
Subject: Zoning changes at Terradyne

I am sending this email with regard to the zoning issue that has arisen in our Terradyne neighborhood. In 2006 the Planed Unit Development limited the number of homes in Terradyne to 101 to assure homeowners that no areas of the golf course would be disturbed for additional homes. Now two "specific people" have requested that the protection created by the PUD be nullified to accommodate their desires. This zoning change will set a precedent which will allow more areas of the golf course to be used for residential properties. This zoning change would change the natural terrain of the golf course, not to mention undue traffic situations at the Central and Glendevon entrance into our Terradyne neighborhood. We homeowners bought our properties in Terradyne in good faith that no areas of the golf course would be lost to additional homes. I encourage the City Council of Andover to honor the established protection, provided by the PUD, for all current homeowners and vote against the Terradyne zoning change.

Sharon and Stephen Clanton
1022 Terradyne Circle

Susan Renner

From: Otis Bentley <otisbent@gmail.com>
Sent: Friday, August 21, 2015 7:46 PM
To: Susan Renner
Subject: Development at Glendevon and central

I live on Oxford CT across the golf course from this property and have no problem with this development. Mr Patton has taken on this golf course with pride and done a fine job. All the former ownerships including the last Mr Craig Smith have considered it a money pit. With out your help the whole coarse could be a bunch of weeds like what is growing on the these lots at this time. Would much rather have a nice home. And it will help the tax base for Andover. Mr Rob Patton needs your vote in this matter to improve this community and the Terradyne golf course. THANK YOU

OTIS BENTLEY

Susan Renner

From: Mark Detter
Sent: Sunday, August 23, 2015 9:38 PM
To: Jennifer McCausland; Susan Renner
Subject: Fwd: Terradyne Country Club PUD

Sent from my iPad

Begin forwarded message:

From: andrew barclay <abarclay492001@yahoo.com>
Date: August 23, 2015 at 9:06:25 PM CDT
To: CouncilMail <CouncilMail@andoverks.com>
Subject: Terradyne Country Club PUD
Reply-To: andrew barclay <abarclay492001@yahoo.com>

Andrew and Joanne Barclay

1117 Terradyne Court

Andover, Kansas 67002

August 22, 2015

Dear City Council Members,

This letter is in response to the change of the planned unit development at Terradyne.

We do not support the creation of two additional lots in parcel 1 Terradyne Planned Unit Development.

We bought our home in Terradyne in 1993, raised our family of five children here, and have been dues-paying members of the Terradyne Country Club for twenty-two years. Much of our attraction to Terradyne was the open space and golf course area. We were assured that the plat we viewed before buying our home in 1993 was the final plat. However, in 2006 the Terradyne PUD was amended, (city ordinance 1301), and that amendment limits the number of residential lots to 101.

Please do not vote for the expansion of the current Terradyne PUD.

Sincerely,

Andrew and Joanne Barclay

Susan Renner

From: Mark Detter
Sent: Sunday, August 23, 2015 9:25 PM
To: Susan Renner; Jennifer McCausland
Subject: Fwd: Terradyne Planned Unit Development Change

Sent from my iPad

Begin forwarded message:

From: Ben Lawrence - Home <blawrence13@cox.net>
Date: August 23, 2015 at 7:54:37 PM CDT
To: Mark Detter <MDetter@andoverks.com>
Subject: Fwd: Terradyne Planned Unit Development Change

Ben Lawrence
Office 733-9310

Begin forwarded message:

Resent-From: <blawrence@andoverks.com>
From: Kirk Asmann <kirkasmann@hotmail.com>
Date: August 23, 2015 at 7:25:25 PM CDT
To: "council@andoverks.com" <council@andoverks.com>
Subject: Terradyne Planned Unit Development Change

Andover City Council,

I am long standing resident of the Terradyne community and am a member of the wonderful Terradyne Country club since 1993. I am currently on the board and have also served on the Terradyne homeowners board of directors for numerous years.

I would respectfully request a favorable vote for amending the planned unit development to include to two (2) new lots on the 1.6 acre plot at the south east corner of the golf course. This will not only enhance the current view that many residents currently enjoy but will enable the current ownership at Terradyne to continue improving this first class facility.

Believe me, I have remained a member at the club throughout all of the ups and downs due to the many different ownerships and we finally have a dedicated group of owners that want to make this club a success. Lets stand behind them and make this a reality. The city has nothing but to gain with the substantial tax revenue and community enhancement that will be acquired through this addition.

Please include my **YES** vote on your Tuesday, August 25, 2015 PUD amendment.

Thanks, Kirk (Hap) Asmann
1212 Terradyne Drive
Andover, Kansas 67002

TERRADYNE COUNTRY CLUB
1400 Terradyne Street
Andover, Kansas 67002

August 21, 2015

Sent via email

Andover City Council

RE: Terradyne Country Club

Dear City Council Member:

As a partner of Rob Patton in Terradyne Country Club, I whole-heartedly agree with his letter to the Andover City Council attached here.

I am proud of the amenity of the golf course that we have provided to the Andover community. The partners have spent millions of dollars plus a lot of personal time in trying to make this venture a success.

Your favorable consideration for Terradyne Country Club partners on the agenda issue before the Council on August 25, 2015 would be greatly appreciated.

Best Regards,
DM Ventures, LLC

A handwritten signature in black ink, appearing to read "Don R. Marvin". The signature is fluid and cursive, written over a white background.

By: Don R. Marvin, Managing Member

DRM/mst

TERRADYNE COUNTRY CLUB
1400 Terradyne Street
Andover, Kansas 67002

August 20, 2015

Andover City Council

RE: Terradyne Country Club

Dear City Council Member:

Due to a conflict, I will be out of town for the City Council Meeting to be held on Tuesday, August 25, 2015, previously scheduled for August 11, when the amendments to Terradyne Preliminary General Planned Unit Development will be heard. I felt compelled to write this as majority owner of Terradyne to share my side of the story on what we are attempting to do and why. I became majority owner of Terradyne on December 31, 2012, with three additional partners, when we purchased the property from Fidelity Bank. The original five year business plan presented to Kansas State Bank in support of closing that loan, included the divestiture of the 1.6 acres in the southeast corner of the golf course at Central and Glendevon Roads. When this proposal previously passed at the planning committee meeting on Tuesday, July 21, 2015, the argument from the opposition had a similar theme, that it would ruin their wonderful view of the beautiful golf course. The majority of those opposing are not supportive of the Country Club as dues paying members.

Terradyne currently has 330 members and employs 15 full-time employees, 21 part-time and 15 seasonal employees. This does not include the number of jobs by the tenants in the Terradyne Office Building. We pay approximately \$125,000 annually in sales tax and \$15,000 a year for sewer usage. During the drought last year, our water bill, which is purchased from Wichita with an Andover surcharge, totaled \$250,000. This amounted to \$150,000 over our budget. The City of Wichita has informed us to anticipate that current water rates will double in the next five years. During the heat of the summer of 2015, we consumed 600,000 gallons of water per day to maintain the golf course in pristine condition.

I am selling this 1.6 acres to raise money for continued operations at Terradyne Country Club.

When we made the decision to pursue this in 2015, I went to representatives of the HOA Board and they were supportive of this proposal. Again, I will reiterate that it is sad, but true, that 70% of the Terradyne HOA Homeowners are not supportive as dues paying members of the \$700,000 per year that we pay to maintain it. It is typical in golf communities, Tallgrass for instance, that the homeowners pay a monthly viewing fee to help support maintenance of the golf course, which is in essence their backyard whether they are members or not.

Please consider, and heavily weight in your decision, the rights of property owners in your vote and the additional tax base that the new homes will generate for the City of Andover, and let me sell a nonessential asset to use the cash for operations.

Sincerely,

TERRADYNE COUNTRY CLUB

Robert C. Patton
Managing Member