

**ANDOVER CITY COUNCIL  
Tuesday, March 13, 2012  
Minutes**

1. Mayor Ben Lawrence called the meeting to order and roll call.

Present were Council Members Byron Stout IV, Sheri Geisler, Clark Nelson, Caroline Hale, and Troy Tabor. Others in attendance were: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, Public Works and Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, Communications/IT Director Bill Duggan, City Engineer Mike Thompson, and City Financial Advisor Mark Detter, Central States Capital Markets. Council Member Dave Tingley was not present.

3. Invocation was given by Pastor Leon Hiebert of Andover Generations Church and the Police Department Chaplains.

4. Mayor Ben Lawrence led the Pledge of Allegiance.

5. Mayor Ben Lawrence open the public forum. No comments were made.

6. Acceptance of Agenda

Council Member Caroline Hale requested the reversal of items 10) Foster & Associates proposal for 21st Street landscape and item 12) 21st Street change order for the Quail Crossing intersection.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to accept the agenda as modified. Motion carried 5/0.

7. Public Hearing Zoning Case Z-2011-02 615 N. Andover Road

Mayor Lawrence opened the public hearing. No one spoke.

Mayor Lawrence asked Zoning Administrator Les Mangus for a brief description of the request.

Les Mangus explained this was an existing building and the owners felt it would be more marketable with additional permitted uses. The applicant requested a zoning change from B1 Office Business to B3 Central Shopping District. The Planning Commission has recommended a change from the B1 Office Business to B2 Neighborhood Business District with a protective overlay to exclude restaurant and service stations.

## 8. Consent Agenda

- a. Approval of Minutes
  - i. City Council Workshop: February 27, 2012
  - ii. City Council Meeting: February 28, 2012
- b. Receive & file reports
  - i. Fire: February 2012
- c. Receive & file minutes
  - i. Site Plan Review: February 7, 2012; February 11, 2012
  - ii. Subdivision: June 8, 2010
  - iii. Planning Commission: January 17, 2012
- d. Approval of appropriation ordinance B-04-12 in the amount of \$ 470,643.18.
- e. Approval of non-elected personnel item  
Nathan Regier, Police Department new hire as Police Officer, with a starting wage of \$15.96 per hour, effective March 5, 2012.
- f. Approval of the Police Department request to send Captain Coffman, if selected, to the FBI National Academy in Quantico, Virginia, for ten weeks.  
There would a cost to the department of \$720 to cover assessment fee, FBINA Associate dues, and required clothing. The FBI pays for all other expenses.
- g. Approval of the Waste Water Department purchase of the water filtration system currently being used in the plant lab in an amount not to exceed \$2,000.
- h. Approval of the Police Department request to submit an application to the U.S. Department of Justice for the 2012 COPS Hiring Program Funding Grant.
- i. Approval of a check request of CVB funds for the Hotel Voucher Program to the Holiday Inn Express in the amount of \$6,920 for 173 vouchers.
- j. Approval of KDOT/LaFarge change order 25 for final quantities for concrete base, pavement and testing on the South Andover Road project. (\$6,104.39)
- k. Approval of KDOT/LaFarge change order 26 for inlet adjustment on the South Andover Road project. (\$4,457.02)
- l. Approval of KDOT/Cornejo and Sons change order 5 for damage done to a signal pole at 21<sup>st</sup> and Andover Road as a result of an accident by a private party. (\$965.94)

A motion was made by Council Member Caroline Hale, seconded by Council Member Troy Tabor to approve the consent agenda. Motion carried 5/0.

9. An ordinance changing the zoning district classification of certain lands located in the City of Andover, Kansas, under the authority granted by the Zoning Regulations of the City as originally approved by Ordinance No. 1187. (615 N. Andover Road)

Mayor Lawrence presented an ordinance changing the zoning district classification of certain lands located in the City of Andover, Kansas, under the authority granted by the zoning regulations of the City as originally approved by Ordinance No. 1187.

The Mayor asked the City Council if anyone intended to disqualify themselves from discussing or voting on this case because they have conflicts of interest or particular bias. No one did.

The Mayor asked the City Administrator if the City Clerk had received any protest petitions. She responded she had not.

The Mayor confirmed with the Council that they had received the February 21, 2012, Planning Commission meeting minutes.

The Mayor asked the applicant, Kim Quastad, 1607 N. Singletree, if he felt they had a fair and impartial hearing at that Planning Commission meeting, the applicant responded he had a representative at the meeting and felt it was fair.

ANDOVER CITY PLANNING COMMISSION	Agenda Item No. 5
	<u>REZONING REPORT *</u>
CASE NUMBER:	Z-2011-02
APPLICANT/AGENT:	PTQ Properties/Goodman Family LTD Partners
REQUEST:	<u>Proposed change of zoning district classification from the B-1 Office Business District to the B-3 Central Shopping District.</u>
CASE HISTORY:	
LOCATION:	615 N. Andover Rd.
SITE SIZE:	+/- 14,000 sq. ft.
PROPOSED USE:	Speculative business uses.

**ADJACENT ZONING AND EXISTING LAND USE:**

North:	R-1 Single family residences
South:	R-1 Single family residences
East:	B-4 Central Business Plaza Shopping Center
West:	R-1 Single family residences

**Background Information:**

This former single family residence was zoned for office business use many years ago and was operated as an optometrist office until recently. The new owner of the property desires to expand the permitted uses to cover a broader range of possible tenants for the now vacant building.

\* 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:**

YES	NO	1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition? STAFF: PLANNING: COUNCIL:
YES	NO	2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change? STAFF: PLANNING: COUNCIL:
YES	NO	3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration? STAFF: PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	4. Would the request correct an error in the application of these regulations? STAFF: PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	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? STAFF: PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	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? STAFF: All are in place and adequate. PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	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? STAFF: Dedications of minimum Right of Way if necessary. PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	8. Would a screening plan be necessary for existing and/or potential uses of the subject property? STAFF: Screening/buffering of the nearby single family residences is necessary. PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested? STAFF: There are numerous vacant buildings in the area with similar zoning. PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities? STAFF: Additional permitted uses could create increased services and employment opportunities. PLANNING: COUNCIL: Concur
X	X	
X	X	
YES	NO	11. Is the subject property suitable for the uses in the current zoning to which it has been restricted? STAFF: PLANNING: COUNCIL: Concur
X	X	
X	X	

- |     |    |  |
|-----|----|--|
| YES | NO | 12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?  |
|     |    | STAFF: The intensity the proposed additional retail and service business permitted uses could create more traffic, noise, lighting, etc. than the existing office business permitted uses.   |
| X   |    | PLANNING:<br>COUNCIL: Concur   |
| YES | NO | 13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?  |
|     | X  | STAFF: The subject property is better suited to the intent and purpose of the B-2 Neighborhood Business District because of its limited size and adjacent residential neighbors.   |
|     | X  | PLANNING:<br>COUNCIL: Concur   |
| YES | NO | 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?  |
| X   |    | STAFF: The Comp. Plan suggests a case by case review of commercial uses along Andover Rd. because of the diverse circumstances regarding nearby properties.  |
|     | X  | PLANNING:<br>COUNCIL: Concur   |
| YES | NO | 15. What is the support or opposition to the request?  |
|     | X  | STAFF: None at this time.<br>PLANNING:<br>COUNCIL: Concur  |
| YES | NO | 16. Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?  |
| X   |    | STAFF: Staff recommends modification of the request to approval of a change of zoning district classification to the B-2 Neighborhood Business District, which is more consistent with similar changes in the area, subject to approval of a parking and screening plan by the Site Plan Review Committee. |
|     | X  | PLANNING:<br>COUNCIL: Concur   |
| YES | NO | 17. If the request was <u>not</u> 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?  |
|     | X  | STAFF:<br>PLANNING:<br>COUNCIL: Concur   |

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to approve the ordinance as presented based upon the facts and findings as prescribed by the Planning Commission. Motion carried 5/0. Ordinance number 1508 was assigned.

11. [A resolution repealing and replacing Resolution 11-17 establishing the times and dates for permitted sales and for the permitted discharge of fireworks within the City of Andover, Kansas.](#)

A motion was made by Council Member Sheri Geisler, seconded by Council Member Troy Tabor to approve a resolution repealing and replacing Resolution 11-17 establishing the times and dates for permitted sales and for the permitted discharge of fireworks within the City of Andover, Kansas. Motion carried 5/0. Resolution number 12-02 was assigned.

10. 21st Street Project change order for the addition of the intersection at 21st and Quail Crossing

Les Mangus stated the design had been approved by KDOT and listed the costs associated with the addition of a full function intersection for Quail Crossing Street at 21st Street. Engineering \$4,200; landscape \$2,265; KDOT federal participating funds (80%) (not tear out/only rebuild) \$18,517.60; city share (20%) \$4,629.40; city at large non-participating costs \$10,837.29 for a total cost of \$40,449.29.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the 21st Street Project change order for the addition of the intersection at 21st and Quail Crossing. Motion carried 5/0.

12. Foster & Associates proposal for 21st Street landscape revision

Sasha Stiles explained this contract is for landscaping changes related to the addition of the intersection at 21st Street and Quail Crossing Street.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the Foster & Associates proposal for 21st Street landscape revision in an amount not to exceed \$1,450. Motion carried 5/0.

13. Discussion: new construction incentive program

Sasha Stiles highlighted the extensive amount of information that was provided in the Council packets regarding the current Neighborhood Revitalization Plan and the revision of it and a secondary proposal to just rebate City of Andover property taxes.

The Council concurred the issue of timing was of great importance.

Mark Detter, City Financial Advisor, Central States Capital Markets, was Butler County Assistant Administrator at the time the county initiated their NRP program and commented that a retroactive date could be included in their agreements.

Mayor Lawrence asked the Council for their input on what a program should be.

Council Member Caroline Hale does not want the program to include specials, likes the use of the NRP program, would like commercial property included, but wants the citizens to be notified before any program is implemented.

Council Member Byron Stout had concerns with the inter-local agreements with the school district and county, would like to move forward with a program and added the individuals purchasing homes would have to qualify not like the Freddie Mac and Fannie Mae loans, the program would be rebates so the homeowner would have to pay taxes to receive any rebate of taxes.

Council Member Sheri Geisler would like to consider the NRP version and wanted to look at all sides, impact on valuation, who will pay for services offered, and what the impact would be to the citizens who cannot take part in the program.

Council Member Clark Nelson likes the NRP version and after this discussion is no longer skeptical of the addition of commercial property.

Council Member Troy Tabor said yes to the NRP version and believes commercial property should be included but does not want to make a move that could eventually hurt the community and likes the idea of reviewing any program after one year before extending.

Mayor Lawrence asked staff to come up with a check list of options inside of the NRP program for the Council to consider i.e. length of program, caps of any kind, stagger the amount of rebates, etc. and to devise a means to disseminate the information to the public whether it be a town hall meeting, mailings, website or all and to set a time frame to accomplish this by so the inter-local agreements can be drafted.

Mayor Lawrence stated the need for additional workshop meetings and April 9th was confirmed for one. The Governing Body will discuss the incentive program at the March 27<sup>th</sup> meeting and bring a plan to the April 10<sup>th</sup> meeting to present to the public.

#### 14. Discussion: Council President

A motion was made by Council Member Byron Stout, seconded by Council Member Clark Nelson to approve Council Member Tabor as Council President. Motion carried 5/0.

#### 15. Member Items

Council Member Bryon Stout

- Stated it was good to be back

Council Member Sheri Geisler had none.

Council Member Clark Nelson had none.

Council Member Caroline Hale had none.

Council Member Troy Tabor

- Stated he was glad to hear the wonderful news about Council Member Stout. (successful surgery)

16. Adjourn

A motion was made by Council Member Caroline Hale, seconded by Council Member Byron Stout to adjourn. Motion carried 5/0.

Respectfully Submitted by

Susan Renner  
City Clerk

Approved this 27<sup>th</sup> of March, 2012 by the City Council, City of Andover