

ANDOVER CITY COUNCIL
Tuesday, July 10, 2012
Minutes

1. Council Member Caroline Hale called the meeting to order in the absence of Mayor Ben Lawrence and Council President Troy Tabor.

2. Roll Call

Present were Council Member Byron Stout IV, Council Member Sheri Geisler, Council Member Clark Nelson, Council Member Kris Estes, Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney Norman Manley, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, Consulting Engineer Mike Thompson, and Communications/IT Director Bill Duggan. Mayor Ben Lawrence and Council Member Troy Tabor were absent.

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

4. Council Member Caroline Hale led the Pledge of Allegiance.

5. No comments were made during the Public Forum.

6. Acceptance of Agenda

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to accept the agenda with the addition of the change order to agenda item 8) additional storm sewer inlet at 21st and Andover Road. Motion carried 5/0.

7. Consent Agenda

- a. Approval of Minutes
 - i. City Council Workshop: June 25, 2012
 - ii. City Council Meeting: June 26, 2012

- b. Receive & file reports
 - i. Finance: June 2012
 - ii. Fire: June 2012

- c. Approval of appropriation ordinance B-12-12 in the amount of \$ 316,172.54.

- d. Approval of non-elected personnel items

Michael Roth, Park Department new hire as Maintenance Crew Chief, at a salary of \$14.50 per hour, effective July 9, 2012.

Bill Bishop, Street Department, status change from training to regular status, with a salary increase from \$13.00 to \$13.50 per hour, effective July 9, 2012.
- e. Approval of a check request from CVB funds to the Holiday Inn Express in the amount of \$7,200 for 180 hotel vouchers.
- f. Approval of a check request from CVB funds to Andover Days Inn in the amount of \$2,640 for 66 hotel vouchers.
- g. Approval of the Park Department purchases of a well pump test and pump at the 13th Street Sports Park from Harp Well & Pump Service of Wichita, in an amount not to exceed \$4,000.
- h. Approval of the Park Department purchase of two irrigation systems from Superior Landscape Management of Andover, one for the 13th Street Sports Complex in the amount of \$3,550 and one for the Central Park Lodge in the amount of \$13,499.25.
- i. Approval of the contract with IMA, Inc. of Wichita for employee benefit broker as recommended, reviewed and approved by Council on June 12, 2012.
- j. Approval of the request by the Police Department for street closings for neighborhood block parties during National Night Out, August 7, 2012.
- k. Approval of a Communications/IT purchase of six personal computers, three for wastewater department, two for police department, and one for fire department, from Computers Plus of Andover, in the amount of \$8,962.
- l. Approval of a Communications/IT purchase of a replacement server from OneSource Technologies of Derby in the amount \$8,118, including installation, configuration and migration of existing data/programs.
- m. Approval of the Fire Department purchase of software from Emergency Reporting of Dallas, Texas, with a one-time initial set up fee of \$849 and an annual maintenance of fee of \$1,416 (2012-2013).

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the consent agenda as presented. Motion carried 5/0.

8. [Additional storm sewer inlet at 21st and Andover Road](#)

Les Mangus explained the inlet was not included in the original plan and upon completion of the project erosion was found due to improper draining. This inlet will allow for proper drainage.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve the Cornejo & Sons change order 8 for an additional storm sewer inlet at 21st and Andover Road in the amount of \$12,328.25. Motion carried 5/0.

9. [21st Street project irrigation system repairs \(Cornerstone HOA\)](#)

Les Mangus explained this repair is for the area at the intersection of Cornerstone Parkway.

He added there are two parcels left yet to submit for reimbursement for the project.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to approve the payment of \$1,600 to the Cornerstone Home Owners Association, after receipt of release of reimbursement funds, for irrigation system repairs. Motion carried 5/0.

10. [Citycode Financial addendum to on-line City Code for the addition of the Zoning and Subdivision Regulations](#)

Les Mangus stated when the Code of the City of Andover was put on-line by Citycode Financial we found it to be a great navigation tool. But, Chapter 20 of the Code, Planning and Zoning Regulations, only listed updates to the Planning & Zoning regulations and the Subdivision regulations and an individual would need refer back to our city website for the original regulations and determine changes from there. This agreement will allow for Citycode Financial to add the Planning and Zoning Regulations and Subdivision Regulations in full within the City Code providing an always current document.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to approve the agreement with Citycode Financial, Wichita, for an addendum to the on-line Code of the City of Andover agreement dated December 29, 2009, for the addition of the Planning and Zoning Regulations and the Subdivision Regulations at a one-time fee of \$750. Motion carried 5/0.

11. [Poe & Associates service agreement for Terradyne fire service line and fire hydrant](#)

Les Mangus stated Terradyne Country Club was adding a new fire service line and hydrant designed by Baughman Co. with construction to be done by Mies Construction. Poe & Associates will be handling the inspections for the city. All costs for will be paid for by the property owners.

A motion was made by Council Member Clark Nelson, seconded by Council Member Byron Stout to approve the Poe & Associates service agreement for Terradyne fire service line and fire hydrant inspection services. Motion carried 5/0.

12. Zoning case Z-2012-01 - 615 N. Andover Road

Council Member Caroline Hale 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.

Council Member Caroline Hale asked Zoning Administrator Les Mangus to give a brief overview.

Les Mangus explained the applicant reconsidered the B-2 zoning granted a few months ago in light of the amount of vacant commercial property available and plans to convert the existing former residence into efficiency type multifamily dwellings.

Council Member Caroline Hale 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.

Council Member Caroline Hale asked the City Clerk if the City had received any protest petitions. She responded she had not.

Council Member Caroline Hale confirmed with the Council that they had received the June 19, 2012, Planning Commission meeting minutes.

Council Member Caroline Hale asked the applicant if he felt he had a fair and impartial hearing at that Planning Commission meeting, the applicant responded that he did.

Council Member Caroline Hale asked if anyone in the audience wanted to respond or provide any new information. No one did.

REZONING REPORT *

CASE NUMBER: Z-2012-01

APPLICANT/AGENT:
PTQ Properties/Goodman Family LTD Partners

REQUEST: Proposed change of zoning district classification from the B-2 Neighborhood Business District to the R-3 Multiple-Family District.

CASE HISTORY:
LOCATION: 615 N. Andover Rd.

SITE SIZE: +/- 14,000 sq. ft.

PROPOSED USE: Speculative multifamily 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 change the permitted uses to allow for the conversion of the now vacant building to a multifamily dwelling.

* 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: B-1
COUNCIL: concur

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: B-2
COUNCIL: concur

YES NO 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

X X STAFF:
X PLANNING:
COUNCIL: concur

YES NO 4. Would the request correct an error in the application of these regulations?

X STAFF:
X PLANNING:

COUNCIL: concur

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?

X STAFF:
X PLANNING: Lack of commercial growth.
COUNCIL: concur

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?

X STAFF: All are in place and adequate.
X PLANNING:
COUNCIL: concur

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?

X STAFF:
X PLANNING:
COUNCIL: concur

YES NO 8. Would a screening plan be necessary for existing and/or potential uses of the subject property?

X STAFF:
X PLANNING:
COUNCIL: concur

YES NO 9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?

X STAFF: There are no vacant buildings in the area with similar zoning.
X PLANNING:
COUNCIL: concur

YES NO 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?

STAFF: N.A.
PLANNING: N.A.
COUNCIL: concur

YES NO 11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?

X STAFF:
X PLANNING:
COUNCIL: concur

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 multifamily residential permitted uses could create more traffic, noise, lighting, etc. than the existing office business permitted uses.

X PLANNING:
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 R-3 Multifamily Residential District because of its limited size, location along an arterial street, and adjacent residential neighbors.

X PLANNING:
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 variety of housing options.

X PLANNING:
COUNCIL: concur

YES NO 15. What is the support or opposition to the request?

STAFF: None at this time.

X PLANNING: None.
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?

STAFF: Staff recommends approval.

X PLANNING: Planning Commission recommends approval.
COUNCIL: concur

YES NO 17. If the request was not 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?

STAFF:

X PLANNING:
COUNCIL: concur

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve Zoning case Z-2012-01 for 615 N. Andover Road, based on the findings of 4, 5, 6, 1, 13, 14, and 16 of the Planning Commission. Motion carried 5/0. Ordinance number 1513 was assigned.

13. Member Items

Council Member Clark Nelson had none.

Council Member Kris Estes

- Had received good feedback regarding the 4th of July

Council Member Caroline Hale

- Asked for information regarding the REAP Listening tour
 - Ms. Stiles stated on Thursday, July 12, 6:30 p.m. the Regional Economic Area Partnership representative will be here at City Hall to talk with citizens regarding their community priorities.
- Thanked staff for their help with WAMPO regarding their efforts to move to electronic meeting information.

Council Member Sheri Geisler

- Inquired if there was still an opening on Site Plan Review Committee
 - Les Mangus confirmed there were two position open

Council Member Byron Stout

- Agreed the reports for July 4th were good with no issues.

Sasha Stiles reminded everyone the deadline for voter registration for the primary election is July 17 and information was posted on our website and City channel 7.

14. Adjourn

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

Respectfully Submitted by

Susan Renner
City Clerk

Approved this 31st day of July, 2012, by the City Council, City of Andover, Kansas.