

ANDOVER CITY PLANNING COMMISSION /
BOARD OF ZONING APPEALS
July 15, 2008
Minutes

The Andover City Planning Commission met for a regular meeting on Tuesday, July 15, 2008 at 909 N. Andover Road in the Andover Civic Center. Chairman Quentin Coon called the meeting to order at 7:06 p.m. Commission members present were Lynn Heath, Jan Cox, Byron Stout and Jeff Syrios. Others in attendance were City Council Liaison Member J.R. Jessen, Interim City Administrator Sasha Stiles, Director of Public Works and Community Development Les Mangus and Administrative Secretary Kandace Hunt. Members John Cromwell and Dan Beck were absent

Call to order

Review the minutes of the regular June 17, 2008 Planning Commission meeting.

Review the minutes of the June 17, 2008 Planning Commission meeting.

Lynn Heath made a motion to approve the minutes as presented. Jan Cox seconded the motion. Motion carried 4/0/1 with Jeff Syrios abstaining.

Communications:

Communications

Review the City Council minutes of the June 10, 2008 and the June 24, 2008 meetings. The minutes were received and filed.

Review the minutes of the June 3, 2008 Site Plan Review Committee Meeting. The minutes were received and filed.

Review the Potential Residential Development Lot Report.

Recommendation to the City Council on the Annexation of the 37.5 acre property south of US-54 and west of Allen Street.

Recommendation on annexation.

From Les Mangus' Memo: This petition for annexation arises from the applicants desires to develop a retirement community on South Allen Street. The property adjoins the City limits on the east and west, and has public sewer available adjacent on the east. Public water is available on Allen Street about a block north of the northeast corner of the subject property. The subject property has about 900' of Allen Street frontage, but no connection to any other street. Given the availability of public services and adjacency to the City, Staff recommends annexation.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained the property is a +/- 37 acre tract adjacent to the City on both the east and west boundaries. Public sewer is available nearby, streets in the area are gravel and public water is available a few hundred yards away. He continued by saying staff would recommend the property be annexed for those reasons.

Lynn Heath asked if the annexation was dependent upon a zoning change. Les Mangus said the applicant had not indicated, but would assume it would be.

Lynn Heath made a motion to recommend to the City Council the 37.5 acre property south of US-54 and west of Allen Street be annexed into the City of Andover. Jeff Syrios seconded the motion. Chairman Coon asked if there was any further discussion. Lynn Heath noted he would like to see the area between this property and Highway 54 annexed as well. Motion carried 5/0.

Z-2008-04/SU-2008-02- A Public Hearing on a proposed change of zoning classification from the Butler County AG-40 District to the R-4 Multiple Family Residential District with a Special Use request to establish multiple dwelling units for the elderly and handicapped

Z-2008-04/SU-2008-02

including assisted living and nursing home facilities located at the southwest corner of Allen Street and west Bales Street.

From Les Mangus' Memo: This application for change of zoning district classification and special use is an effort by the owners of the property to develop a retirement community. In its purest form this application would include all of the uses in the R-4 Multiple Family Residential District, which could accommodate over 500 apartments, if developed at the maximum density for the zone. The location does not meet the requirements for the R-4 district to be located on an arterial or collector street. Residents have expressed concerns about the volume of traffic that could be generated on the local gravel street system by any type of development of the area without adequate street improvements. The subject property is bounded on the east by Allen Street, which is a gravel local residential street, and on the west by the Mecca Acres neighborhood on the half-mile line, which would be a logical location for the north-south collector street if the possibilities for extension to US-54 and Harry Street were available. Public sewer and water can be readily extended to the site. Staff cannot support the application as submitted, but would consider a smaller project, limited to housing for the elderly and handicapped, including assisted living facilities.

Chairman Coon asked if members of the Commission needed to disqualify themselves from voting for any reason. None did.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained the request was to change the zoning district classification to the R-4 Multiple Family Residential District on the 37.5 acres, spoken of in the previous annexation case, along with a Special Use to allow a retirement community including assisted living and a skilled care nursing facility. He continued by saying there are some public services available in the area and the property is served by a gravel road. The west boundary of the property is along what would be projected to be a collector street in the future. Les Mangus explained the City likes to locate collector streets on or about at the half mile line so sections are cut into four quadrants and served with collector streets. He pointed out there are a couple of outparcels in the area from the 40 acres currently zoned A1-Agriculture because they were unplatted when annexed into the City.

Chairman Coon asked Les Mangus if the application was approved would street improvements be needed. Les Mangus said the City would not consider multi family densities on a gravel road.

Chairman Coon asked if an applicant was present. David Ray, owner of the property, was present to represent the application. Mr. Ray explained his intent was to improve the parcel of land by developing villas on 70 lots with a minimum price tag of \$260,000 for each unit. The retirement community will have a 4.5 acre lake and a 4,000 square foot club house. He continued by saying he is no longer looking into a skilled nursing facility only assisted living, which will set on six acres with the remaining 31 acres being villas.

Jeff Syrios asked what Mr. Ray had in mind for the roads. Mr. Ray said he had assumed this evenings meeting would only cover the zoning issue and had yet to decide whether he would be asking the City to improve the roads, or if he would be handling the improvement. He continued by saying if Allen Street had to be paved they would leave an access open at the north end of the northwest corner and the southwest corner for future roads.

Lynn Heath asked how many units would be in each villa. Mr. Ray said each villa would have two units. Lynn Heath asked what the size of the lots would be. Mr. Ray replied 100x100.

Chairman Coon asked if each unit would be individually owned. Mr. Ray said yes.

Jeff Syrios asked Les Mangus why he had stated in his memo he could not support the application as applied for and what his suggestion would be. Les Mangus explained the

application had a few conditions that do not meet the intent of the R-4 zone, as it calls for a multi-family development to be on a collector or arterial street. This property aligns with a collector street alignment on its west boarder, but that collector street is not improved to the property. The adjoining property to the north has no street right-of-way that connects it to the subject 37.5 acres. At full R-4 multi-family density there are nearly 500 dwelling units, this application is asking for R-4 zoning which would allow them all the uses provided by the R-4 zoning district. All Special Uses aside, the applicant could still develop at full R-4 density. Jeff Syrios asked if that could be done without paved streets. Les Mangus said no, because it does not meet the intent of the zone. If approved the applicant will begin going through the platting process which is where all the improvements will be discussed.

Jeff Syrios asked if there was anyway the applicant's concept could be accomplished in the R-3 district. Les Mangus said it could be done but density numbers would remain essentially the same at three and four thousand square feet per dwelling unit if developed at maximum for the district. Jeff Syrios asked if the Commission would be able to control an R-3 district more than an R-4 district. Les Mangus said the R-4 district allows apartment buildings with any number of dwelling units in a building and the R-3 district limits four dwelling units per building with the exception of the Special Use the applicant had asked for.

Lynn Heath stated he felt the project was better suited for the property located next to Kellogg rather than the area being proposed as it will be a problem to get roads and connections within a reasonable cost to the property.

Jeff Syrios asked Les Mangus what his recommendation would be. Les Mangus explained the collector street issue is a really big concern. With any multi-family residence the trips per dwelling unit will be around six per unit. If developed at maximum density there would be 3,000 trips per day. He continued by saying the local roads, even if paved, should not carry more than a 1,000 to 1,500 trips per day. If a collector street gets 2,500 trips per day it is a busy street. When putting the maximum number of dwelling units together with what the road system will support, the project would have to be paired down to make them match as well as establish two exits from the property. Chairman Coon asked if having two exits along one street would work. Les Mangus said it could because the adjacent neighborhood on the east has unpaved roads but connects Andover Road, giving another link for emergency vehicles, deliveries, employees of the facility and so on. Jan Cox noted that situation still did not adhere to the rule of the facility being located on a collector street.

Mr. Ray informed the Commission he did not intend to build 500 units, he would basically be building basically duplexes marketed to seniors. About 10 of the 70 units will be triplexes around the assisted living building with individuals that will not have cars.

Jan Cox asked Mr. Ray to clarify whether he would be constructing duplexes or triplexes. Mr. Ray explained most assisted living facilities have apartments, and these buildings will house individuals who are not ready to be placed in the assisted living facility. These will be smaller units. Mr. Ray noted he did not have a problem with limiting the number of units he could develop. Jeff Syrios asked what he would be willing to limit himself to. Mr. Ray said the engineering has not yet been done, so he is unsure what the area could handle but he would like to stay in the range of 70 to 82 units including the triplexes. Lynn Heath noted 70 lots being developed into duplexes would establish 140 units. Mr. Ray said he would not be developing that many as some of the land will be used for sidewalks, reserves and a lake.

Mr. Ray asked Les Mangus if an assisted living facility could be established with a Special Use in the R-3 district. Les Mangus said upon further review he had discovered assisted living was not one of R-3's permitted special uses. He continued by saying the Commission had the option to only grant the R-4 zone to a portion of the property.

Jeff Syrios asked Mr. Ray what would be going into the assisted living facility. Mr. Ray said

the facility will be an apartment complex with assistance. Chairman Coon asked if the facility would all be on one level. Mr. Ray said yes.

Mr. Ray noted the annexation of the property was contingent on the zoning change.

Chairman Coon asked if there were any further questions for the applicant. There were none. Mr. Ray was thanked for his input.

Chairman Coon opened the Public Hearing for case Z-2008-04/SU-2008-02

Joe Baker of 620 W. Harry stated his concern is for the storm water runoff. He lives in the 40 acre area south of the proposed project along Harry Street and has problems with flooding under the current conditions. Although another culvert had been added to the area, he felt it was still inadequate because Harry Street backs the water up onto his property. Mr. Baker continued by saying it was his understanding the applicants water management plan involves sending water down through the afore mentioned 40 acres, which will just enhance the problem the residents are dealing with today. Mr. Baker said he understands things have to develop, but there needs to be concern about what is down stream from the City.

Mr. Baker was thanked for is comments.

Sally Brimer of 845 S. Allen stated she was not opposed to seniors in the neighborhood, but is concerned about the traffic it will bring and does not want to pay for the roads to be paved. Currently there are two ways of getting out of the area to Andover Road. One is Bales Street and the other is the paved road that goes by the Holiday Inn Express. Between 3:00 p.m. and 6:00 p.m. one can set on Bales Street for 10 minutes waiting to get onto Andover Road. Ms. Brimer said she cannot imagine having anymore traffic on the road as it is the only way out to go west to Wichita. She continued by saying she and her parents have lived in the neighborhood for a number of years and used to own all of the land. She always felt the land would be developed and is not against it, but everyone in the neighborhood has one acre plots and she feels that should be continued instead of cramming a bunch of houses into 36 acres. Ms. Brimer continued by saying she was fine with an assisted living facility being put in but could not see the villas working because of the traffic they will generate. Ms. Brimer also said she would like to look at the blueprints to see where everything would be going. Chairman Coon informed Ms. Brimer depending on the outcome of the zoning hearing, the platting of the property would be discussed at future meetings.

Chairman Coon thanked Ms. Brimer for her comments.

Jim Wilson attorney for the resident of 715 Allen said he could not picture the plan being presented benefiting the community on either side of 37 acres. He does not think it is going to help the zoning or value of the homes in the area at all. Mr. Wilson continued by saying this plan is profit driven. If the project is zoned R-4 and the applicant cannot sell his \$250,000 houses he is going to do something to make money under the R-4 zone. Mr. Wilson suggested if the Commission is going to seriously consider this proposal some type of protection is needed t so the applicant cannot develop what he has represented tonight, the zone goes back to R-2. Mr. Wilson said he was concerned because with an R-4 zoning district the applicant would be able to develop any of the permitted uses within that district to try to make money on his ground. Mr. Wilson stated he felt the zone should be dropped back to R-3 and there should be a requirement that if the land cannot be developed as proposed it will drop back to R-2 Single-Family Residential District.

Mr. Wilson was thanked for his input.

Ron Mays 800 Daisy Lane stated he would like for the Commission to reject the application. He continued by saying he believed the R-2 zone was in place because they are in a residential

area. There are no paved streets and there is not enough flow of traffic ingress and egress out onto the main arteries. There is nothing to protect the neighborhood and provide the residents the opportunity to have free flow with the increased traffic an R-4 district would bring. Mr. Mays said he wanted the area to be left at R-2 and suggested putting in 30 to 40 houses with normal neighbors and letting the applicant use R-4 to the north of the proposed area where they have Kellogg to work with. He continued by saying he felt the proposed project would be more appropriate on major roadways so it won't create a hazard or an economic hardship for the neighborhood.

Chairman Coon thanked Mr. Mays for his comments.

Byron Stout noted the current zoning of the subject property is AG-40 not R-2.

Tim Mudloff of 700 S. Daisy Lane stated he lives on the corner of Bales and Daisy Lane and has seen the traffic that exits now. He feels if the area is opened up to anything other than residential lots the traffic increase will be enormous. He continued by saying the gravel road does not hold up now and he cannot imagine what the traffic increase would do to it. Mr. Mudloff informed the Commission emergency vehicles coming into the area needing to go to Wichita would have to come down Bales, up Andover Road and back to Kellogg. They cannot turn left on Kellogg. Mr. Mudloff asked the Commission if a Benefit District would be paying to put in streets, sewer and water. Chairman Coon said that will be decided at a later date. Mr. Mudloff said he had spoke with many of the residents in the area and most will not be happy if this project goes through.

Mr. Mudloff was thanked for his comments.

Louis Harper of 415 W. Partridge came to the podium with a couple of questions. First he asked the Commission if there was anywhere else in Andover where you have to drive through a residential area to get to a business. Chairman Coon said it was not a common occurrence. Mr. Harper said he had heard of driving through a business district to get to a residential neighborhood but he had never heard of driving through a residential area to get to a business. Mr. Harper next asked why a road could not be brought in from the north to bring access to this property. He continued by saying the map being shown had a proposed road on it and wondered why it could not be brought straight down and paved. Mr. Harper stated he believed Mecca Acres did have water contrary to what had been mentioned earlier. Les Mangus said he was correct as there had been a water project put in the area three to four years ago on Verna and Ruth. Mr. Harper noted there was a house for sale at 704 Ruth and suggested the applicant purchase that home, tear it down and run the waterline to the subject property so it would not run through the existing neighborhoods. Another concern he had was the water from the sprinklers at the Walnut Valley Country Store which goes into a retention/detention pond. Every morning the pond is full and with rain the water goes in the pond and comes right out. He wants to know where it is being retained and detained because as fast as it is going in it is coming out. Paved streets brings with it curbs, gutters and storm sewer, and the amount of water that will come onto Mr. Baker's property will not be a little stream, it will be a river. With a good two inch rain and already soaked ground there will be water going across Harry Street four to six foot deep. Mr. Harper suggested taking Frey Street clear down to Harry Street to open up another artery and allow travel clear to Central. He continued by saying Andover was hurting right now for emergency access by only having one road through the city. His suggestion would be to open up another road as well as giving access to the subject property. Mr. Harper stated he felt these were just a few of the issues that need to be addressed.

Chairman Coon thanked Mr. Harper for his input.

Tim Mudloff informed the Commission a petition had been signed by a majority of the residents in the area. He noted out of the 38 homes in the area they had come across one person

who did not want to sign, one resident wanted more information and two were unable to be located, the remainder had signed. Chairman Coon asked what the petition stated. Mr. Mudloff said the petition noted the resident's opposition to the development of the area for multi-family housing, as it would cause extreme financial hardship on the residents and the problems it would cause with traffic to Andover Road. Jeff Syrios asked if it was safe to say everyone in the audience would prefer to see the land developed into single family homes. Mr. Mudloff said he felt that was a safe assumption.

Mr. Mudloff was thanked by Chairman Coon for sharing the petition information.

Pat Malcom of 844 S. Allen informed the committee there will be no place to turn a car around or widen the street without taking most of her front yard.

Chairman Coon thanked Ms. Malcom for her input.

Mary Shackelford of 840 Allen informed the Commission right after the Holiday Inn Express was put in her husband was coming home from work and came upon an accident on Andover Road. The officer working the accident had the access to Bales blocked and told her husband he would have to come back in 30 minutes after the scene was cleared. There was no other way for him to get home.

Ms. Shackelford was thanked for her comments.

Larry Sparks of 701 S. Daisy Lane stated before he bought his home he spoke with someone in City Hall named Les. Mr. Sparks said he was concerned his taxes would be raised for water and road improvements and was assured by Les one improvement would not start without the other being retired. Les Mangus stated the improvements for the neighbor were staged with sewer five years, water five years then paving. The retirement of the debt is a 15 year debt service. Mr. Sparks asked if payments would be lower after the sixth year. Les Mangus said no, they are all level payments. Mr. Sparks asked how much would be owed by the average homeowner. Les Mangus said he did not have that number. Mr. Sparks asked if it was correct that the sewer project had been done two years ago. Lynn Heath said it was two or three years ago. Mr. Sparks stated by the City's own rule there was at least two years before another project could begin.

Mr. Sparks was thanked by the Commission for his input.

Chairman Coon closed the Public Hearing and asked the applicant to make his closing comments.

Mr. Ray said there had been another use drawn up for this property and he had decided not to go with that plan, but roughly three and a half homes could be built on each acre of the property. That is a lot of homes with three car garages, with people going to work everyday and running their kids to activities. It is a bigger issue than the multi-family. Mr. Ray asked the Commission to consider that possibility.

Lynn Heath asked how this application could be approved with all the requirements of the Zoning Regulations. Les Mangus said the way the Commission could justify the R-4 underlying zone would be through some limitations on the special uses and the underlying zone by Protective Overlay. He continued by saying the Commission can offer a lesser zone if the applicant would accept it.

Jeff Syrios asked if traffic and roads would be a problem even with an R-3 zone. Les Mangus explained single family homes generate about 10 trips per dwelling unit per day. As the density of a multi-family goes up the number of trips per unit decrease. According to the ITE Trip Generation Manual a retirement community on average generates 3.3 trips per dwelling unit

per day. If limited down to elderly and handicapped only the amount of traffic generated will be cut to a third of the single family traffic.

Chairman Coon asked if they could give Mr. Ray an R-4 zone with a Special Use only. Les Mangus said yes. Jan Cox asked if the same could be done on six or seven acres of the property with the remainder of the land being a different zone. Les Mangus said yes the zoning can always be decreased but can never be increased without a new application and new public hearing. Chairman Coon asked how the zoning could be divided up when the land had not been platted. Les Mangus said he did not know if the applicant had an area in mind that he could provide metes and bounds description of. Lynn Heath asked if the Commission could assign 30 acres to be R-3 restricted to a certain number of units and seven acres to R-4 restricted only to the Special Use of assisted living. Les Mangus said those limits would have to be called out in metes and bounds.

Les Mangus informed the Commission they could continue the Public Hearing until next month to give the applicant time to develop a proposal that meets their desire for the land.

Jan Cox asked how the R-3 multi-family homes could be limited to senior citizens as it seemed to be case of discrimination. Les Mangus explained the technique is frequently used when talking about retirement communities and is done with a Protective Overlay. Jeff Syrios asked if children could be restricted as well. Les Mangus said yes but that could eliminate some handicapped individuals.

Jan Cox stated she was concerned about the drainage of the area and would like to see the developer's plans for the drainage system as well. Byron Stout noted this was not the first time drainage had been an issue and asked Les Mangus if a plan for the area was doable. Les Mangus said it could be done with an engineering project to retain or detain the water. As Mr. Harper stated earlier, the pond between Holiday Inn Express and the feed store is always full so the water that comes in goes straight through, that is the retention part of the equation. Retention means it is going to retain water, it is an aesthetic amenity. The detention is what goes through that structure and the rate it goes through the structure is controlled.

Mr. Ray addressed the issue of moving the proposed facility north of the subject property by explaining to the Commission the 19 acre property north of his land is selling for \$2.6 million. Mr. Ray stated he feels the drainage system being put in with his property will help with other drainage issues in the area and again reminded the Commission the individuals living in these homes will be retired and will not generate has much traffic as single-family residents would.

Chairman Coon asked if Commission members felt they had enough information to make a decision on this case. Byron Stout said he did not feel there was enough information at this time. The area is going to be developed it is just a question of what will be going in the area. The biggest issue seems to be the traffic it will generate and according to the facts provided by Les Mangus a retirement community would generate less traffic than single family residents. Jeff Syrios stated he thought it would be helpful for the residents of the area to conceptually see what would be going into the location. He continued by saying the commission has to find a way to protect the roads, make sure the residents can get out and have a good existence in the neighborhood all while allowing the applicant to develop his land, which he has the right to do. Jeff Syrios said although it might be backwards he would like to see a conceptual plan so the Commission can find a way to make it work for everyone.

Byron Stout made a motion to continue the discussion of case number Z -2008-04/SU-2008-02 at the August 19, 2008 Planning Commission meeting pending receiving more information from the applicant including metes and bounds of a conceptual plan, plans for water, drainage and roads, the number of units being developed and a potential zoning mix. Lynn Heath seconded the motion. Chairman Coon asked if there was any discussion. JR Jessen stated the Commission needs to consider how the traffic would be getting into the area from Andover

Road because it will not make sense for the neighborhood development to pave Allen Street and not Daisy Lane and others. Bryon Stout clarified that the plans he was requesting for roads in his motion were not only for the condition of them but how traffic will flow. Motion carried 5/0.

Jeff Syrios asked Les Mangus if he could provide Commission members with information on trips per dwelling unit. Les Mangus said he would provide the list he had been using. Byron Stout asked if that list was for the City of Andover or the State of Kansas. Les Mangus said it was nationwide.

The Planning Commission took a five minutes break.

Z-2008-05- A Public Hearing on a proposed change of zoning classification from the R-2 Single Family Residential District to the B-5 Highway Business District located at 920 East Highway 54.

Z-2008-05

From Les Mangus' Memo: This application for change of zoning district classification is to change the existing Countryside Mobile Home Park to a commercial center. The owners intend to build streets with a reverse frontage road system similar to Marketplace across US-54 from the subject property. The application is for B-5 Highway Business District for the entire property, but due to the adjacent single family residences Staff recommends that the property which would be north of the proposed reverse frontage road and adjacent to the residences be changed to B-2 Neighborhood Business District to act as a buffer between the incompatible uses permitted in the B-5 District and residences.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained this property is the Countryside Mobile Home Park and is adjacent to Highway 54 and the new intersection of Highway 54 and Yorktown Road. It has accesses on the east by Archer Street which is a limited right-in-right-out from Highway 54, and the new signalized intersection of Yorktown road which should be completed in the next few months. Because this property runs a good distance back to the north staff feels it is appropriate to cut the area in half at the jog in the "L" of the property, that there be a public street connection there and the zone be a lesser zone north of the reverse frontage road if the B-5 zone is granted on the south side. He continued by saying he had had some conversations with the applicants and they seem to be fairly agreeable to that.

Jeff Syrios asked if the public road staff suggested would go west from Archer. Les Mangus explained Yorktown Road extends up the quarter section line and is a signalized intersection with full access to Highway 54. Archer Street now is a right-in-right-out street which makes it limited access. Staff is suggesting a reverse access road similar to what has been created in the Marketplace Addition. Access to these properties would be up Yorktown Road and a reverse frontage road would connect over with Archer Street and eventually be extended across, maybe as far as Prairie Creek Road and through the Ellis property, adjacent to the east for better circulation in the commercial properties.

Chairman Coon asked if an applicant was present. Gary Fugit of Countryside Mobil Home, LLC was present to represent the application. Mr. Fugit thanked the Commission for the time and effort they put into hearing these cases. He continued by saying the subject property is an old mobile home park he has owned for over two years. He would like to improve the neighborhood by putting commercial property in the area. Mr. Fugit said at this time the area has problems with fire and police being called to the park and feels changing the property to commercial would eliminate those issues and put the property in a better tax base for the City. He explained with the YMCA and school going in across the street the developers would like to create a nice commercial area and envision the development being something similar to One Main Place near Kellogg and Greenwich. The applicants feel the uses they would like fit the B-5 zone very well.

Chairman Coon asked if there were any specific plans at this time. Mr. Fugit said they have had some inquiries but nothing firm.

Lynn Heath asked what Mr. Fugit's opinion was on the staff's recommendation of a reverse frontage road. Mr. Fugit said the developers realize the long term City plan is to put a roadway through the area for access to the property, and the developers would agree to the frontage road.

Jan Cox asked if the applicant was agreeable to the B-2 zoning for the north part of the property. Mr. Fugit said he thought B-2 was too low and would like to see at least a B-3 or B-4 zone in that section.

Jeff Syrios asked Les Mangus if there were homes along the east. Les Mangus said yes. Jeff Syrios stated the overall plan for the City requires a gradual buffer which a B-4 zone would not accomplish between a residential and commercial area. Mr. Fugit said he appreciates the fact that people live in the area and the changes that will occur, but he thinks the change will ultimately be an improvement over what the area is today. Mr. Fugit said he understood the Commission not wanting to give a B-5 zone right up against a neighborhood, but felt B-3 would be reasonable as most of the businesses along Andover Road are zoned B-3 and backup to residential areas. Jeff Syrios asked Mr. Fugit if he could live with B-3 in his long term plan. Mr. Fugit said the developers do not have any firm plans, but if they had a B-3 zone with some consideration for some B-4 uses it would be helpful.

Jeff Syrios asked Les Mangus if there was any area along Andover Road or anywhere else in the City that had a B-4 zone backed up to a residential area. Les Mangus said the Marketplace Planned Unit Development has an B-4 zone adjacent to single family residents, but there is a large building setback, screening and buffering. Lynn Heath noted the area was zoned B-4 before the residents moved in so they knew what the property could bring.

Les Mangus informed the Commission members the uses allowed in the B-3 and B-4 zoning districts are very similar with the exception of the auto businesses not being allowed in B-4 and the addition of department stores. The B-4 zone was designed for the shopping mall with a big building and big parking lots, but the uses inside are the same as B-3. Les Mangus also noted a B-4 zone calls for a 100 foot front yard setback which will take a third of the property being considered for a lesser zone.

Mr. Fugit asked for a few moments to speak with his colleagues about their options.

Chairman Coon Opened the Public Hearing for case Z-2008-05.

Duff McBurr lives on Lot 19 of the mobile home park. Mr. McBurr stated he has lived in the park for two years and in his opinion the owner of the property is not screening the people he allows to move in, which is creating problems and causing the police to be called to the area. He also pointed out Mr. Fugit has done nothing to beautify or help fix up there area. Mr. McBurr stated he felt Mr. Fugit should not worry about developing commercial business until he can take care of the property as it is.

Mr. McBurr was thanked for his comments.

Kathy Plumley of 920 E. US Highway 54 Lot 19 stated she has lived in the park for 34 years. Ms. Plumley noted the road and drainage systems are inadequate and a storm shelter is non existent. She pointed out most of the people who live in the area can not afford to move and many of the trailers cannot safely be moved. Ms. Plumley stated she felt it would be a travesty to zone the area for business.

Ms. Plumley was thanked for her input.

Eddy Vostick has been a resident of the trailer park for six years. He stated since the park was taken over by Mr. Fugit it has gone downhill. The roads do not get taken care of, the grass does not get mowed, the dumpsters are always a mess, the trailers Mr. Fugit owns are rundown and boarded up and you can never get a hold of him. He continued by saying many of the trailers in the area cannot be moved so people will have to lose their homes.

The Commission thanked Mr. Vostick for his comments.

Karen Goetzinger of Lot 37 stated she lived in the area of the park not being affected by the zoning change, but had concerns the owner might look to expand in the future. She was also concerned about the traffic the zoning change would bring to the area and the cost of relocation.

Ms. Goetzinger was thanked for her comments.

Tina Turner of 234 S. Yorktown explained to the Commission that Yorktown road does not go through, it stops at the corner of Paul Revere and Yorktown. The City has now built Yorktown 400 feet north of Kellogg going straight into the property being discussed this evening and south of Kellogg, but at this time is not sure when it is supposed to go all the way through. She continued by saying the property in question has not been maintained and has a big drainage problem at the corner Archer and Highway 54 to the point that if there was a home there it would have been flooded. She also stated her concern for the traffic due to the poorly maintained gravel roads.

Chairman Coon thanked Ms. Turner for her input.

Chairman Coon closed the Public Hearing and asked the applicant for further information.

Mr. Fugit said he agreed with a lot of the statements the residents had made and was not proud of that fact, but the only way the developers feel they can ultimately make the area better is to redevelop it. He continued by saying the owners are not insensitive to the fact that people will have to relocate. It will be difficult to move the older trailers but the newer ones can be and he knows of two places willing to take them. There is cost with anything you move, but they will try to help where they can. Mr. Fugit said the area is a difficult property in the sense that they cannot afford to put a lot of money into it because it just does not function well anymore, it is obsolete. During the Public Hearing he visited with the other members of the LLC and they are agreeable to a B-3 zone on the north portion of the land if granted B-5 on the Kellogg frontage.

Chairman Coon asked if there were any further questions for the applicant. There were none.

Chairman Coon asked the members of the Commission if they felt there was enough information to proceed. All members felt there was.

Byron Stout asked how the Commission could define where the B-3 zone began and ended as well as the B-5 zone. Les Mangus said that could be determined through the legal description provided with the application.

The Commission next moved to its checklist of 17 factors and findings.

Agenda Item No. 7

REZONING REPORT *

CASE NUMBER: Z-2008-05

APPLICANT/AGENT: Countryside, LLC/Lance Biel

REQUEST: Case No. Z-2008-05. Proposed change of zoning district classification from the R-2 Single-Family Residential District to the B-5 Highway Business District.

CASE HISTORY: Existing legal non-conforming Countryside Mobile Home Park in the R-2 Single Family Residential District

LOCATION: North side of US-54 between Yorktown Rd. & Archer St.

SITE SIZE: 7.8 acres

PROPOSED USE: Commercial development

ADJACENT ZONING AND EXISTING LAND USE:

North: Butler County R Residential District single family residences

South: Butler County Ag-40 single family residence and B-3 Marketplace PUD vacant land

East: R-1 single family residence and Butler Co. R Residential District single family residences

West: B-4 Central Business District vacant agricultural land

Background Information: This property currently operates as the Countryside Mobile Home Park

* 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:

1. What is the character of the subject property and in the surrounding neighborhood in relation to existing uses and their condition?

YES NO

STAFF:

PLANNING: Subject Property: R-2 Single Family; North: Butler County R Residential District single family residences; South: Butler County AG-40 single family residence and B-3 Marketplace

PUD vacant land; East: R-1 Single-Family Residence and Butler County R Residential District single family residences; West: B-4 Central Business District vacant agricultural land.

COUNCIL:

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the requested zoning change?

YES NO

STAFF:

PLANNING: Current Zoning: R-2 Single Family; North: Butler County R Residential District single family residences; South: Butler County AG-40 single family residence and B-3 Marketplace PUD vacant land; East: R-1 Single-Family Residence and Butler County R Residential District single family residences; West: B-4 Central Business District vacant agricultural land.

COUNCIL:

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

YES NO

X STAFF: N.A.
PLANNING: N.A.
COUNCIL:

4. Would the request correct an error in the application of these regulations?

YES NO

X STAFF:
X PLANNING:
COUNCIL:

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?

YES NO

X STAFF: Commercial development in Marketplace across US-54, and construction of the US-54 & Yorktown intersection.
X PLANNING:
COUNCIL:

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?

YES NO

X STAFF: Water & sewer are available. Archer St. is a gravel road.
X PLANNING:
COUNCIL:

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?

YES NO

X STAFF:
X PLANNING:
COUNCIL:

8. Would a screening plan be necessary for existing and/or potential uses of the subject property?
- YES NO
 X STAFF: Screening of adjacent residences required.
 PLANNING:
 COUNCIL:
9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?
- YES NO
 X STAFF: Highway business properties are available in the River Addition and Green Valley Greens.
 X PLANNING:
 COUNCIL:
10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?
- YES NO
 X STAFF: Services and employment opportunities would be created.
 X PLANNING:
 COUNCIL:
11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?
- YES NO
 X STAFF:
 X PLANNING:
 COUNCIL:
12. To what extent would removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?
- YES NO
 STAFF: Increased lighting, traffic, noise, visibility of commercial activities, etc.
 PLANNING: Increased lighting, traffic, noise, visibility of commercial activities, etc.
 COUNCIL:
13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?
- YES NO
 STAFF: The intent of the zoning district is to place businesses which draw their customers from motorists on the highway adjacent to the freeway.
 X PLANNING:
 COUNCIL:
14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- YES NO
 X STAFF: The Comprehensive Plan Chapter 3 GOALS FOR PLANNING, and Chapter 8 LAND USE PLAN encourage the expansion of and attraction of more local, retail, service, and office businesses, and recognizes the development of a regional shopping area on US-54. Chapter 9 TRANSPORTATION the subject property is located at the intersection of Yorktown St.(collector) and US-

54(principal arterial) and gets access from the collector without direct access to the highway as required by the US-54 Corridor Master Plan.

X PLANNING: With a lower zone on a portion of the land.
 COUNCIL:

15. What is the support or opposition to the request?

YES NO

 STAFF: Increased traffic, lighting, drainage, noise, and perceived devaluation of adjacent residential properties.
 PLANNING: Relocation of residents.
 COUNCIL:

16. Is there any information or are there recommendations on this request available from knowledgeable persons, which would be helpful in its evaluation?

YES NO

X STAFF: The application as submitted would allow heavy commercial uses adjacent to single family residences without zoning buffering. Staff recommends approval of the B-5 Highway Business for the south 450' from the section line and B-2 Neighborhood Business District for the remainder.
 PLANNING: Uses not yet know.
 COUNCIL:

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?

YES NO

 STAFF:
 X PLANNING:
 COUNCIL:

CONDITIONS:

Platting: That all of such property be platted and recorded within one year from the date of Governing Body approval or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.

Byron Stout stated the applicant was not required as a business owner to help the residents with relocation but had indicated an interest in doing something to help. He seems to care about the situation and has already looked into other trailer parks that may have openings. Byron Stout stated he would like to know if there was dialogue between the owner and the residents and what ways he was thinking of helping. Mr. Fugit said he sent out a letter about the evenings hearing so the residents would know what is going on. Moving the trailers is a difficult situation because the age of the trailers means by state law some can not be moved. There is another trailer park in Andover that has openings and he had spoken with an individual who owns two parks that is willing to consider taking any of the trailers. Mr. Fugit said this is a start of a process that will take some time, and they will give everyone as much notice as possible. Beyond that, at this time, they cannot make any guarantees other than trying to work with the residents.

Duff McBurr stated the only way they found out about the zoning change and Public Hearing is because one resident's father had received a notice from the City in the mail and sent copies to all the residents in the park. Mr. Fugit said he would be happy to provide the letter he sent to the

residents which he was not required to do.

Jeff Syrios asked Les Mangus if he was opposed to having the back portion of the land zoned B-3 instead of the B-2 he had recommended. Les Mangus said the permitted uses of the B-2 and B-3 zones area similar with the exception of B-3 adding several more intense businesses as far as traffic and size that most people would not want in their back yard, such as auto body repair and repair shops. Byron Stout noted the B-4 zone has the same permitted uses as a B-3 and does not include the auto repair shops. Les Mangus reminded the Commission a B-4 zone imposes larger setbacks that would not work for this size of property. Byron Stout asked if the setback requirements could be removed for this case. Les Mangus said no.

Lynn Heath asked if Yorktown would be coming north down to US 54. Les Mangus said at this time Yorktown Road exist a couple 100 yards north of this subject property and also south of Highway 54, but there is just a little over 100 foot stub of a street north of Highway 54 that would access this subject property and in the future would be projected to connect to the existing Yorktown Road to the north.

Les Mangus informed the Commission the legal description of the property to be zoned B-5 would be the south 450 feet.

The Planning Commission discussed each of the permitted uses allowed within the B-3 to decide which would be excluded as part of the Protective Overlay. Number four was allowed with the exclusion of automobile body repair shops and automobile repair shops. Numbers 28 and 29 were excluded in their entirety.

B-3 Permitted Uses

1. Any use permitted in the B-2 Neighborhood Business District – Yes
2. Antique Shops – Yes
3. Apparel Stores- Yes
4. Automobile accessory and new/or reconditioned parts stores with the exclusion of automobile body repair shops and automobile repair shops. –Yes
5. Automobile sales rooms for new, but not used car sales – Yes
6. Banks and financial institutions – Yes
7. Book and office supply store – Yes
8. Business and professional offices – Yes
9. Blueprinting and Photostatting establishments – Yes
10. Camera and photographic supply store – Yes
11. Carpet and rug stores - Yes
12. China and glassware stores- Yes
13. Dry goods stores – Yes
14. Furniture stores – Yes
15. Furrier shops, including the incidental storage and conditioning of furs – Yes
16. Garden shops – Yes
17. Hobby shops and sales of electronic, entertainment and communication equipment – Yes
18. Hotels and motels – Yes
19. Interior decorating shops, including reupholstering, making of draperies, slipcovers and other similar articles which are conducted as a part of, and secondary to, a retail occupation – Yes
20. Jewelry stores –Yes
21. Leather goods and luggage stores – Yes
22. Music stores, and musical instruments sales and repair – Yes
23. Newspaper, publishing and printing firms – Yes
24. Optical sales and services – Yes
25. Paint and wallpaper stores – Yes
26. Pet stores and grooming shops – Yes
27. Physical culture and health services such as a private gymnasium and reducing salons –

Yes

- 28. Private clubs and taverns – No
- 29. Restaurants, including drive-ins – No
- 30. Schools: music, dance, or business, trade or college classes – Yes
- 31. Service and fraternal clubs and lodges – Yes
- 32. Sewing machine sales and services – Yes
- 33. Sporting goods stores – Yes
- 34. Theaters, indoor –Yes
- 35. Philanthropic Institutions, including distribution and/or merchandising of good for the needy when permitted – Yes
- 36. Child care centers and preschools – Yes

Lynn Heath made a motion to recommend to the City Council case number Z-2008-05 be approved for change of zoning district classification to the B-5 Highway Business District with the conditions of the south 450 feet of the property being zoned B-5 and the remaining north portion of the property being zoned B-3 Central Shopping District with the restrictions of a road being placed between the two zones and by Protective Overlay the permitted uses of number 28, Private clubs and taverns and number 29, Restaurants, including drive-ins being omitted in their entirety, number 4, Automobile accessory and new/or reconditioned parts stores will be allowed with automobile body repair shops and automobile repair shops being excluded based on findings 13 and 14. Byron Stout seconded the motion. Chairman Coon asked if there was any further discussion. There was none. Motion carried 5/0.

Lynn Heath made a motion at 9:22 p.m. to recess the Planning Commission and convene the Board of Zoning Appeals. Byron Stout seconded the motion. Motion carried 5/0.

Recess Planning Commission and convene the Board of Zoning Appeals.

BZA-V-2008-03- A Public Hearing on a request of a variance of 10 feet from the required 25 foot minimum front yard limitation for the purpose of constructing a single family dwelling 15 feet from the Logan Pass Street property line on property zoned as the R-2 Single-Family Residential District located at Lot 4, Block 2, Montana Hills Addition, First Phase.

BZA-V-2008-03

From Les Mangus' Memo: This application for a variance arises from the builder's desire to build a house of similar size and character to those surrounding the lot in the Montana Hills Subdivision. The buildable lot area of this property is smaller than other lots in the area because of the 25' front yard set backs on the corner lot. Staff supports the approval of the application.

Chairman Coon asked Les Mangus for staff comments. Les Mangus explained the request of a variance arises from the builders desire to build a slightly larger house on this lot than the front and side setbacks would allow. This is one of the few new neighborhoods in the City of Andover that is not a Planned Unit Development, so 25 foot yards apply on all street sides. Most of the new neighborhoods in the Planned Unit Development make exception to one yard being 15 feet on a corner lot. Essentially what the applicant is doing is asking for the variance to be similar to other neighborhoods and allow a house to be built that is going to be of the size and character of the surrounding neighborhood.

Chairman Coon asked if an applicant was present. Bill Blair of Blair Construction was present to represent the application.

Mr. Blair explained to the Board most of the homes he had built in the Montana Hills addition were a least 69 foot wide and larger, which is the smallest size of house he can build on this lot if the variance is approved. In addition, if the home was turned to face Logan Pass there would only be a 42 foot width to work with, so a variance is the only option.

Jan Cox asked if the exit of the house would face Timberfalls. Mr. Blair said yes.

Chairman Coon asked why this issue was not resolved in the platting process. Mr. Blair said he did not have that answer. Les Mangus said his recollection was the houses in Montana Hills are considerably larger than what the developer had originally come to the City thinking as they are being built in the \$500,000-600,000 dollar range when they were pitched to be in the \$250,000 range.

Chairman Coon asked if there were any other questions for the applicant. There were none.

The Board next reviewed its Variance Report.

ANDOVER BOARD OF ZONING APPEALS

**Agenda Item No. 8
for July 15, 2008**

VARIANCE REPORT *

CASE NUMBER: BZA-V-2008-03

APPLICANT/AGENT: Montana Land Development Co., LLC/Bill Blair, Blair
Construction

REQUEST: A variance of 10 feet from the required 25 foot minimum front yard limitation for the purpose of constructing a single family dwelling 15 feet from the Logan Pass Street property line on property zoned as the R-2 Single-Family Residential District.

CASE HISTORY: The subject property is an undeveloped corner lot in the Montana Hills Subdivision

LOCATION: 1408 E. Timberfalls Ct.

SITE SIZE: 11,977 sq. ft.

ADJACENT ZONING AND EXISTING LAND USE:

North: R-2 Single Family Residential District – Montana Hills Subdivision

South: R-2 Single Family Residential District – Montana Hills Subdivision

East: R-2 Single Family Residential District – Montana Hills Subdivision

West: R-2 Single Family Residential District – Montana Hills Subdivision

*NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings from the evidence presented at the hearing so as to base their decision for a variance on the required five findings found in Section 10-107 D 1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated with the evidence and reworded as necessary to reflect the Board of Zoning Appeals considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator..

BACKGROUND INFORMATION: The subject property has been hard for the developer to market because lot size and buildable area would not accommodate the size of houses typical of the

DOES THE EVIDENCE DEMONSTRATE THAT:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced; because the shape of the lot and the 25 ft. building setbacks on two street frontages does not provide enough lot width to construct a home of the size and character of the neighborhood, yes.
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property, because building a smaller house on the lot would be more economical, but out of character for the neighborhood, yes.
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, because a 15 ft. yard will be maintained on one street frontage and a 25 ft. yard on the other, yes.
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood because adequate yard areas will be maintained, yes.

SPECIFIED CONDITIONS TO BE MET:

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that all five of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant because most new subdivisions take exception to the 25 ft. front yard requirement on one frontage of a corner lot; yes.
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents because adequate yards will be maintained; yes.
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application because a smaller house would have to be designed to fit the unusual lot configuration, yes.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare because adequate yard areas will be maintained, yes.
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations because adequate yard areas will be maintained, yes.

CONDITIONS:

1. The driveway of the property must face Timberfalls and have no exit to Logan Pass.

Byron Stout made a motion to approve case number BZA-V-2008-03 with the condition that the driveway of the property face Timberfalls and have no exit to Logan Pass. Lynn Heath seconded the motion. Motion carried 5/0.

Jan Cox made a motion at 9:31 p.m. to adjourn the Board of Zoning appeals and reconvene the Planning Commission. Lynn Heath seconded the motion. Motion carried 5/0.

Adjourn the Board of Zoning Appeals and reconvene the Planning Commission.

VA-2008-01- A Public Hearing on a request of a vacation of the north 10 feet of the 25 foot building setback on Logan Pass Street frontage Lot 4, Block 2, Montana Hill Addition, First Phase.

VA-2008-01

From Les Mangus' Memo: This petition for vacation of the north 10 feet of the 25 foot front yard building setback corresponds with BZA-V-2008-03. The Montana Hills Subdivision platted 25' building setbacks along all street frontages. The proposed vacation would remove the building setback restriction to allow the house to be built with a 15' setback on the Logan Pass street frontage. Staff supports the vacation as submitted with a condition that

the Logan Pass street frontage of the lot be access controlled to prevent a garage and driveway on the reduced setback.

Lynn Heath made a motion to approve case number VA-2008-01. Jan Cox seconded the motion. Motion carried 5/0.

Butler County Case CU-08-08- A recommendation to the Butler County Planning Commission on a request for a conditional Use Permit to build two (48'x350') pole type structures for overflow storage of RV's and boats with ingress and egress from lot #5- Storage King located at 9880 SW Meadowlark Road.

Butler County Case
CU-08-08

From Les Mangus' Memo: This case is a request to expand an existing storage yard onto adjacent property north and east of US-54 and Meadowlark Road. I have spoken with the Butler County Director of Planning, and we agree that the expansion is acceptable, but the access to Meadowlark Road be prohibited unless the road is paved.

Chairman Coon asked for staff comments. Les Mangus explained the owner of the Storage King bought the house to the north of the commercial center and is proposing he be able to expand his rental storage business onto the property of his son, which is an adjacent lot and fronts onto Meadowlark Road. He continued by saying he had spoke with Rod Compton, Director of Planning for Butler County, and they agree the expansion of the storage business is not a big issue as it will be internal to the property, but rather feel the issue is the access be limited to the existing storage business off of Highway 54 frontage road and not allowed to come around and up the gravel road on Meadowlark.

Jan Cox asked if it was correct that the property did not have an egress onto Meadowlark. Les Mangus said the subject property does not connect to Meadowlark Road.

Les Mangus stated if the Commission recommends this request he would suggest they place a condition with it that access is controlled onto Meadowlark Road.

Chairman Coon asked if Butler County would need to replat the area. Les Mangus said he did not believe it would be necessary.

Byron Stout made a motion to recommend Butler County case CU-08-08 to the Butler County Planning Commission with the condition there be no access from the expansion onto Meadowlark as long as Meadowlark remains unpaved. Lynn Heath seconded the motion. Chairman Coon asked if there was any discussion. There was none. Motion carried 5/0.

Member Items: There were no member items.

Member Items:

Lynn Heath made a motion to adjourn the meeting at 9:40 p.m. Jeff Syrios seconded the motion. Motion carried 5/0.

Adjourn

Respectfully Submitted by

Kandace Hunt
Administrative Secretary

Approved this 19th day of August 2008 by the Andover City Planning Commission/ Board of Zoning Appeals, City of Andover.