

PLANNING AND ZONING COMMISSION MEETING – MARCH 13, 2018

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Nemeth on March 13, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Scott Hudson, Bert Koehler IV, and Nick Loehlein

Commissioners absent: Timothy Cleven and Jeff Sims

Also present: City Planner Stephanie Hanson
Associate Planner Dan Krumwiede
Others

CALL TO ORDER

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Chairperson Nemeth took the oath of office.

APPROVAL OF MINUTES

February 13, 2018 Workshop and Regular Meeting

Commissioner Koehler requested the following changes be made to the workshop minutes:

- Throughout the document, the spelling of Koehler needs to be corrected.
- Page 2, paragraph 6, line 3 – replace “than” with “then.”
- Page 4, paragraph 5, line 1 – insert a comma after the word “remain.”

Commissioner Koehler requested the following changes be made to the regular minutes:

- Throughout the document, the spelling of Koehler needs to be corrected.
- Page 7, paragraph 2, line 1 – insert “Acting Chairperson” at the beginning of the sentence.

- Page 8, paragraph 8, line 3 – insert “of the water from” after the word “all.”

There were no changes from staff.

Motion by Koehler, seconded by Hudson, to approve the February 13, 2018, Work Session and Regular Meeting minutes as amended. Motion carried on a 4-ayes, 1-present (Nemeth), 0-nays, 2-absent (Cleven and Sims) vote.

PUBLIC HEARING: Variance – 195 Constance Blvd. NW

Mr. Schraut submitted a variance request for his property located at 195 Old Constance Blvd. The request is to construct an accessory building over 19.8 feet in height and greater than the total square footage of the foundation of the principal structure. The square footage would be 3,200 square feet. The applicant owns 4.32 acres within the R-1 Single Family-Rural zoning district.

The applicant’s home is 1,680 square feet of livable square feet. Under the current requirements, the applicant would be able to construct an accessory building that is equal to the square footage of his principal structure. The applicant currently has an existing accessory structure in the proposed location, which would be torn down and a bigger accessory structure would be built. The accessory building itself would exceed the height of the existing home on the property.

Commissioner Daninger suggested that the applicant could purchase property from the neighbor and that would allow a larger accessory structure [without requiring a variance]. If the applicant had a total of 5 acres, code would allow the structure without a variance. The largest structure that could be built now without a variance would be 680 square feet, with a height of 16 feet, the same height as the current house.

Motion by Daninger, seconded by Koehler, to open the public hearing at 7:15 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Mr. Schraut, 195 Old Constance Blvd, came to the podium.

Commissioner Koehler asked why the applicant wanted to build the structure so high. Mr. Schraut responded that the builder could do a lower pitch, but the snow would slide off better, per the contractor. Commissioner Koehler also asked if there would be a driveway to the shed. He responded that a driveway would be put in, but not until next year when he has more money available.

Commissioner Daninger asked about the use of the structure. Mr. Schraut confirmed he will use it for storage and DIY maintenance and repair, only on his own vehicles, not for business.

Chairperson Nemeth asked about parking storage. Mr. Schraut indicated that there would be one car hoist for automotive work. There would also be a ramp to double stack the vehicles (for summer and winter vehicles) and there will be 2 doors, 10-foot-tall and 16 feet wide, with a side door in the back. The structure would be painted gray or tan and he would plan to repaint the house to match the steel siding. He does not have a design yet.

Commissioner Koehler asked if there would be running water or electricity in the structure. Mr. Schraut indicated that there would be a sink to wash up, but no living space.

Commissioner Hudson asked about the purchase plan for the property. Mr. Schraut confirmed his plans to purchase his father's house including a purchase agreement, with a shortened time frame, with the next step being a deed on the title and then transfer. He also has plans to add living space by converting the single car garage. That would add about 600 square feet to the home. They will mimic the neighbor's conversion of their homes.

There was no one else in the audience to comment on the variance.

Motion by Koehler, seconded by Loehlein to close the public hearing at 7:22 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Commissioner Koehler asked if there were other sheds or garages that are larger than the house or if there are any as high as the proposed shed. The staff replied that they did not know.

Commissioner Daninger asked if for every foot added on to the house, if they can increase the size of the shed. Mr. Krumwiede replied that it goes by the size of the house and acreage.

Staff confirmed, in response to Commissioner Daninger's question, that the variance goes with the property.

Commissioner Daninger asked if the situation would be similar to what was being discussed with the new ordinance. Ms. Hanson replied, "possibly."

Commissioner Koehler expressed that his only concern was the height of the structure, feeling that it is far enough away from the property lines. He has no problem with the variance request, if not for the height.

Commissioner Daninger suggested that there were other paths to the end result for the applicant, such as purchasing the property or the possible change in the City Code.

Chairperson Nemeth summarized that there were two issues: square footage and height.

Motion by Daninger, seconded by Hudson to deny the variance. Motion carried on a 3-ayes, 2-nays (Nemeth and Loehlein), 2-absent (Cleven and Sims) vote.

This matter will be heard at the March 20, 2018, Council meeting at 7:00 pm.

PUBLIC HEARING: Planned Unit Development Amendment – Clocktower Commons – 15216 Bluebird Street NW

BDT Holdings, LLC, the current owners of the Andover Clocktower Commons, are requesting to amend the existing approved Conditional Use Permit to revise the approved Planned Unit Development on Lot 3, Block 1, Andover Clocktower Commons.

The original CUP/PUD approval was granted in September of 2003. The PUD, which is located in a SC, Shopping Center District, included 5 lots. The approval also included a landscape plan identifying the common area amenities. Cross parking and access agreements were also put in place.

Amendments were made in 2009 and in 2014. An amendment to the PUD occurred in 2017, for a lot split and building locations, however, the project did not carry forward, and the plat was not recorded. The resolution for the 2017 amendment would be proposed to be rescinded by City Council if tonight's request is approved by the City Council.

The applicant is proposing to construct a 10,445 square foot building for a daycare center. Due to a new building location, a PUD amendment is required.

Motion by Loehlein, seconded by Koehler, to open the public hearing at 7:40 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Marilyn Sullivan, 15712 Yellow Pine Street asked about a street light on the corner because it is dark at night in that location. Ms. Hanson was unclear without further research into the matter. Chairman Nemeth suggested speaking with the appropriate City staff about that particular concern.

Mary Vanderlong, 2120 154th Lane, asked a question regarding the amount of traffic at certain times related to a day care and expressed concerns regarding traffic issues specific to this type of business and with a large facility. She asked about a traffic study and possible turn lanes. Ms. Hanson responded that these concerns would be part of a site plan. She reminded the audience that the focus of the meeting was to review the PUD amendment only.

Curt Strandland, 222 Fawn Lake Drive, East Bethel came to the podium. Chairman Nemeth asked about the design of the facility. Mr. Strandland indicated that it would be almost identical to their building/business owned in Hugo, with a similar look/ characteristics.

There was no one else in the audience to comment.

Motion by Loehlein, seconded by Daninger to close the public hearing at 7:48 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Commissioner Daninger commented that some of the concerns were commercial site plan concerns, but not related to the PUD being considered at the meeting tonight. He wondered about building a day care next to a bar in the community.

Commissioner Koehler asked if the Commissioners will see this item before them again. Ms. Hanson indicated they would not.

Motion by Koehler, seconded by Daninger to approve the variance. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

This matter will be heard at the March 20, 2018, Council meeting at 7:00 pm.

PUBLIC HEARING: Sketch Plan/Planned Unit Development – Estates at Cedar Ridge – 16474 Hanson Blvd. NW

The Planning and Zoning Commission reviewed a sketch plan for a single family planned unit rural residential development.

The Andover Review Committee (ARC) reviewed the sketch plan. Comments were provided to the Commissioners. This property is not located within MUSA. The comprehensive land use is Rural Residential.

Access will be from Hanson Blvd NW. The Anoka County Highway Department (ACHD) is in the process of reviewing the sketch plan.

Each of the lots will be served by individual septic systems and wells.

The applicant is requesting a PUD as part of this development. Specifically, the applicant is requesting flexibility in code requirements, including size and dimension; primarily to have flexibility to minimize tree removal and wetland impacts. The developer would like the PUD to preserve existing trees and minimize the impact to existing wetlands. There are wetland locations within the sketch plan area. Once the overall layout of the sketch has been agreed upon, and direction provided, the LRRWMO will need to review the preliminary plat and the developer will need to address any issues that are raised during that review, prior to a public hearing being scheduled for the preliminary plat.

Commissioner Koehler called attention to a letter from Mr. Berkowitz. Ms. Hanson stated that they are still waiting for responses from the applicant.

Commissioner Loehlein asked if there was a sketch of the larger area and what is developable. The response was there would be too many wetland impacts in the area in question.

Commissioner Daninger commented that it was “just a sketch plan” and questioned why a red line was going through a building. Staff responded by stating that Andover Kennels has just purchased an additional 1 acre to move the boundary of the property.

In response to a question by Chairperson Nemeth, Ms. Hanson indicated that the next part of the process (preliminary PUD) would make it clear what trees were being preserved. He also asked about “flattening” the curve. Ms. Hanson referred the question to the applicant.

Motion by Daninger, seconded by Loehlein, to open the public hearing at 8:06 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Josh Bergeron, 16474 Hanson Blvd, stated they had received the letter from the City, with questions, just on the previous Saturday. As to the question regarding the cul-de-sac moving farther to the west, the answer is that it would impede on lot #6 and encroach on the buildable space. The informal feedback from the highway department was positive regarding the space between the lanes and they would probably require left and right-hand turn lanes to handle traffic to and from Hanson Boulevard. There was discussion regarding two (2) accesses on Hanson Boulevard and the Highway Department is “okay with it.” He addressed the curve in the road and it could be straightened but would encroach minimally on a current property. Based on the financing, one side may be done first and then the other side, so as to not over extend [the developer].

Chairperson Nemeth asked the developer about the property ID’s. The response was that it was included because the lot lines would be changing. The developer indicated that once the preliminary plat process happens, the benefits will be more evident. The actual positions of the homes will depend upon engineering and surveying work, which is yet to be done. Estimates are that 0.86 acres of trees that would actually be removed. The developer indicated that there would be an architectural committee. He would be one of the members.

Shawn Mars, 16178 Raven St. NW, lives to the west of this area. He stated that he believes people live in the area because of the differences in zoning. This area is not like Catcher’s Creek as there are farm animals in the area and guns in the fall. Ms. Hanson indicated that in 6 years there have been no changes. Commissioner Daninger also has not seen it [zoning changes]. He discussed keeping natural trees for buffering.

Mr. Mars stated that they have a right to develop it, but residents have a right to enjoy their own property.

Chairperson Nemeth stated that residents can still submit comments.

Mr. Bergeron plans to live in the development himself on lot #7. His parents live on lot #1 currently.

Commissioner Hudson asked if the current building would be destroyed. Mr. Bergeron responded that it will not be destroyed but will conform to it. The PUD will assure there is equitability in how the homes are built. His parents will possibly be building on lot 6 and that will give access to the ponds.

Commissioner Hudson theorized that the smaller lots could be expanded and then forewarn buyers that there may be hunting or farm animals in the larger acreage around them. It was noted that Country Oaks North would be a similar situation.

Commissioner Loehlein encouraged the developer to inform buyers about the ruralness of the area.

Commissioner Nemeth stated that the next step is to take comments back to the sketch plan and that he was looking forward to the final plan. He would like to see as many trees as possible saved.

There was no one else in the audience to comment.

Motion by Koehler, seconded by Daninger to close the public hearing at 8:41 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Commissioner Koehler would like to see a further expansion of the lot sizes, closer to City Code. He would like to hear more about the benefit in smaller size lots vs. tree preservation.

This matter will be heard at the Tuesday, April 3, 2018, Council meeting at 7:00 pm.

PUBLIC HEARING: Preliminary Plat – Winslow Cove – Outlot A, Winslow Woods 2nd Addition

The Planning and Zoning Commission reviewed the Preliminary Plat for Winslow Cove. The proposed plat contains 80 urban residential lots. The property is located in the MUSA. It is currently zoned R-4, Single Family Urban. The maximum density allowed is 1.75 – 3.6 units per acre. The first phase will consist of approximately thirty (30) lots on the western side of the plat, being accessed from 152nd Avenue NW. There are 3 access points. During the Winslow Woods development, the future connection of Xeon Street NW and 157th Lane NW was discussed; at which time, it was determined that the connection will need to be further discussed during the next phases of development. Staff was recommending the connection.

Trunk sewer and water lines are located in this area and will be extended to serve the plat.

The Coon Creek Watershed District (CCWD) completed the review of the preliminary plat. The existing wetlands have been delineated and approved by CCWD.

The Park and Recreation Commission recommends taking a portion of land to extend Sophie's Park to the south and the remainder of park dedication in cash.

The City will extend a trail from Sophie's Park to the Winslow Cove development. Also, the city proposes to purchase Lot 5, Block 5 for a trail underpass (under the railroad) to create a trail link to the eastern side of Andover.

Chairperson Nemeth asked where the trail would end up. Ms. Hanson indicated that the trail easement would take up the whole lot.

Commissioner Daninger asked if there would be some street signs that will say temporary road or cul-de-sac. Ms. Hanson confirmed it will be marked with signage.

Chairperson Nemeth asked for an explanation on #34 of HWL and HAWL in the memo from the engineering company. Ms. Hanson referred this question to the developer.

Motion by Daninger, seconded by Koehler, to open the public hearing at 8:54 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Katie Schmolke, 1130 150th Lane, inquired about having a sign in the cul-de-sac regarding a further road, noting in the past one had been put in after many families had moved in to their homes. She also noted that neighbors were unable to come to the meeting due to it being spring break. She indicated that there are about 30 children under 9 or 10 years old in the neighborhood. They are very nervous about the safety of the children. She asked that safety would be a consideration in decision making. They would like to wait to put in the road connection until the children are older.

Cathy Kelvie, 15097 Yellow Pine Court NW, stated she was curious about the plan. She asked about trails and sidewalks and other safety measures such as stop signs. She also noted that Sophie's Park is the only park in the area.

James Tracy, 250 Rice Creek Terrace in Fridley, spoke on behalf of a relative in the area. He was interested in more information about lot 5, the trail, and underground connection to the other side of the railroad tracks. Ms. Hanson confirmed that there are no approved plans, but some preliminary sketches are being done at this time by the City.

The idea is that City sewer and water service would develop on the east side of the RR track.

Jim Traver, 1134 152nd Lane, was pleased to learn about the trail, underground connection and park development. He expressed the need for a turn lane on Yellow Pine,

as a lot of traffic is going 50 mph on Crosstown. He also suggested a pedestrian crossing, especially if there is a daycare being developed now. He wondered if Crosstown could be reviewed for speed. Ms. Hanson confirmed that there would be drawings provided regarding tree removal.

Ms. Hanson confirmed that the DNR worked with Lennar Homes regarding the protected plant species. She reminded the audience that this is a preliminary plat and the City does not have any ordinances regarding preserving trees. She will follow up with the resident. Park questions can be referred to Dave Berkowitz.

Joe Jablonski, Lennar representative, confirmed that the City staff is really good to work with, and has been working on this plat for quite a while. He responded as follows:

- The property will be developed in phases, with the north area first.
- Acronyms refer to High Water Levels and elevations set, related to flood levels.
- A permit has been received from the DNR to allow development.
- The site is not conducive to saving a lot of trees, but they will try to pay attention around the perimeters, when it makes sense.
- They are still working on details regarding the complex connection point for this development.

In response to a question, Ms. Hanson confirmed that the only lot that will work for the underground trail connection is lot 5, as the south area is too low in elevation to work for the underpass.

James Tracey, 250 Rice Creek Terrace, Fridley, asked about the timeline for the development or plans for the area. Ms. Hanson confirmed that future residential development is planned east of the tracks and is not planned to be all parkland.

Cindy Ramseier, 1046 152nd Lane NW, noted that all middle school students need to go out to Crosstown Boulevard to catch the school bus. Safety concerns may be a question for the school bus company/school district. Chairperson Nemeth confirmed that would be the case. Ms. Hanson stated that there will not be any stop signs put in because it is a State road.

Bill Kelvie, 15097 Yellow Pine Court noted that Xeon Street will have a path running alongside of it. He wondered how much would come on his property. Ms. Hanson confirmed that it goes within the right of way so it does not impact the lot of the resident.

Joe Jablonski, Lennar representative, indicated that the intent is that the north section (1/3) would not connect the road in the first phase.

There was no one else in the audience to comment.

Motion by Loehlein, seconded by Koehler to close the public hearing at 9:26 p.m.
Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Commissioner Daninger confirmed that the developer will have to replace 2 trees per 50 feet. He also confirmed that the Sheriff is responsive to traffic needs and what commonly happens is that it is the neighbors that are speeding.

Motion by Loehlein, seconded by Koehler to approve the preliminary plat. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

This matter will be heard at the Tuesday, April 3, 2018 Council meeting at 7:00 pm.

PUBLIC HEARING: City Code Amendments – Title 12 Zoning Regulations

The League of Minnesota Cities released a memo on July 6, 2017 regarding The Religious Land Use and Institutionalized Persons Act. The memo explained that no government entity shall approve or implement a land use regulation in a manner that puts a substantial burden on religious exercise. In no way shall a government entity approve stricter land use regulations than that of other non-religious assembly or institutions. Other non-religious assemblies include uses such as convention/banquet centers, bowling alleys/bars, and any other uses where people assemble.

Commissioner Loehlein asked staff to give an example of where an assembly would now be allowed, when it was not before. Ms. Hanson stated that it was determined that the general business area is better suited for placement of an assembly. This is more like a convenience store location that would be accommodating of parking.

Commissioner Koehler asked if any organizations were affected. Ms. Hanson replied there were not.

Motion by Daninger, seconded by Hudson, to open the public hearing at 9:35 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

There was no one in the audience to comment.

Motion by Daninger, seconded by Koehler to close the public hearing at 9:37 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

There were no additional comments of staff or commissioners.

Motion by Daninger, seconded by Koehler to approve the City Code amendments. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

This matter will be heard at the Tuesday, April 3, 2018 Council meeting at 7:00 pm.

OTHER BUSINESS

Andover Farms sketch plan was discussed at City Council; the developer will be moving forward with a preliminary plat. CUP request for Muddy Paws was approved by the City Council.

ADJOURNMENT

Motion by Koehler, seconded by Hudson, to adjourn the meeting at 9:38 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven and Sims) vote.

Respectfully Submitted,

Marlene White, Recording Secretary
TimeSaver Off Site Secretarial, Inc.