

***PLANNING AND ZONING COMMISSION REGULAR MEETING
FEBRUARY 9, 2021***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on February 9, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Karen Godfrey, Scott Hudson, Nick Loehlein, Marni Elias, and Wes Volkenant (remote)

Commissioners absent: Mary VanderLaan

Also present: Community Development Director Joe Janish
Associate Planner Jake Griffiths
Others

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Chairperson Koehler administered the Oath of Office to Karen Godfrey and Nick Loehlein.

APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON

Chairperson Koehler asked for nominations for Chairperson for 2021.

Commissioner Godfrey nominated Bert Koehler, IV for Chairperson.

There were no further nominations.

Roll call vote was taken to appoint Bert Koehler, IV for Chairperson of the City of Andover Planning and Zoning Commission.

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

Chairperson Koehler asked for nominations for Vice Chairperson for 2021.

Commissioner Elias nominated Karen Godfrey for Vice Chairperson.

Chairperson Koehler nominated Nick Loehlein for Vice Chairperson.

There were no further nominations.

Roll call vote was taken to appoint Karen Godfrey or Nick Loehlein for Vice Chairperson of the City of Andover Planning and Zoning Commission.

Godfrey - Godfrey

Hudson - Godfrey

Koehler - Loehlein

Elias – Godfrey

Loehlein - Godfrey

Volkenant - Godfrey

Motion carries 5 for Godfrey - 1 for Loehlein (Koehler) for Vice Chairperson of the City of Andover Planning and Zoning Commission.

APPROVAL OF MINUTES

December 8, 2020 Regular Meeting

Motion by Hudson, seconded by Volkenant, to approve the December 8, 2020 Regular Meeting Minutes as presented. Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

PUBLIC HEARING: SKETCH PLAN REVIEW – 1326 AND 1346 161ST AVENUE NORTHWEST – TAMARACK LAND DEVELOPMENT, LLC (APPLICANT)

Associate Planner Griffiths stated the Commission is asked to review a sketch plan for a 22-lot development located at 1326 and 1346 161st Avenue NW. Mr. Griffiths identified the location on a map and explained the definition and purpose of a sketch plan. Mr. Griffiths explained the property is within MUSA boundaries, will need to be rezoned from R-1 (Single Family Rural) to R-4 (Single Family Urban), will need a variance to increase the length of the cul-de-sac, and will need a review of density at the time of preliminary plat.

Mr. Griffiths stated there are four proposed access points that connect to existing streets

surrounding the neighborhood. Mr. Griffiths reviewed the lot sizes, utilities, and wetland/ floodplain issues. He stated the housing product will be similar to the existing neighborhood. Mr. Griffith stated one existing home will be retained on its own lot. Mr. Griffiths stated the site is zoned Urban Residential Low (URL) with a guided density of 2.4-4 units per acre. He explained the site will have challenges meeting the density requirements due to sewer capacity issues, significant floodplain/wetlands, need for extreme amount of fill needed to add lots, and the characteristics of the surrounding area.

Mr. Griffiths stated the Parks and Recreation Commission recommended cash in lieu of land for Park Dedication requirements noting there is a park adjacent to the property. Mr. Griffiths explained the next steps are to provide feedback to the developer from the public and the Commission to see if the developer would like to move forward with the project.

Commissioner Elias asked if the existing homeowner is going to live on that site and what is preventing the street from going through. Mr. Griffiths replied there is nothing preventing the street from going through other than the area to the west is not developed. He did not know if the existing landowner was going to remain in the house.

Commissioner Volkenant asked if he was correctly reading the plan that the end of the cul-de-sac is located in the correct position in relation to the home on the undeveloped property to the west. Mr. Griffiths stated he does not have access to the exact location of the home on the adjacent property at this time, however, staff will look at the alignment when the property owner to the west decides to develop their land.

Motion by Loehlein, seconded by Godfrey to open the public hearing at 7:23 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

Brian Theis, Tamarack Land Development, came forward and stated staff did a good job of presenting the project and Mr. Theis is available to respond to questions the public and Commissioners may have.

Seth Rust, 15782 161st Avenue NW, came forward and requested trees be preserved as much as possible.

Clark Honzik, 15897 Avocet Street NW, came forward and asked to take the houses on the cul-de-sac on 158th Lane, rotate them clockwise, and put an outlot to buffer his house. He asked what type of houses will be put in.

Molly Anderson, 15907 Avocet Street NW, came forward and would like the mature trees preserved. She asked about the size and style of homes.

Dane Willenbring, President of Dane Allen Homes, 2677 Bunker Lake Boulevard, came forward and stated he will be the builder of the development. He stated the houses may be four-level and will stay away from traditional split-level homes. He stated the homes to the north cannot have full basements due to the water table. He stated the homes to the south can have full basements and he may have ramblers and two-story homes. Mr. Willenbring had pictures of sample homes. He stated the price point will be over \$400,000 and most will have three car garages.

John Vukelich, 15826 Avocet Street NW, came forward and was concerned about the trees, size of houses, price of houses, and the water pressure. He stated there is little water pressure in the mornings.

Chairperson Koehler announced the Commission received an email from Bill and Christy Malone 1333 156th Lane NW, stating their backyard is open space and it is why they moved here. They are concerned about the loss of open space in Andover. She stated their lack of attendance is not lack of concern.

Chairperson Koehler asked Mr. Theis if he has plans to preserve anything. Mr. Theis replied they have just started the initial grading plans and will take a look at heritage trees and do what they can to save them. They will save trees along the property line if possible.

Chairperson Koehler asked Mr. Theis if there is anything he can do to ensure water pressure does not get any worse for existing properties and is reasonable for new homes. Mr. Theis stated he will explore the issue with City Engineering staff.

Chairperson Koehler asked if the houses on 158th Lane cul-de-sac can be moved. Mr. Theis stated he is willing to explore it and most of the land that is the current outlot is wetland. He stated they are constrained by the wetland and may be able to shift it a bit. He stated the lots could be widened instead of creating a new outlot.

Seth Rust, 15782 161st Avenue NW, came forward and stated the land has been undeveloped and is a nice open space and is a shame to lose it.

Clark Honzik, 15897 Avocet Street NW, came forward and stated he is speaking for his neighbor as well who would like to see the houses on the cul-de-sac shifted.

Motion by Loehlein, seconded by Volkenant, to close the public hearing at 8:15 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

Commissioner Volkenant referred to the email from the Malones and would like them to know they are going to be less impacted by the development than those to the north. He explained the wetland is remaining. Commissioner Volkenant stated this is his neighborhood too. He stated when the houses on Avocet were built, it caused an impact on the wetland and ponds. He stated he suspects there can be an effect on the homes and adjacent neighborhoods. Commissioner Volkenant stated he is on a neighborhood Facebook group and homes to the north had concerns about increased traffic on their road. Commissioner Volkenant stated he has a concern about the closeness of home 13 to the existing home next to Oakview Park. He supports a better buffer between existing homes and the new homes.

Commissioner Loehlein asked if the existing street stubs have the signs stating they are temporary until the land develops. Mr. Griffiths replied signs are in place.

Chairperson Koehler asked Mr. Griffiths to respond to the question about water pressure. Mr. Griffiths stated the City's engineers reviewed the water pressure in this area and concluded the development could sustain 28 new homes without impacting the pressure. Chairperson Koehler asked if the City could measure water pressure prior to and after construction. Mr. Griffiths replied the City Engineer could respond to that question.

Chairperson Koehler asked Mr. Griffiths if he knows the zoning of the land. Mr. Griffiths replied the area has been rural single family residential since the 1970s. He explained the surrounding properties have been redeveloped and rezoned to single residential urban. Chairperson Koehler asked if this property has always been designated for houses. Mr. Griffiths replied it has been designated for houses.

Commissioner Godfrey stated Oakview Park is scheduled for improvements to the irrigation system and she wonders if the addition of the homes will impact the project at Oakview. Mr. Griffiths stated he will refer the issue to the Parks Maintenance Department.

Commissioner Hudson stated a development like this is required to keep water on-site. Mr. Griffiths stated they are required to mitigate water within the property. Mr. Griffiths stated as the plan comes forward, the developer will bring drainage and stormwater plans to the City and it will be reviewed by City staff and other agencies.

Chairperson Koehler asked Mr. Griffiths what the standard rear setback of a house in this area is. Mr. Griffiths replied it is 30-35 feet from the property line. Chairperson Koehler asked if any of the lots are non-conforming. Mr. Griffiths replied none of them are non-

conforming. Chairperson Koehler stated he is looking at two houses on Avocet that will be adjacent to the development and asked what the setback would be. Mr. Griffiths replied the setback will be 30-35 feet for the rear setback and 10 feet for the side yard setback.

Community Development Director Janish stated stormwater requirement drives the removal of trees. He explained there will be tree removal to ensure effective infiltration and stormwater ponding. Mr. Janish stated the requirements have become stricter, so the new development has more requirements to follow.

Commissioner Volkenant asked Mr. Griffiths to explain what is happening with the existing home, shed, and how the driveway will change. Mr. Griffiths identified the existing home and pole barn. He stated the pole barn will be removed as part of the development. Mr. Griffiths said the existing driveway will be removed and replaced with a new driveway similar to the surrounding lots.

Commissioner Volkenant asked Mr. Griffiths to explain how the existing homes on the south end will be impacted by the creation of the cul-de-sac and new homes. Mr. Griffiths replied the developer will demolish the south cul-de-sac, extend the street, and create a new cul-de-sac. He stated the adjacent homes will acquire the land from the cul-de-sac and it will be sodded to look like front yard.

Chairperson Koehler urged Mr. Theis to take the comments given at the meeting into consideration and return with a plan that responds to the concerns.

Mr. Griffiths announced the sketch plan will be presented to Council on Tuesday, February 16.

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT – PID# 24-32-24-43-0001 – CITY OF ANDOVER (APPLICANT)

Community Development Director Janish stated the Commission is asked to review a Comprehensive Plan Amendment for an unaddressed 1.9-acre parcel to change the future land designation from Rural Residential to Transitional Residential and to move the MUSA (Metropolitan Urban Service Area) boundary line from the west border to the east border of the property. He stated the parcel cannot meet the standards for current land use guidance.

Mr. Janish stated the Commission is asked to hold a public hearing and provide a recommendation to the City Council. He stated the item will go to the City Council on February 16, 2021 and then to the Met Council.

Commissioner Hudson asked if this was purely a housekeeping issue that needs to be done regardless of what development occurs. Mr. Janish replied that is how staff is looking at this, that it makes sense to add it to MUSA.

Motion by Godfrey, seconded by Volkenant, to open the public hearing at 8:09 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

No one appeared before the Commission.

Motion by Hudson, seconded by Elias, to close the public hearing at 8:10 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

Commissioner Elias asked if this change creates any financial problems for the current landowner. Mr. Janish replied it is not expected to create any financial impacts on the existing landowner.

Motion by Volkenant, seconded by Godfrey, to recommend approval of a Resolution amending the Comprehensive Land Use Plan of the City of Andover to include the following: move the MUSA boundary to include the parcel and change the land use designation from RR-Rural Residential to TR-Transitional Residential for the following parcel: PID#24-32-24-43-0001.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

PUBLIC HEARING: COMPREHENSIVE PLAN TEXT AMENDMENT – CITY OF ANDOVER (APPLICANT)

Associate Planner Griffiths stated the Commission is asked to hold a public hearing on a Comprehensive Plan Text Amendment. Mr. Griffiths explained the background of the Comprehensive Plan and the density goal of 3 units per acre. Mr. Griffiths stated developers have experienced difficulties meeting the City's minimum of 2.4 units per acre due to no fault of their own. He stated the reasons include wetlands, floodplain, sewer capacity issues, etc. This means the development cannot occur as the Comp Plan is currently written and will require a Comprehensive Plan Amendment.

Mr. Griffiths stated staff is recommending the solution be written in the Comprehensive Plan giving the City Council a tool by which to approve development of certain properties below 2.4 units per acre provided that certain criteria are met, and the City continues to meet the density and affordable housing goals as required by the Met Council. Mr. Griffiths explained the property must be guided Transitional Residential or Urban Residential Low, must be at least 1.75 units per acre, meet at least three qualifying criteria, have the density reallocated to another property within MUSA, and report to the Met Council through the Plat-Monitoring Program.

Mr. Griffiths noted staff has explored other solutions with the Met Council and feels this is the best option. Mr. Griffiths stated the City did not receive any comments from the public.

Commissioner Godfrey stated four of the five criteria are objective fact and the fifth one appears to be a judgment call. She asked who makes that judgment and on what basis. Mr. Griffiths replied the City Council will make the determination on a case-by-case basis.

Commissioner Godfrey stated this is a creative and practical way of resolving the issue. She asked if there are any other communities that have used this approach. Mr. Griffiths replied there are none. Commissioner Godfrey asked how the discussions are going. Mr. Griffiths stated the Met Council is hesitant, but staff believes it meets the Met Council's goals.

Commissioner Volkenant asked what if the Met Council rejects the City's proposal and how does it affect development. Mr. Griffiths replied if the Met Council rejected the City's proposal, the City would have to go through the Comp Plan Amendment with each development that does not meet the Comp Plan guidance. In addition, the City would have to come up with a new land use defining developments 1.75-2.4 units per acre and then reassign the density to another part of the City.

Commissioner Volkenant asked for an example of what would qualify for Criteria E and stated if someone wanted to build an apartment building in a residential cul-de-sac would it trigger Criteria E. Community Development Director Janish confirmed that is what the City is looking at. He stated the goal is to blend neighborhoods without stark differences.

Commissioner Loehlein asked staff to identify what areas of the City it impacts. Mr. Griffiths stated the main areas included are the small infill type developments and circled three areas within the City that may be impacted. Mr. Janish stated he believes staff has a good plan. He explained they have a way to report it, track it, and it is meeting the intentions.

Commissioner Hudson asked how moving density from one person's property to another person's property impacts the receiving property owners. Mr. Griffiths replied the transfer would be applied to a larger parcel that already has a plan to meet a higher density requirement. He explained it will be a minimal transfer, such as 3-4 units. Mr. Janish stated any development that came over the 2.4 units per acre would create a housing bank which can be used to make up for future development that is below the minimum.

Commissioner Elias asked how likely it will be to prove this process works and if any other cities have tried it. Mr. Janish stated no other cities have tried it. He stated the Met Council is aware that the City is proposing this.

Mr. Griffiths stated this process will be used sparingly.

Chairperson Koehler asked why the Commission does not have the Amendment language to review. Mr. Griffiths stated it is in the packet in the staff report. Chairperson Koehler asked if there was a Resolution. Mr. Griffiths stated a Resolution has not been prepared due to ongoing conversations with the Met Council. He explained the Resolution will go before Council at their next meeting with the feedback from the Planning Commission.

Motion by Godfrey, seconded by Volkenant to open the public hearing at 8:35 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

No one appeared before the Commission.

Motion by Hudson, seconded by Elias, to close the public hearing at 8:35 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

Commissioner Godfrey commended staff for developing a practical procedural tool with guiding standards of application that allows the City to provide consistent adjustments to the Comprehensive Plan. She stated it is a breakthrough and can see it being a model for other cities.

Chairperson Koehler asked if the process can be used by a developer to shrink the density knowing it can be transferred somewhere else. Mr. Janish stated the City Council has the final decision-making power. Mr. Janish stated the City wants to meet the requirements and a developer would have to demonstrate why they cannot meet minimum density. He explained a developer can request to be lower, but staff will ask why, and Council will deem if it is applicable.

Commissioner Loehlein asked why a developer would want less density. Chairperson Koehler stated he is concerned there is a side effect. He explained a developer could come in and play with the numbers knowing it would become someone else's problem.

Commissioner Hudson stated the City normally encounters the opposite, where developers want more units, and the City prefers fewer.

Mr. Griffiths replied the review by City Council should mitigate that issue along with the City's sewer capacity analysis. He stated staff will red flag issues that come forward.

Chairperson Koehler stated there are safeguards in place, however, the possibility is there. He said you only have to meet two objective and one subjective criteria.

Motion by Loehlein, seconded by Hudson, to recommend approval of the Comprehensive Plan Text Amendment.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - nay

Elias – aye

Loehlein - aye

Volkenant – nay

Motion carries 4 ayes, 2 nays (Koehler and Volkenant).

OTHER BUSINESS

Mr. Griffiths stated there will be a Commission meeting and workshop on Tuesday, February 23, 2021. He updated the Commission on Council actions since the Commission's last meeting.

Mr. Griffiths stated Council Chambers will be upgraded to have better use of Zoom and video.

ADJOURNMENT

Motion by Hudson, seconded by Elias, to adjourn the meeting at 8:43 p.m. Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Elias – aye

Loehlein - aye

Volkenant – aye

Motion carries unanimously.

Respectfully Submitted,

Shari Kunza, Recording Secretary
TimeSaver Off Site Secretarial, Inc.