

***PLANNING AND ZONING COMMISSION MEETING – FEBRUARY 12, 2019***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV, on February 12, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Scott Hudson, Nick Loehlein, Kyle Nemeth, Jeff Sims, and Mary VanderLaan

Commissioners absent: None

Also present: City Planner Stephanie Hanson  
Others

***PLEDGE OF ALLEGIANCE***

***APPROVAL OF MINUTES***

*January 22, 2019*

Commissioner VanderLaan requested the following correction:  
Page six, Line 15: "...character on the corners."

Chairperson Koehler requested the following corrections:  
Page four, Line 11: "there would be additional traffic that would ~~believe~~ inadvertently indicate that the privately maintained amenities are for public use."

***Motion*** by Daninger, seconded by Hudson, to approve the minutes as presented. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

***PUBLIC HEARING: Interim Use Permit – Temporary Classrooms – Grace Lutheran Church***

City Planner Hanson noted the purpose of this item is to hold a public hearing and take input on a request from Grace Lutheran Church to request to continue the timeframe for the removal of the subordinate classroom structures on the property. The amended IUP request will allow for the structures to remain on the property until 2023.

City Planner Hanson stated that a CUP for the temporary classrooms was originally requested by Grace Lutheran Church in 2006 and a four-year extension was granted to the church in 2010. An Interim Use Permit (IUP) was granted in 2014. The current IUP is set to expire on December 31, 2019. Grace Lutheran Church would like to keep the temporary classrooms in place until 2023, while they decide what the plans are for the current sites they own (13655 Round Lake Boulevard and land off of Nightingale St/151<sup>st</sup> Lane). After a new Senior Pastor is hired in September 2019, they should have more direction on the plans.

City Planner Hanson reviewed the requirements of an IUP and how this request meets those requirements. She stated that the Commission is asked to hold the public hearing and provide a recommendation to the City Council on the request.

**Motion** by VanderLaan, seconded by Loehlein, to open the public hearing at 7:07 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Scott Christianson, President of the Grace Lutheran Church Vision Board, 8970 162<sup>nd</sup> Lane NW in Ramsey, stated that the Senior Pastor retired, and the Church is going through the process to review pastoral candidates. He stated that the process can take one year to 18 months and they are about 15 months into the process. He recognized that the IUP expires in 2019 and the portables are used extensively for different programs and community outreach activities. He stated that if the portables had to be removed right now, the Church would need to begin a capital campaign because they need that space. He stated that it is difficult to undergo a fundraising campaign when the Church is in a place of transition. He hoped that once the Senior Pastor is in place, the decision can be made on goals for the future and whether the portable classrooms would be necessary.

Commissioner VanderLaan stated that the previous Pastor established a program for at-risk youth that had a great impact on the area. She asked if that program is still affiliated with the Church or whether that was separated into a different capacity.

Mr. Christianson noted that was most likely linked to the summer activities in the past. He recognized that the location on Round Lake and Bunker is a great site for activities of that type.

Commissioner VanderLaan asked if the permit covers the classrooms and garage, and whether it would be necessary to have something to cover the garage.

Mr. Christianson noted that the permit is simply for the classrooms as the garage is a permanent structure.

Commissioner VanderLaan asked if the Farmers Market has an impact on this request.

Mr. Christianson stated that the Church allows the Farmers Market to be held in the parking lot and therefore this does not have an impact.

Commissioner VanderLaan asked the impact that this would have on improving the tax base, as stated in the narrative.

Greg Ackerson, 20761 Gladiola St. NW in Oak Grove, replied that the Church has two properties and three options on the table. He stated that one option is to have a two-site campus, to have only activities on the Round Lake site and sell the Nightingale site, or to sell the Round Lake site and build a new campus on the Nightingale site. He stated that they would like to make the right decision for the congregation and community and that is why they are asking for the additional time to make the right decision. He stated that they are paying property taxes on the Nightingale site because the site is not being used for ministry services, with the exception of the community garden and outreach events.

Commissioner Nemeth asked for clarification on the timeline specified in the narrative letter.

Mr. Ackerson stated that once the Senior Pastor is brought on staff, they would like to give him one year to get to know the community so that the right decisions could be made for the future.

Commissioner Nemeth asked if the Vision Board has given any thought to which of the proposals would be more advantageous for the Church.

Mr. Christianson stated that a lot of time has not been spent on that decision because of the changes that were going to occur. He stated that the discussions have begun and will continue.

Commissioner Nemeth asked if fundraising has been discussed for the future, either to replace the temporary classrooms or build a new campus.

Mr. Christianson stated that there was some preliminary work done to determine how an addition could be incorporated onto the existing building if the temporary classrooms were removed, but there are limitations because of the size of the building and the overall lot.

Commissioner Loehlein stated that the statement was made that this space is needed. He asked what the plan B would be in the short-term, if the permit is not granted.

Mr. Christianson replied that the Church would need to take a hard look at some of the ministry that is being done now and determine what could be cut to fit within the existing building space. He stated that on Sunday mornings and Wednesday evenings they are using every square inch of the facility and therefore they would be hard pressed.

Commissioner Daninger asked if the Vision Board is the Leadership Board for the Church.

Mr. Christianson confirmed that the Vision Board makes the major decisions and financial decisions for the Church.

Commissioner Daninger asked if anyone was present at the 2010, or 2006 reviews. He asked if the concerns that arose in 2010 were addressed since that time.

Chairperson Koehler stated that he does recall the 2014 discussion, as there were concerns brought forward regarding a buffering that was required and had not been put in. He asked if the buffering has been installed since that time.

Mr. Christianson replied that there are trees and shrubs that were planted and have matured.

Chairperson Koehler asked if the daycare activity is only during church hours or whether that is operated as a business.

Mr. Christianson replied that the daycare operates out of the Church and is very active and vibrant. He stated that the daycare is looking to expand to a preschool program, which would use the classroom space.

Chairperson Koehler stated that a follow-up complaint was made previously regarding parking that blocks driveways.

Mr. Christianson stated that there is a closed gate that is only open during worship hours.

Chairperson Koehler received confirmation that the Church is asking for a four-year extension. He stated that when the Church was previously here to request an extension the plan was to begin fundraising to solve this situation. He stated that he does understand the process of bringing in a new Pastor that will need time to get up to speed. He asked when fundraising would begin.

Mr. Ackerson stated that in 2014 they began a fundraising campaign, Free to be Grace, which had a goal to pay off the debt and start raising funds for the Nightingale site. He stated that they made a huge dent in the mortgage, but they did not have the success they planned. He stated that the retirement of the Senior Pastor did slightly derail those efforts.

Marnell Wilbur, 3510 136<sup>th</sup> Lane, stated that she loves having the Church across the street and is a member but does not always attend. She is unsure why the Church could not build out towards Round Lake and put the classroom space in that area. She stated that there is one car that parks at the church which impacts snow removal. She stated that the Church has other property available that should be sold as they never built on that location. She noted that people cut through the two buildings of the Church at all hours of the night. She believed that the buildings were supposed to have fencing between

them to prevent people from cutting through that area. She stated that on the Farmers Market day, a few vehicles like to use her driveway to turnaround in, which she does not like. She noted that she would like to see the Church stay in that location and simply expand onto their existing building.

**Motion** by Hudson, seconded by Loehlein, to close the public hearing at 7:34 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Commissioner Daninger stated that the first permit was received in 2006 and asked if the classrooms have been there longer than that.

City Planner Hanson replied that she was unsure.

Commissioner Daninger confirmed that the difference between a CUP and IUP is that the IUP would not be recorded against the property and can have an expiration date. He stated that the goal has been to not have the temporary classrooms over the past eight years.

Commissioner Sims asked if there are any other properties that have a similarly long process of this nature.

City Planner Hanson confirmed that there is another Church that has similarly long temporary classrooms.

Commissioner Nemeth asked if the property is sold before 2023, would the classrooms then need to be vacated.

City Planner Hanson stated that she would need clarification from the City Attorney as to whether a new purchaser would need to renew the IUP or whether that would continue to run through the expiration period.

Commissioner VanderLaan stated that the comment was made as to why the Church has not considered building to the west. She asked how close the Church could come to Round Lake Boulevard.

City Planner Hanson stated that she would need to look into the required setbacks.

Chairperson Koehler stated that the land use designation for this site would allow the permanent classroom buildings without a permit.

City Planner Hanson confirmed the land use would allow that.

Chairperson Koehler stated that he is in favor of the Church continuing to do what they do as they create a great amount of good in the community. He stated that the IUP code

states that the permit should be given when the land use is not consistent with the land use designated by the Comprehensive Plan.

City Planner Hanson confirmed that IUP would allow a permitted use to happen.

Chairperson Koehler stated that the buildings have no foundation and are anchored to the ground with an anchoring system, which he assumes is why the building department is going to review the structures. He stated that he is all for the use continuing but has a hard time understanding why this could not be addressed by now because this began in 2006 and it is now 2019. He stated that if there are cars parked on the street illegally that could be addressed by calling the police non-emergency number. He stated that he would like to see the structures continue, but in a permanent shape and there seems to have been no movement towards that since 2006. He asked how many more times the City will continue to review an extension.

Commissioner VanderLaan stated that there are many people on the Commission that would like to see this move forward. She stated that the Church is committed towards moving away from the temporary structures but there have been financial constraints. She stated that if the Commission were to approve this request, could a final termination date be included that would state no additional extensions would be granted.

City Planner Hanson confirmed that an additional condition could be added specifying that deadline.

Commissioner Nemeth stated that these classrooms are temporary and that is his first concern as they have already been there 13 years and will be extended up to a total of 17 years. He agreed that he would allow this extension, but this should be the last extension and the Church should finalize a plan sooner rather than later. He concurred that the Church does a great job in the community, but a permanent structure should be put in place to replace the temporary structures.

Chairperson Koehler referenced the building inspection and asked how something would be addressed that originally met City Code but no longer meets City Code. He noted that it is possible that those elements would be grandfathered in and therefore there could be elements that no longer meet City Code.

Commissioner Daninger stated that he has been on all sides of this type of issue. He stated that he was also here in 2006, 2010, and 2014. He stated that he likes the Church but does not like this because if there is no motivation, the Church might not come up with a plan. He stated that he is going to vote against the request, even though it may pass, but he hopes that his opinion will help to motivate the Church to decide on the temporary classrooms.

Commissioner VanderLaan requested to add a stipulation that the dates be corrected in the resolution and that on page two, item one, an additional statement would be added stating that additional IUP's will not be considered after this date.

Commissioner Loehlein stated that he feels that a strong message has been sent to Grace Lutheran on this matter tonight, but the Commission and Church cannot tell the future and he would not want that locked into finality.

**Motion** by Loehlein, seconded by Hudson, to recommend to the City Council approval of a resolution granting an Interim Use Permit for extending the time for the removal of a subordinate classroom structure on property located at 13655 Round Lake Boulevard. Motion carried on a 4-ayes, 3-nays (Daninger, Sims, and Koehler) 0-absent vote.

City Planner Hanson stated that this item would be before the Council at the March 5, 2019 City Council meeting.

### ***OTHER BUSINESS***

City Planner Hanson updated the Planning Commission on related items. She stated that Associate Planner Krumwiede's last day with the City is tomorrow.

Chairperson Koehler stated that there will be a change to how the minutes are updated in the future. He noted that non-substantial changes, such as grammatical changes, should be submitted via email prior to the meeting to staff and the entire Commission and only changes of substance will be addressed at the meeting.

Commissioner Nemeth thanked the City Public Works Department for the great job they have done snow plowing. He also thanked the County Sheriff's Department, who has been very good about delivering the Commission packets. He asked if there are any meetings scheduled for March.

City Planner Hanson reported that the Commission will hold a public hearing on March 12<sup>th</sup> and will also have a public hearing on March 26<sup>th</sup> for the Comprehensive Plan.

### ***ADJOURNMENT***

**Motion** by Hudson, seconded by Nemuth, to adjourn the meeting at 7:54 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Respectfully Submitted,

Amanda Staple, Recording Secretary  
*TimeSaver Off Site Secretarial, Inc.*