

***PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 13, 2018***

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

Commissioners present: Dean Daninger, Scott Hudson, Nick Loehlein, and Jeff Sims.

Commissioners absent: Timothy Cleven, Kyle Nemeth

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

***PLEDGE OF ALLEGIANCE***

***OATH OF OFFICE – REAPPOINTED COMMISSIONER NEMETH AND COMMISSIONER LOEHLEIN***

Acting Chairperson Koehler administered the oath of office to reappointed Planning and Zoning Commissioner Loehlein.

***APPOINTMENT OF CHAIR PERSON AND VICE CHAIR PERSON***

Acting Chairperson Koehler stated the Planning and Zoning Commission appoints their own Chair and Vice Chair which they appointed in their workshop meeting tonight. He stated Commissioner Nemeth was nominated and appointed as Chairperson of the Commission but is absent. He stated he was nominated and appointed as the Vice-Chairperson of the Commission.

***APPROVAL OF MINUTES: December 12, 2017 Regular Meeting***

***Motion*** by Daninger, seconded by Loehlein, to approve the minutes as presented. Motion carried on a 3-eyes, 0-nays, 2-present (Hudson and Sims), 2-absent (Cleven, Nemeth) vote.

***PUBLIC HEARING: Conditional Use Permit – Commercial Kennel – 3121 161<sup>st</sup> Avenue NW.***

Associate Planner Krumwiede noted the purpose of this item is to hold a public hearing and take input on the Conditional Use Permit (CUP) request for a commercial kennel license.

Associate Planner Krumwiede presented the request of Jessica and Billy Evers for a CUP to operate a commercial kennel at 3121 161<sup>st</sup> Avenue NW, an existing building they intend to purchase. A commercial kennel can be allowed as a CUP in the General Business District. The approximate 5-acre parcel is located just to the north of 161<sup>st</sup> Avenue and east of Round Lake Boulevard. The building space to host the dog boarding is approximately 5,600 square feet. Indoor and outdoor space will be utilized. Outdoor space would be fenced in by a 6-foot chain link fence with black privacy screening. The applicant would like to install a 7-foot fence; however, a variance would be required, and the applicants are aware of that. Full service grooming, some retail, dog daycare, and overnight boarding will all be offered.

Associate Planner Krumwiede noted the applicants have another Muddy Paws Daycare currently located in Columbus, Minnesota. This would be a second location. After discussion with the City Administrator of Columbus, she mentioned that Columbus has not received any complaints from residents and they have been a positive addition to the community. The IUP they received in Columbus is good through May 2022. The applicant plans to purchase the property in Andover and close on March 20, 2018.

The Commission did not have any questions. They proceeded forward to the Public Hearing.

***Motion*** by Daninger, seconded by Hudson, to open the public hearing at 7:08 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Billy and Jessica Evers, Muddy Paws Doggie Daycare, 733 180<sup>th</sup> Lane NE, Ham Lake, applicant, came to the podium to answer questions.

Commissioner Daninger asked what height of fence the applicant preferred. Ms. Evers indicated she would like to have a seven-foot fence which would be less likely for a dog to scale than a six-foot fence. Acting Chairperson Koehler IV indicated for that height of fence a variance would be needed. Ms. Evers indicated she understood that.

Commissioner Loehlein asked if there will be someone overnight to let the dogs out if needed. Ms. Evers stated the last turn out will be 7:00 p.m. and staff will return at 5:30 a.m.

No further public input was given.

**Motion** by Sims, seconded by Loehlein, to close the public hearing at 7:11 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Commissioner Daninger stated the recommendation in the resolution does not state a seven-foot fence and does not specify hours so the person making the motion should add those items.

Commissioner Sims asked if the hours were to be added to the resolution would the applicant need to come back for a change to the CUP if they wanted to change their hours. Ms. Hanson stated that was correct, they would need to come back to change the resolution.

Commissioner Daninger stated this is only a recommendation to the City Council. The City Council will determine if hours should be added to the CUP, but he felt that if the Commission wanted hours in the CUP they should add them now, so the City Council knows their wishes.

**Motion** by Daninger, seconded by Sims, to recommend to City Council approval of a CUP for a commercial kennel on property located at 3121 161<sup>st</sup> Avenue NW, adding hours to line seven of the resolution. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Associate Planner Krumwiede stated that this item would be before the Council at the February 20, 2018 City Council meeting.

***PUBLIC HEARING: Preliminary Plat – Shaw’s Glen 2<sup>nd</sup> Addition – 1950 157<sup>th</sup> Lane NW.***

City Planner Hanson noted the purpose of this item is to hold a public hearing and take input on a Preliminary Plat containing five urban lots.

City Planner Hanson presented the request of MT Carpenter Landscape, Inc. for Shaw’s Glen Second Addition, a Preliminary Plat containing five urban lots. She noted the Andover Review Committee has reviewed the Preliminary Plat, finding all staff comments have been satisfactorily addressed by the developer. However, staff is recommending the original home be removed. The new construction will fit the character of the neighborhood.

Commissioner Loehlein stated on the existing house on lot 3, will they be compelled to remove the deck and porch. Ms. Hanson stated the deck will need to be removed because they do not meet the setback requirements unless the owner comes in to get a setback variance.

**Motion** by Loehlein, seconded by Daninger, to open the public hearing at 7:20 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Mr. Andrew Jeska, 2057 157<sup>th</sup> Lane NW, stated he has a pond in his yard and he wants to make sure there is no adverse effect to the pond across Nightingale with this development.

Mr. Jethro Carpenter, 826 Golden Way, Isanti, applicant, came to the podium to answer questions.

Commissioner Daninger asked why the applicant wants to keep the house there. Mr. Carpenter stated the owner is in poor health and the numbers need to work for the development to happen. The house is in good shape so there is really no reason to tear the house down. He thought eventually the house would be removed.

**Motion** by Sims, seconded by Hudson, to close the public hearing at 7:23 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Acting Chairperson Koehler asked if the Engineering Department has looked at the water drainage and the pond. Ms. Hanson stated the Engineering Department has reviewed the grading and drainage and the water drainage will remain on the property.

Commissioner Daninger asked if there will be grading on the property with the house. Ms. Hanson thought the applicant would be able to answer that question. Commissioner Daninger stated at this time he did not need an answer to that question.

**Motion** by Sims, seconded by Loehlein, to recommend to the City Council approval of the Shaw's Glen Second Addition Preliminary Plat containing five urban lots.

Commissioner Daninger stated he was going to vote against this because he felt the house needed to be removed as recommended by staff.

Motion failed on a 2-ayes, 3-nays (Daninger, Hudson, Koehler, 2-absent (Cleven, Nemeth) vote.

Motion by Daninger, seconded by Hudson, to recommend to the City Council approval of the Shaw's Glen Second Addition Preliminary Plat containing five urban lots with the added condition to the resolution the removal of the existing home on Lot 3.

Commissioner Loehlein stated he shared the concern regarding the house but from his perspective he was wondering what power they must compel the owner to remove the home. He wondered if this is something that should be attached to the Plat or will it come back later. Commissioner Daninger stated his motion is to put this as an item on the resolution that the home be removed.

Commissioner Sims stated he was going to vote against the motion by Commissioner Daninger because he felt they were overstepping their bounds with requiring the house be

removed. Acting Chairperson Koehler stated this house will not remain the way it is unless a variance is granted, the porch and deck will need to be removed.

Motion carried on a 3-ayes, 2-nays (Sims, Loehlein), 2-absent (Cleven, Nemeth) vote.

City Planner Hanson stated that this item would be before the Council at the March 6, 2018 City Council meeting.

***PUBLIC HEARING: Sketch Plan – Andover Farms – 7<sup>th</sup> Avenue NW & 165<sup>th</sup> Avenue NW.***

City Planner Hanson noted the purpose of this item is to hold a public hearing and take input on the proposed Sketch Plan/Planned Unit Development (PUD) and informally advise the applicant on adjustments to the proposed project to conform to local ordinances and review criteria.

City Planner Hanson presented the request of Metrowide Development, LLC for Sketch Plan/PUD review of Andover Farms, a single-family planned unit rural residential development. She explained a Sketch Plan is used to provide feedback to the developer through Andover Review Committee (ARC), Planning and Zoning Commission, Park and Recreation Commission, and City Council. The purpose of a PUD is to encourage more efficient allocation of density and intensity of land use where such arrangement is desirable and feasible by providing the means for greater creativity and flexibility in environmental design than provided under the strict application of this Code. It must be demonstrated to the satisfaction of the City Council that a higher quality development will result than could be otherwise achieved through strict application of this Code.

Commissioner Sims stated on the property to the right, comparing the one acre lots, are they in the MUSA. Ms. Hanson stated they were not.

Commissioner Daninger asked how people get notified of a public hearing. Ms. Hanson reviewed the noticing statute with the Commission and audience.

***Motion*** by Daninger, seconded by Loehlein, to open the public hearing at 7:45 p.m.

Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Mr. Nate Gohl, 17056 Aztec Street NW, stated his main concern is with the property line and creek which floods every year and he wondered what would happen with the land that goes across the creek.

Mr. Dave Burre, 17230 Aztec Street NW, stated he has lived here a long time and has seen a lot of changes to the property. He stated at one time the property had trees and is now listed as a wetland. The property floods in the spring and all summer long. He stated every year they lose a large tree with the flooding. As the trees fall into the river the bank erosion gets worse. He asked what the wetland property is attached to, and does

it belong to the City or will it be turned into park land, he wondered what will happen to the property. He stated having had an issue with septic in the past, some of the lots are very small and if a septic fails there will not be anywhere for it to go because the lots are small, so a second system will not be able to go in.

Mr. Jim Zushan, 3943 168<sup>th</sup> Avenue, stated he lives at the proposed entrance to the development. He noted he has four basic concerns. The first issue is with the one acre lots. He stated he is very familiar with the Peterson land because it is heavy sand, and he was concerned with the environmental impact on the aquifer with one acre lots and septic. He thought this will be a huge impact with this many lots to the surrounding area compared to Valley View which is twenty homes. The only thing they have there is the aquifer and if that gets messed up there is nothing else available.

Mr. Zushan stated the second issue is with the environmental on the wetlands on the west side. All the watershed is going to run down into the swamp wetland because it is a very steep sandy area. The amount of activity that this wetland is going to get is going to be huge. The third issue is with the creek and the backup from what is going to happen with the wetland on the lower side and how it will back up with water. All the water and runoff are tied together.

Mr. Zushan stated where they live on 168<sup>th</sup>, they have horses and neighbors across the street, his concern is with the amount of traffic that will occur. He would like to see an entrance placed elsewhere.

Mr. Bud Holste, 4276 165<sup>th</sup> Avenue NW, stated he is directly south of this property. He felt this is a very aggressive plan and will be a very dense development. He wondered if any studies have been done and what the results are.

Mr. Larry Altell, 17216 Aztec, asked if the map shows two 40-acre parcels of land why is the development encroaching on the top parcel that was not shown on the map.

Mr. John Edward, 3983 168<sup>th</sup> Avenue NW, thought the density is high in this area. The City has gone to a lot of work to dig out the drainage ditch and do a lot of pumping out of water in the area. He wondered what Andover's Comprehensive Plan lays out for what this portion of Andover is supposed to be. He thought this area was Rural Residential, not Urban Residential. He stated the City has gone through a lot of expense developing the Comprehensive Plan. There are quite a few goals in there that dictate what you should do when the developer comes with a PUD. Some of the first things are that the residents' values are the rural character of the community. He stated these values have influenced the policies of the City. He stated these are serious concerns they have and moving forward they would like to be more involved in the process. He stated they would like to see a much bigger plan for the area before this development moves forward.

Mr. Jeff Luedtke, 16932 Jivaro Street, asked for clarification on a few things. Because this is zoned R1, Rural Residential, if they want to put a PUD in there does this require a

variance to the City Ordinance of the Zoning. Acting Chairperson Koehler IV stated a PUD is in lieu of City Ordinances and they come with a complete plan from beginning to end and is what they have before them. There is some give and take between the developer and the City.

Mr. Luedtke asked if a variance would be needed. Koehler IV stated a PUD is in lieu of a variance. Ms. Hanson stated there will not be any variances with the development. The City Council will have the final decision on everything and they have the ability to change lots sizes and other things in exchange for other items as part of the PUD.

Mr. Luedtke asked why the City Council would create a fund for, through the voters, in the past and start up a committee for and endorse and promote for the preservation of open spaces and then only to grant variances in developmental areas to encroach on open spaces that are already created by the ordinances which are 2.5 acre lots. He stated he sold some land to the City for Martin's Meadows, so he has been involved in the entire open space.

Mr. Luedtke asked if the developer, Metro Wide Development, has developed any land in the City of Andover at this point. He thought it was very important and imperative that the City and developer take into consideration surrounding land owners who have considerable investment in their property. He reviewed the land which he owns in the area. He stated he would like the developer to take into consideration all the people who have invested their lives and money building houses in the community and consider them when trying to put in a PUD. He did not think they could isolate that section without looking at the entire picture.

Mr. Kelly Goetheir, 16451 Makah, stated he is concerned mostly with property values in the area. His concern is allowing this because one acre lots were allowed in the past is a mistake. He stated they cannot handle the density in the area with the septic systems.

Mr. Darren McDonnell, 16927 Jivaro Street NW, stated with a ghost plat, he thought they needed to look at the entire phase rather than just phase one because the entire project will affect many homeowners. He noted he did not understand the steps to this process.

Ms. Suzanne VanHecke, 16644 Zuni Street NW, stated they are in a neighborhood with one acre lots and they love them but the one acre lots are easily flooded. She would be concerned with one acre lots jutting up next to the open space. She would prefer larger lots be a buffer against the open space. She stated she did not understand the phase north of phase one, what size lots were those going to be. Acting Chairperson Koehler IV stated that phase is not before the Commission and he did not have those numbers at this time. She requested some sort of buffer between the development and the open space, so fences are not right up against the open space or encroaching into the open space. She also wondered if there was a plan to have access to the open space trails in Martin's Meadows and if the existing neighbors would appreciate entrances running right by their homes to go into the open space or a public parking area to get into the open space. She

thought it would be great if more Andover residents could have access to it and use it, but it also makes adjacent neighbors a little upset when it increases foot traffic right by their home.

Ms. Hope Luedtke, 16932 Jivaro Street, stated she was concerned with the density. She stated with this development 7<sup>th</sup> Avenue will need to be improved because it will not be able to handle the traffic. She noted 7<sup>th</sup> Avenue is already dangerous by 165<sup>th</sup> Lane. She also did not like the idea of light pollution at night by having street poles polluting the sky in the new developments. She stated they love the dark in the area.

Mr. Steve Burre asked what will happen with the wetland to the north of the proposed development. He stated right now the creek cannot handle the density.

**Motion** by Daninger, seconded by Loehlein, to close the public hearing at 8:26 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Darren Lazan, Landform Professional Services, representing the applicant, and Jason Osberg, Metrowide Development, 15356 Yukon Street NW, applicant, came to the podium to answer questions.

Mr. Lazan reviewed the history of his company with development in Andover.

Mr. Lazan gave a presentation of the development. He stated they are using a low impact design and trying to minimize the footprint they leave, and this is a very particular design approach that is rooted in sustainability and preservation.

Mr. Lazan stated regarding the storm sewer concerns, no more water will leave the property than what leaves the property today. They are required to catch and infiltrate the first flush or storm water, filter it and keep it on site. Right now, the intent is to grab all water from the disturbed area, including the homes, bring them to the center of the project and treat there before discharge to the adjacent natural drainage boundaries. They are required to discharge to the original drainage location. They will be looking at a piped discharge, so water will not be running down the hill freely anymore.

Mr. Lazan reviewed the split road concept with the Commission. He noted in an emergency this type of road allows emergency vehicles another way to access lots.

Mr. Lazan stated regarding the septic systems, their preliminary plat must show primary and secondary viable 5,000 square foot area for those two components. There is a very ample margin of safety on the septic systems that they must prove through perk tests and topography that they can provide two 5,000 square foot areas for treatment and it is likely these homes will use between 2,200 to 2,500 square feet for the primary. There is a process they must follow.

Mr. Lazan stated regarding the sand and impact to the aquifer, there are two parts to this. One is the storm water treatment which is a very intensive plan they must follow and are required to do. They must infiltrate and recharge the aquifer. He stated this is all managed by the State.

Mr. Lazan stated regarding environmental concerns of the wetland, at this point they are not anticipating any impacts to those but will have a full delineation and report done.

Mr. Lazan stated regarding 168<sup>th</sup> traffic and improvements, much like their requirement to stub to the south and north it was a requirement for the plat to the east to stub to this for future connection between subdivisions. This is not something they control and something they want to work with the City and residents on minimizing those impacts.

Commissioner Daninger stated he was not sure he liked the split road and who will take care of it. There was discussion regarding the density discrepancy.

Commissioner Sims asked what the price point will be for the homes in this development. Mr. Lazan stated they are not sure who their builder is at this point but is in their best interest to get the highest price point. At this time the homes may be a half million per lot for phase one, prices will vary in future developments.

Mr. Osberg stated if they were to make the split road a cul-de-sac the lots could be larger and when they first looked at this they had larger lots, but the split road development was suggested by the Community Development Department. He did not think there would be a problem changing this to a cul-de-sac but there has always been a safety concern with a cul-de-sac design.

Commissioner Loehlein stated on the ghost plat portion west of phase one, does it take into account the likely land development pattern and time frame. He asked what the area will look like in five to ten years. Mr. Lazan stated the generally accepted planning practice is to account for the land as if this were to normally develop. As a result, proper and accepted planning practices are to say if this were to normally develop, what would it look like so that there is not one point to Mr. Luedtke's property and a dead end with no continuation requiring a variance in the future. They have left two spots in the ghost plat, so it can develop in an orderly fashion.

Commissioner Loehlein stated with respect to the street they have talked about, Andover has the 500-foot rule for the maximum length of a cul-de-sac. The double road configuration does not cut it. He stated this is a matter of public safety and could happen on a single road as well. The double road does not overcome the cul-de-sac length limitation, and this should be tied out to somewhere. Regarding the density, this is too dense for him. He would like to see 2.5 acres or larger lots on this plat. This is too dense for this area of the City.

It was noted by Mr. Osberg that their other development “The Preserves at Oakview” is located at 16472 Crosstown Boulevard, if the residents would like to see the type of development they create.

Acting Chairperson Koehler stated the lot sizes are a concern for the Commission and surrounding residents. When the agricultural designation is removed in April, this is zoned as an R-1, Single Family Rural and they are talking about lot size requirements being 2.5 acres per lot and they are seeing stuff closer to an acre. He stated it is a concern from several citizens and a concern of his and wondered if there was anything that could be done. He thought it would be in the developers’ best interest to review the size of the lots. He stated regarding the oversized cul-de-sac versus a split road, who will take care of the middle area in between the road and does it provide the redundancy they are looking for. He wondered how will the developer deal with runoff and flooding. He stated there were also concerns with the septic systems and another concern is with traffic. Another concern is with light pollution and something the developer might want to look at.

Commissioner Hudson stated as he looked at the sketch plan for phase one but as they look at the sketch plan, he wants to caution because as expectations are set for phase one they have kind of opened the door and will be harder to reign something in in the future so they need to do it right in phase one in order to handle the rest of the land in the future. They must do phase one correctly because it will have consequences in the future.

***OTHER BUSINESS.***

City Planner Hanson mentioned that March 27, 2018 will be the joint City Council/Planning & Zoning Commission meeting. They will be discussing the Comp. Plan update and where they are at in the process. Possibly following that meeting will be a regular Planning & Zoning Commission meeting.

City Planner Hanson noted the North Suburban Home Show will be on Saturday, March 10<sup>th</sup> from 8:00 am to 2:00 pm at the Andover Community Center.

City Planner Hanson updated the Planning Commission on related items.

***ADJOURNMENT.***

***Motion*** by Daninger, seconded by Hudson, to adjourn the meeting at 9:31 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Cleven, Nemeth) vote.

Respectfully Submitted,

Sue Osbeck, Recording Secretary, *TimeSaver Off Site Secretarial, Inc.*