

***PLANNING AND ZONING COMMISSION REGULAR MEETING  
FEBRUARY 23, 2021***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on February 23, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Commissioners absent: Marni Elias

Also present: City Planner Peter Hellegers  
Associate Planner Jake Griffiths  
Others

***PLEDGE OF ALLEGIANCE***

***APPROVAL OF MINUTES***

February 9, 2021 Regular Meeting

Chairperson Koehler requested a change to page 3, line 11 – “The next steps are to provide feedback...”

***Motion*** by Hudson, seconded by Godfrey, to approve the February 9, 2021 Regular Meeting minutes as amended. Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

VanderLaan - present

Volkenant – aye

Loehlein – aye

Elias – absent

Motion carries 5 ayes, 1 present (VanderLaan), 1 absent (Elias).

***PUBLIC HEARING: LOT SPLIT – 2225 167<sup>th</sup> AVE NW – CLINT AND DANICA SHEIFELBEIN (APPLICANT)***

City Planner Hellegers introduced the item and stated the Planning Commission is asked to hold a public hearing and provide a recommendation of approval to the City Council regarding a lot split at 2225 167<sup>th</sup> Avenue NW. He stated the property is roughly 20 acres and the property owners would like to split a 2.5 acres piece at the southeast corner to create a second home site. The proposed lot split would break the existing home site off from the pole barn and the rest of the property. The pole barn cannot be left on the lot on its own without a principal structure on the lot and the property owners would have a year to build a principal structure.

Commissioner Volkenant noted there are two driveway entrances and asked if the intent is to have a driveway to the future home site off of 167<sup>th</sup>. Mr. Hellegers stated Commissioner Volkenant is correct and the driveway will be extended to service the new home and pole barn.

Chairperson Koehler noted one condition of the Resolution states the property owners can apply for a Conditional Use Permit in lieu of tearing down the pole barn or building a principal structure. Chairperson Koehler asked if the applicant could request an Interim Use Permit to give them more time to build a house. Mr. Hellegers stated City Code requires a Conditional Use Permit with a limitation built in but recommended the Commission look at changing the Code to make it an Interim Use Permit.

Commissioner VanderLaan stated the applicants have been assessed the Park Dedication and Trail Fee and asked if the applicant agrees with this. Mr. Hellegers stated the fee would not be assessed until they apply for a building permit. Mr. Hellegers stated the rates are the 2021 rates the property owner must pay.

***Motion*** by VanderLaan, seconded by Godfrey to open the public hearing at 7:08 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

VanderLaan - aye

Volkenant – aye

Loehlein – aye

Motion carries unanimously.

Commissioner Volkenant asked how long the existing home has been on the property.

Danica Sheifelbein, 2225 167<sup>th</sup> Avenue NW, came forward and replied the existing home was built in 1986.

Commissioner Hudson asked if the applicants intended to build on the new lot and sell off the old one. Ms. Sheifelbein stated they will build on Parcel A and have not yet determined what they will do with Parcel B.

Commissioner Hudson asked if the applicants were ok with the Land Use Agreement as written. Ms. Sheifelbein replied they were.

Chairperson Koehler asked if a year was enough time for the applicant to get started on building a house. Ms. Sheifelbein stated they are somewhat concerned, but they have plans ready to present to a builder with the hopes of being in the new home in a year. Chairperson Koehler stated he wanted to make sure they have enough time and wouldn't have to come back for an extension.

**Motion** by Volkenant, seconded by Godfrey, to close the public hearing at 7:12 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

VanderLaan - aye

Volkenant – aye

Loehlein – aye

Motion carries unanimously.

Commissioner Volkenant asked Chairperson Koehler if the Planning and Zoning Commission had the ability to extend the time frame required to build the principal structure. Chairperson Koehler responded the Planning and Zoning Commission could recommend to Council a longer period of time for the applicant to build a principal structure and allow the pole barn to remain during that same time period.

Commissioner VanderLaan recommended allowing three years because she sees no detriment to health or safety to having a pole barn on the property without a principal structure.

Commissioner Loehlein stated he would like to hear staff's opinion on setting a longer time frame. Mr. Hellegers stated one year is in Code because the City runs the risk of nothing happening. He stated 18 months doesn't seem unreasonable, however, the longer the time period, the more risk of the property changing hands, or the structure not being built. He stated pulling the building permit fulfills the agreement.

Associate Planner Griffiths noted the last time a similar agreement was made, the timeline expired, and staff worked to amend the agreement for 90 days without needing to go to the Commission for approval.

Chairperson Koehler explained the City has been in this position before where they gave the property owner a one-year timeline and after three years, they were back in front of the Commission without having built a principal structure. He stated he is against a Conditional Use Permit but supports giving the applicant additional time.

**Motion** by Hudson, seconded by Loehlein, to recommend approval of a Resolution for a lot split request to subdivide into two parcels in the R-1 Single Family Rural District for the property located at 2225 167<sup>th</sup> Avenue Northwest, PIN 10-32-24-32-0007.

Chairperson Koehler stated he feels they should approve it but would like to give the applicant additional time.

Commissioner Volkenant stated he would like to add an extension to the timeline and asked how the Commission can get that into the Resolution. Chairperson Koehler responded the Commission can approve the Resolution as is and count on the City Council to listen to the Commission's discussion or the Commission can propose an amendment to the current motion to recommend approval with additional time.

Commissioner VanderLaan proposed an amendment to the motion to extend the period of time from one year to three years for the applicants to build a principal structure.

Commissioner Hudson did not agree to the amendment.

Motion was taken by roll call:

Godfrey – aye – with a request to City Council that staff has the ability to extend up to 90 days.

Hudson - aye

Koehler - nay

VanderLaan – aye – commenting that the applicant should be given more time.

Volkenant – nay – stated a one-year period is not sufficient and the City Council should consider 18 months at a minimum and up to three years.

Loehlein – aye

Motion carries 4 – 2 (Koehler and Volkenant).

Chairperson Koehler stated this item will go to City Council on March 2, 2021. He stated the City Council will make the final recommendation and if they listened to the Commission's discussion, they may award a longer time period to build the principal structure.

### ***OTHER BUSINESS***

Mr. Griffiths updated the Commission on items they have sent to the City Council. He stated the City Council had similar comments on the sketch plan presented at the February 9, 2021 meeting.

Mr. Griffiths stated the Comprehensive Plan changes were also approved by the City Council and will now be submitted to the Met Council.

Mr. Griffiths stated there will be a Planning and Zoning Commission meeting on March 9 for Conditional Use Permits.

Mr. Griffiths stated there is an Environmental Assessment Worksheet (EAW) on the City's website pertaining to the Fields of Winslow Cove.

Mr. Griffiths noted discussion earlier in the meeting from Commissioners around a possible change from a Conditional Use Permit to an Interim Use Permit for allowing an accessory building on a property without a principal structure and asked if the Commission would like to review this portion of the Code. The Commission was in favor of reviewing the Code for this change.

Commissioner Volkenant asked if the Commission is only meeting once in March. Mr. Griffiths replied staff will inform the Commission if they need to meet a second time in March at their next meeting.

Commissioner Volkenant stated he appreciates the official cadence presented in the workshop and asked if it should be updated to include which motions require roll call votes. Chairperson Koehler stated roll call votes are required when there is a member participating remotely.

Chairperson Koehler asked staff to keep the Commission updated on how things go with the Met Council and the density proposal.

Commissioner Godfrey asked when the Met Council is required to return an answer to the City. Mr. Griffiths replied the Met Council has 15 days to determine if the application is complete and additional 90-120 days to complete their review.

***ADJOURNMENT***

***Motion*** by Volkenant, seconded by VanderLaan, to adjourn the meeting at 7:29 p.m.  
Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

VanderLaan - aye

Volkenant – aye

Loehlein – aye

Motion carries unanimously.

Respectfully Submitted,

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