

***PLANNING AND ZONING COMMISSION MEETING – APRIL 9, 2019***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on April 9, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Karen Godfrey, Scott Hudson, Nick Loehlein, Jeff Sims, and Mary VanderLaan.

Commissioners absent: None.

Also present: Community Development Director Joe Janish  
City Planner Stephanie Hanson  
Others

***PLEDGE OF ALLEGIANCE***

***OATH OF OFFICE – COMMISSIONER KAREN GODFREY***

Chairperson Koehler administered the oath of office to newly appointed Commissioner Karen Godfrey. He congratulated and welcomed Commissioner Godfrey.

***APPROVAL OF MINUTES***

*March 26, 2019 Regular Meeting: Correct as written.*

***Motion*** by VanderLaan, seconded by Loehlein, to approve the minutes as presented above. Motion carried on a 5-ayes, 0-nays, 2-present (Godfrey, Sims) 0-absent vote.

***PUBLIC HEARING: Conditional Use Permit – Home Occupation: Sapphire Massage – 14405 Osage St. NW – Sara Johnson***

Community Development Director Janish presented the request of Sara Johnson for a Conditional Use Permit (CUP) for an in-home massage therapy business at 14405 Osage Street NW, aided by the image of a directional map and description of subject property.

Community Development Director Janish reviewed the application with the Commission: the applicant has been in business for over 12 years; there would be typically no more than 3-4 clients on any given day; an appointment-based business with 30-minute gaps between clients to prevent overlap; the massage area will be located in the lower level of the home; no outdoor space utilized except parking. The applicant has a three-car garage,

with the ability to have off-street parking as well as street parking if necessary. The applicant meets the City Code which requires at least two parking stalls for each single-family residence. There is three-wide parking in front of the garage, so there's the ability for clients to be located in the driveway as well. Based on the expectation of 3-4 clients per day, there would be minimal traffic increase with 6-8 trips in the area per day. Based on both past CUPs related to this type of use and also what the applicant has indicated, clients would not be present before 7 am or after 10 pm.

Community Development Director Janish reviewed the criteria used to determine if it's appropriate to grant a CUP, starting with the effect of the proposed use upon the safety, morals and general welfare of the occupants of surrounding areas. He noted therapeutic massage is allowed as a conditional use in the R-4 Single Family-Urban zoned district as a home occupation. The applicant is required to obtain a license through the City, which requires a background check. He noted the CUP typically remains with the property, meaning the next buyer could conduct the same type of business, and they would also have to go through the licensing process in order to open up the business. He stated, as far as existing and anticipated traffic conditions, there would be minimal traffic conditions, with 3-4 clients coming every day, it would add 6-8 trips in the area, and the potential to park in the driveway meets City Code requirements. He noted, as far as the effect on values of property and scenic view in the surrounding area, the applicant is not proposing modification to the home from the exterior, the increase in traffic will be minimal, and the applicant expects to have one client at a time and has control over the times individuals arrive due to the appointment nature of the business.

Community Development Director Janish stated, based on a previous home occupation related to therapeutic massage services, the draft Resolution has four conditions: they shall conform to the requirement of City Code 3-6, a Massage Business and Service Ordinance; a parking space for clients shall be established in the driveway of the residence; hours of operation shall be within 7:00 am and 10:00 pm; the number of clients will be capped to no more than five per day.

Commissioner Sims asked why a CUP is necessary for this property, if this is already part of the code. Community Development Director Janish responded the home occupation triggers a CUP for this particular use.

Chairperson Koehler asked for confirmation that 7:00 am to 10:00 pm falls within the City's Noise Ordinances, which Community Development Director Janish confirmed.

Chairperson Koehler asked if the homeowner would be permitted to hire a second licensed therapist under this CUP. Community Development Director Janish stated under this granting there's not a limitation on that; typically, home occupations allow for individuals within the property to conduct business. However, even if another therapist were hired, it would still be capped at five clients per day. The Code does allow under home occupation generally for one employee outside of the home.

Chairperson Koehler gave a scenario--the applicant goes on vacation to Europe for a month and hires someone who is licensed to continue the business out of her home--and questioned whether that's permissible. Community Development Director Janish stated the hired individual would need to obtain a license through the City Council for that type of business because the business itself is licensing the individual, so that individual would have to go through the same licensing process.

**Motion** by Daninger, seconded by VanderLaan, to open the public hearing at 7:10 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

There was no public input.

**Motion** by Daninger, seconded by Loehlein, to close the public hearing at 7:11 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Chairperson Koehler stated he personally had no concerns with the way the CUP is written, that the cap of five people per day alleviates the issue of cars coming and going all day long.

Commissioner Sims asked if the applicant would be required to apply to modify the CUP if they wanted to expand beyond five clients per day. Community Development Director Janish stated if the applicant wanted to deviate from any conditions the Council formally adopts, the applicant would have to amend the CUP to operate under different standards.

Commissioner VanderLaan stated in the Ordinance it talks about on occasion people need to come in on a yearly basis for renewal and asked whether this CUP falls under that restriction. Community Development Director Janish responded that with regard to CUP, when it comes to the home occupation, City Staff follows up when there's complaints. The license is renewed with the City Council, so that information is provided and researched again and then a recommendation given to the City Council, which is typically under their Consent Agenda.

**Motion** by Daninger, seconded by Loehlein, to recommend to the City Council approval of a Conditional Use Permit for on-site in-home therapeutic massage services as presented on the property located at 14405 Osage Street NW. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Community Development Director Janish stated this item would be heard before City Council at the May 7, 2019 City Council meeting.

***PUBLIC HEARING: Interim Use Permit – Land Reclamation – NE Corner of Prairie Rd/146<sup>th</sup> Ln NW, PIN 25-32-24-21-0004 – Mark and Mike Smith***

Community Development Director Janish presented the request of Mark and Mike Smith for an Interim Use Permit (IUP) to store/grade up to 60,000 cubic yards of soil, aided by

the image of directional map and description of subject property. He noted the soil is excess dirt from the Catcher's Creek East development and would be used for grading of the lots on the subject property. The applicant is working on a preliminary grading plan for the area, but that's not part of the approval process. The request concerns the movement and then spreading of dirt at the site.

Community Development Director Janish reviewed the conditions required to approve the IUP, including no placing fill within the floodplain and wetlands. He displayed two maps, one following the wetlands and one following the floodplain. He also displayed a map where the wetland has been delineated. He noted the floodplain information isn't part of that map but City Staff has included that no fill be placed in the floodplains as well.

Community Development Director Janish stated within the Resolution there's a limitation that the grading cannot exceed a 3 to 1 slope; silt fencing would be required around the stockpile/land reclamation area until vegetation has been established onsite; the applicant is required to seed and hydromulch the graded area; the applicant is responsible to obtain appropriate and necessary related permits.

Community Development Director Janish said one of the conditions is that stockpiling and grading shall remain 50 feet from property lines unless approved by the City Engineer due to some proposed septic sites and to provide some distance between the property owners and not have a 3 to 1 slope right at the property line. The City Engineer is comfortable with that condition and it is believed the applicant is in agreement with the 50-foot mark.

Community Development Director Janish stated the hours of hauling soil to the site are limited to Monday-Friday 7 am to 7 pm, Saturday from 8 am to 7 pm, and no operations on Sunday. He noted the hauling route and stated the applicant indicated they would like to use University Avenue, creating essentially a circle for the hauling trucks, but that this summer University will be under construction from Andover Boulevard to 157th. Engineering has indicated that, until that roadway is under construction, the applicant can use University Avenue. However, once that is under construction, Andover Boulevard, 146th Lane, and Prairie Road will be the haul route. The applicant shall be responsible for cleaning of material such as soil, sand, etc., from the public roadways as needed, with a daily minimum expected.

Community Development Director Janish said the IUP has similar conditions as a CUP. He said City Staff provided potential draft responses regarding the IUP, one being it would not create an excess burden on parks, streets, or other public facilities. He stated the placement of fill would not necessarily create an excess burden as it does not impact parks or public facilities. He said vehicles hauling the fill will utilize a haul route which is designed to accommodate vehicle traffic. Also, no grading/stockpiling shall occur within 50 feet adjacent to property lines or Right-of-Way unless approved by the City Engineer. The next condition listed is the use would not be injurious to the surrounding

neighborhood or otherwise harm the public health, safety, and general welfare and the applicant shall establish vegetation within the disturbed area. The hauling trucks must be licensed and inspected according to State requirements, and are supposed to be inspected daily. Another condition of use is that there will not be a negative effect on the values of property and scenic views. While vehicle traffic will be increased for a short time, the area is slated for future development, and the applicant intends to develop the site at a later date. He said there is no approval needed regarding property lines related to the development, only the ability to move the fill material to the site.

Community Development Director Janish stated other conditions include: the use will not impose additional unreasonable costs on the public, and the applicant will be responsible to clean the streets of any haul material that may accumulate on the roadways. The roads proposed for the haul routes are designed to accommodate vehicle traffic and heavier truck traffic. There will not be weight restrictions on the roadways at the time.

Community Development Director Janish said the permit will be subjected to, by agreement with the owner, any conditions that the City Council deems appropriate for the permission of the use, including a condition that the owner may be required to provide appropriate financial surety to cover the cost of removing the Interim Use and any interim structures upon the expiration of the IUP. The applicant is the owner of this property and the material that's being moved there, and there are no structure impacts that are expected related to this particular request.

Community Development Director Janish summarized the 11 conditions and explained that

as part of the public hearing, he did receive one item and had two brief conversations and he would be willing to summarize those as part of the public hearing process.

Commissioner Hudson asked how long the IUP is good for and if it is possible to set an end date as part of the approval. Community Development Director Janish said the application indicated 90 days, and the way it's written it would default to a five-year minimum and then expire at that point. He reminded the Commission the IUP is the movement of soil to this particular site and there is not a specific time frame indicated.

Commissioner Godfrey referenced the days/hours of hauling being stipulated but wanted an estimate of the duration of hauling. Community Development Director Janish stated it would depend on how the permit would be granted, that it would have up to 60,000 cubic yards of soil that could be brought on the site, and the duration would depend on the type of construction activity that is occurring at Catcher's Creek East and how quickly the soil can be moved there.

Chairperson Koehler asked if the duration could be up to five years as currently written. Community Development Director Janish stated the default is part of the IUP because all IUPs default to five years unless otherwise specified.

Chairperson Koehler asked if there was any feedback from the developer as to how long he will need to move this amount of dirt. Community Development Director Janish stated the applicant has stated to City Staff he would like to move it as quickly as possible so he can get moving on his next development, so putting in a time frame could be appropriate after a conversation with the applicant.

**Motion** by Hudson, seconded by Sims, to open the public hearing at 7:25 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Community Development Director Janish summarized three contacts from residents regarding this request. City Staff received a copy of the Notice of Public Hearing which was mailed to residents. He indicated the resident's location on map and stated the resident would vote no related to the IUP. He also received an email from an individual who asked what was happening on the property. Community Development Director Janish responded to the email and did not receive a response back. He also received a phone call from an individual who indicated they may provide a letter for this meeting but he did not receive a letter. That person did not indicate whether they were in favor of or if they had concerns related to the request.

Commissioner Loehlein questioned the nature of the opposition from the resident on Butternut Street, if any detail was given. Community Development Director Janish indicated he received the letter and then apologized and indicated the resident lived on Evergreen St.

Chairperson Koehler asked for comments and opinions from the public and stated questions should be addressed to the Commissioners, not the developer, that the developer would be available later and all questions would be answered. He reminded everyone that this is the Planning and Zoning Commission, not the City Council, and the Planning and Zoning Commission have no binding authority but merely provide recommendations. The City Council takes everyone's input, listens to the Planning and Zoning Commission's recommendation, and makes a final decision.

Dan Smits, 14861 Prairie Road NW, owns 13 acres to the north of the property. He expressed concern about the overall volume of loads, as 18 cubic yards equals 3,330 loads of dirt moving on the road. He is not clear on what period of time; it may be up to five years. Mr. Smits stated he walks on 146th every day and wonders how the road will stand all the large vehicles pounding on it, not to mention the noise, dust, etc., that will accumulate from this project. He asked why the developer would be allowed to transport the dirt there if they are not going to get a permit to build on the site, and he asked how long the dirt will be in a big pile. He wanted to know if they would need a special permit to store the dirt since they are not an excavating company. He also wanted to know whether they have a permit to have the shed there. He stated there are people in and out of there, they're storing stuff, and he would like to know the rules related to the project. He expressed concern over the sheer volume of this project.

Mark Buhagiar, 230 146th Lane NW, questioned the volume of material coming on the site. He wanted to know if this is a storage area or the first step for development of the area. He also wanted to know the time frame for both moving the material as well as the next steps beyond that process. He is concerned about the volume of traffic going up and down 146th in regard to wear and tear of the road. He owns horses just off that road and has concerns regarding that. He is also concerned with the duration of time the trucks will travel in a day, that morning to evening seems like a lot, depending on the amount of road usage and how quickly the material gets moved to the location.

Mark Smith, 2120 Otter Lake Drive, St. Paul, applicant, stated he plans to develop the property in the future and the sooner, the better because of the demand for property in this area. He said this site is low on dirt and he has the opportunity to bring dirt from the Catcher's Creek East site which needs to be removed. He stated that if he had to buy 60,000 yards of dirt the project would not make sense, but since it's just the cost of hauling, it makes this future site more viable and feasible. He estimates that typically 20 loads per hour will be hauled with between 18 and 22 yards a truckload and it will be about a four- to five-week period to move the dirt. He said the dirt might not be moved at the same time; they might do two weeks of hauling, stop and get some grading done, and then come back and haul again. He stated there might be two or three different time periods for hauling. He said summers and construction periods are short so they start at 7 am until 7 pm or until it gets dark. He talked about the weight of the trucks and said, on average, with 18 wheels and the loads being 60-80,000 pounds, each tire carries 4,000 pounds versus a pickup truck which has about 2,000 pounds per tire. He stated the streets in Andover are designed for this weight capacity.

Chairperson Koehler asked Mr. Smith when he might start developing the site, what "the sooner, the better" means. Mr. Smith stated he has been working with Engineering on it, a delineation is done on the site, they are working with flood maps, and he hopes to have a plat to show the City by the fall.

Chairperson Koehler asked Mr. Smith to describe the process to make sure dust and cleanup would be handled properly. Mr. Smith stated Catcher's Creek I, Catcher's Creek II, and Hickory Meadow II all needed a lot of dirt and over 100,000 yards were hauled into those sites from Catcher's Creek East off Butternut. He indicated that for those projects they swept the streets; when it rained, they cleaned up the mud; they put calcium chloride down to keep the dust down where the trucks were driving. He said when there were complaints about trucks being overloaded, he told the guys to keep the loads lower and they did a better job of keeping the loads lower so the dust was not blowing. He stated they do what they can to minimize issues and that he's on the homeowners' side and knows it's an inconvenience. He also has told people that if trucks show up too early in the morning, to call the police.

Chairperson Koehler asked Mr. Smith to describe the structure that's on the property which is being used. Mr. Smith stated the structure is a pole building and it was there before he bought the property. He stated that the pole building has been rented out by a

construction contractor who uses that building, but that they do not do anything on the site other than store their vehicles in the building and do some work on their vehicles.

Commissioner Loehlein asked Mr. Smith whether the trucks are covered when they haul dirt or if the beds are open for the dirt to billow out. Mr. Smith stated trucks have the cover usually for a long distance, and since it's not a long distance, most of the trucks are not going to have a cover.

Commissioner Daninger stated the Resolution indicates a minimum of once-a-day cleaning and questioned Mr. Smith as to when the cleaning will occur, such as 7 pm at night, or if it's a constant occurrence during the day. Mr. Smith stated that someone will be out there during the day, cleaning as needed, because they do not want the dirt to get caked on too much, especially when it's raining.

Commissioner Daninger clarified that his concern was whether, at 7 pm, everyone in the neighborhood would have to listen to the sweeper for three hours. He asked if the intent is that they will clean as they go and that, when the last load is unloaded, the sweeper is right behind it and then they are done for the day. Mr. Smith responded in the affirmative.

Commissioner VanderLaan asked Mr. Smith if he is contracting with a company to do the hauling or if he owns the company that is doing the hauling. Mr. Smith said he does not own the equipment that is doing the hauling.

Commissioner VanderLaan asked if there is one company that will do the hauling or if there will be several companies involved. Mr. Smith replied the contract he has is with the excavator who owns the trucks, North Pine Aggregate. He stated they are a very reputable company and sometimes they subcontract with another contractor, but he feels North Pine will make sure all work will be done well for the City.

Commissioner Hudson asked what the intent is once the soil is at the site, if the dirt will be in large piles or be pad-ready. Mr. Smith replied that the intent is to make the dirt pad-ready or as close as they can to a 3 to 1 slope. He stated that when they haul in the dirt, they will be driving over the same area and dumping, so they will have to keep grading it out as they go. He said they would primarily build on the pads shown, as they cannot drive on future septic system areas, so they are narrowing the scope of where the dirt piles will be. Mr. Smith stated the dirt will be graded, topsoil added, and then it will get seeded and mulched.

Commissioner Hudson asked, assuming approval from the City, when Mr. Smith would like to start and if 120 days would be a reasonable amount of time for this IUP to keep the project moving forward. Mr. Smith stated 120 days would probably be more than enough time, but in case he doesn't get enough dirt out of the site and there's not enough to finish the job, he would like to keep the window open. He stated there's a yardage amount that's been discussed, and if he gets 40,000 yards this year and he finds another 20,000 somewhere else next year, he doesn't want to have to come back to the City. He

said he would like to keep the time frame open for more than a year if possible because he cannot guarantee all the yardage will get done this season.

Chairperson Koehler asked Mr. Smith for a start date on the project, assuming all things fell in line. Mr. Smith stated he did not feel the project could be started until sometime in June due to some things that have come up with other properties.

Dan Smits, 14861 Prairie Road NW, stated a pipeline goes through there and asked how the pipeline will be protected so there are no issues caused with the trucks driving there and whether there is some established grading or a road that's going to be used by the trucks.

Chairperson Koehler asked Mr. Smits for clarification of his statement that the pipeline goes through there, specifically to clarify "there." Mr. Smits stated there's a station across the street from his house and he believes a pipeline goes through the middle of the property. Community Development Director Janish displayed a map where the pipeline is located and stated there would be additional fill placed there so there's additional coverage of the pipe.

Chairperson Koehler asked whether the Engineering Department reviewed this and if they had any concerns. Community Development Director Janish answered that the Engineering Department did review this and did not express any concerns related to the hauling of fill.

**Motion** by Loehlein, seconded by Hudson, to close the public hearing at 7:48 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Commissioner Sims asked if there were any rules regarding dirt, whether a mining permit is needed. Community Development Director Janish stated that in order to haul material to the site, the applicant has two options. One is to have a preliminary plat that's approved, and then an IUP is not needed to haul fill material in. The other option is to pursue an IUP which requires a Planning and Zoning Commission to discuss haul routes, hours of operation, etc. An IUP is required for amounts over 2,000 yards and a grading permit is required for amounts over 400 yards. He stated there are challenging pieces of property within Andover that need fill brought to them to make them feasible for potential future development.

Commissioner Sims asked what the requirement is for a mining permit. Community Development Director Janish stated the mining permit is for the removal of material from a property. He stated the Code reads that you fall under the stockpile/land reclamation when you haul dirt in, and mining is the removal. He said Catcher's Creek East has an approved grading plan so the material can be moved from that site and a mining permit is not triggered to excavate to what your plans are approved to. He stated it does not require an IUP if you are hauling fill in to meet the grading plan; it is only required when you are doing so without those approvals in place.

Chairperson Koehler commented that Mr. Smith has been in front of the Commission before, requesting different completion dates due to Mother Nature, so he understands Mr. Smith wanting to leave the date open-ended. He also commented that since Mr. Smith is going to make money by selling the homes, it is in his best interest to get this done as quickly as possible, whether it happens this year or partially next year, based on weather conditions and so on, but did not believe it would take five years. He also stated an end date could be established that is shorter than five years, but the Planning and Zoning Commission has been burned on that before.

Commissioner Daninger stated Mr. Smith had been in front of the Commission before and he believed Mr. Smith followed the Resolutions pretty well before. He asked if, in the City's opinion, Mr. Smith followed the prior Resolutions adequately. Community Development Director Janish responded in the affirmative.

Commissioner Daninger stated he is not worried about an end date of five years but is more focused on the volume amount. He stated history indicates the applicant has done a good job and he is comfortable enough with the volume to make a recommendation of approval.

Chairperson Koehler asked whether the City does an inspection to make sure hydroseeding is done, if a neighbor calls the City before they inspect, or how the City knows the condition has been met. Community Development Director Janish stated both scenarios can occur. He stated that with the IUP, City Staff has the ability to go onsite and examine the hydroseeding and can also examine silt fencing and do other types of inspection. He stated they also respond to complaints, including if there's material on the roadway. He cited an example from an earlier project where he contacted Mr. Smith to get a roadway cleaned up after a complaint was made, and Mr. Smith responded that he'd call to get the roadway cleaned up. He added the City needs to be aware of a problem in order to rectify a problem.

Chairperson Koehler commented that if there are any concerns with this situation, residents should call City Hall and talk to them about it, as Mr. Smith has been very responsive in the past and the expectation is that he will continue to be. He stated, once notified, City Hall will call Mr. Smith and get things cleaned up to the letter of this permit.

Commissioner Hudson asked how people know when the 60,000 number is met or achieved. Community Development Director Janish stated Engineering has looked at the plan submitted to see how much fill is required. He stated that as part of the project the contractor keeps track of the number of vehicles that are leaving the site and that is available for City inspection as well, so monitoring takes place in that way.

**Motion** by VanderLaan, seconded by Loehlein, to recommend to the City Council approval of granting an Interim Use Permit for land reclamation to store/grade up to

60,000 cubic yards of excess dirt from the Catcher's Creek East development. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Community Development Director Janish stated that this item would be before the Council at the May 7, 2019 City Council meeting.

***PUBLIC HEARING: Preliminary Plat – Catcher's Creek West – 1049 Andover Blvd. NW – Mark Smith***

City Planner Hanson presented the Catcher's Creek West preliminary plat comprised of nine urban lots located at 1049 Andover Boulevard NW with the aid of a directional map and description of the subject property. It was noted the property is located within the 2020 Municipal Urban Service Area (MUSA) boundary and City services are available. She noted the property is zoned Single Family Rural Residential (R-1) so a rezoning to Single Family Urban Residential (R-4) will be necessary as the project moves forward and will be done prior to the final plat. She stated access to this property is proposed from Andover Boulevard, and the Anoka County Highway Department has reviewed the plat and City Staff received the comments.

City Planner Hanson described Anoka County's requirements as part of this development. She stated that at this time there is going to be an interim full access with construction of a westbound lane on Andover Boulevard, and in the future the proposed access will be a right-in and right-out access when Andover Boulevard is improved. She stated municipal water and sewer utilities are there to serve the property, and the gross density of the lots meets the requirements of the City Code and the Andover Comprehensive Plan. She said that in the R-4 areas it is required to have 1.75 to 3.6 homes per acre, and the proposed plan will meet that with 1.87 homes per acre. There are some wetlands on the preliminary plat that have been delineated. She said Coon Creek Watershed District has also reviewed the preliminary plans, and the developer will be required to address all the comments prior to site work. One of the City's comments indicates significant changes may be required in regard to infiltration on the site but it will not affect layout of the lots; therefore, City Staff, including Engineering, has no issues with that comment. The developer, Engineers, and Watershed District will continue to address that issue as part of the grading plan of the site. She also stated the Park and Recreation Commission reviewed this in August 2018 and are recommending cash-in-lieu of land. She pointed out the existing trail on the south side of Andover Boulevard and stated there will be no more trails connected in the area. She requested the Commission to review the preliminary plat, hold a public hearing, and make a recommendation to City Council.

Commissioner Sims stated he only had a Resolution for approval in his packet and asked whether there should be both an approval and denial included. City Planner Hanson answered that is typically the case but this application meets all the standards of the City Code so Staff is recommending approval. Chairperson Koehler added if the Commission

does recommend denial, good reasons would need to be given because every item on City Code has been met.

Commissioner Sims stated he understood an earlier comment to say the Code would need to be changed because it doesn't currently meet the Code. City Planner Hanson clarified that it meets the Code but it does not meet the Zoning, because anything within the municipal urban service area that isn't developed is zoned as rural residential and, as developments come in, they are rezoned to R-4 for urban development.

Chairperson Koehler asked whether this matches the Comprehensive Plan. City Planner Hanson answered that it meets both the existing and the updated plan.

Commissioner Daninger asked whether the County is comfortable with just adding a right lane at this time, with future plans of a right-in and right-out. City Planner Hanson confirmed that the County is comfortable with their recommendation.

Commissioner Daninger asked if a line could be added stating R-4 zoning needs to be approved as part of the Resolution. City Planner Hanson agreed and recommended adding a condition to the Resolution to that effect.

Commissioner Loehlein asked if the County Highway Department will require the entrance from Vale Street to Andover Boulevard to be closed off and a cul-de-sac constructed when development continues to the north and west. Community Development Director Janish stated there were conversations related to that and the County indicated if the developer installs the right-hand-turn lane as this development moves forward, it will remain a right-in, right-out onto Andover Boulevard in the future. The County is comfortable with it not being a future cul-de-sac as long as the developer provides for the right-hand-turn lane entering into the development at this time.

**Motion** by Daninger, seconded by Hudson, to open the public hearing at 8:07 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Joe Krekelberg, 6282 West Shadow Lake Drive, Lino Lakes, one of the members of the Holasek family, who own land to the north and west of the subject property, stated he does not know when the family may want to develop the rest of the property (1-20 years might be accurate). He stated he has no concerns with the development but asked whether the lot configuration is amenable to future development and asked for City Staff's perspective regarding future development. He also asked what decisions are being made to move the sewer across Andover Boulevard, how much development could be serviced by that in the future to the north and west. He wanted assurance that the City is thinking about that and making long-term decisions versus short-term and is interested in any other infrastructure the City is planning.

Commissioner VanderLaan asked if the location of the little schoolhouse was at 1157 on the Andover General Mapping Map. City Planner Hanson was unsure of the location.

Sharon Hastings, 1211 Andover Boulevard, indicated on the Andover General Mapping Map where the schoolhouse stood, is currently where a well is located, at the intersection of Xeon Street and Andover Boulevard. Commissioner VanderLaan asked if the location was at 1157 on the map; Ms. Hastings confirmed that was the location.

Mark Smith, in response to concerns from Mr. Krekelberg, stated he has a ghost plat which shows how things would flow into the Holasek property, there's definitely a connection to the property, although he did not have the ghost plat on hand.

Mark Smith stated there's sewer on Vale and there's also three sewer stubs that come off of Bluebird and butt up to the Hastings property, so there will be other ways for sewer to serve the property. He stated that with his project they are able to do gravity but the Holasek property may need lift stations because of the elevation on that property. He also stated water table elevations have changed; now the houses have to be higher than 20 years ago.

Chairperson Koehler confirmed that's why fill is needed. Mr. Smith stated he has 20,000 yards of fill going to the site to raise the property up because of water table requirements, which have changed. Chairperson Koehler thanked Mr. Smith for taking all the input from the citizens in the past and stated it was nice to see someone who genuinely cares about citizen feedback.

**Motion** by Loehlein, seconded by Hudson, to close the public hearing at 8:16 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Chairperson Koehler made a request of City Staff to find and deliver the ghost plat to the family so the family can see how the Holasek property might be developed. He recommended the family give feedback to City Hall regarding any concerns they may have. He also commented that Mr. Law, Assistant City Engineer with the City, has done an extensive amount of work with the sewer system and felt Mr. Law would ensure there's capacity for further development. He encouraged the family to ask City Hall, specifically Mr. Law, if they wanted confirmation before the issue goes before City Council.

Commissioner Daninger noted he was very concerned about the intersection because the road speed is 50 miles an hour, the speed probably won't change there, so that needs to be carefully looked at. He also stated the Commissioners exercise due diligence when developing and the intent is to develop so you can have a continuation and it's also part of the 20- and 40-year plan. He reiterated that the plat has a lot of rules and regulations which weren't discussed because the applicant has followed all the rules. He also respectfully stated Winslow Holasek spent a lot of evenings at meetings and exercised due diligence on his projects and did a lot of good things for the family.

Commissioner VanderLaan asked for guidance from City Staff on how to phrase the amendment on the Resolution approving to note the rezoning to R-4. City Planner Hanson stated Staff is proposing to add Condition 7, stating the property must be rezoned to R-4 prior to the approval of the final plat. She stated typically rezoning occurs at the time of the preliminary plat but that it was overlooked by Staff.

***Motion*** by Loehlein, seconded by Daninger, to recommend to the City Council approval of the Catcher’s Creek West preliminary plat with the additional seventh condition as stated by City Planner Hanson regarding the rezoning.

Commissioner Sims expressed concern about the absence of a ghost plat showing how this development would match the land to the north and the west. Chairperson Koehler stated he thought the Commission did see the ghost plat in the past.

City Planner Hanson stated the ghost plat was presented at the time of the sketch plan shown on this property. She displayed the Andover General Mapping Map and Catcher’s Creek West Map and described the road going through the development to the west, showing how the road will connect to Xeon with stub roads and lots.

Community Development Director Janish added that when you look at the preliminary plat, you can see there’s wetlands in the northeast corner, so running a roadway parallel to the railroad tracks isn’t possible or feasible due to the wetlands location. City Planner Hanson added there are floodplains located along the railroad tracks in the area as well.

Commissioner Loehlein stated he remembered seeing the ghost plat but it is helpful to have them in these discussions. Chairperson Koehler agreed and stated the same comment came from one of the citizens.

Motion carried on a 7-ayes, 0-nays, 0-absent vote.

City Planner Hanson stated that this item would be before the Council at the May 7, 2019 City Council meeting.

***OTHER BUSINESS***

City Planner Hanson reviewed City Council action taken on April 2, 2019 related to planning cases: The Estates at Cedar Ridge and the Preliminary Plat for Catcher’s Creek East were approved by City Council. They will move forward for final platting.

***ADJOURNMENT***

***Motion*** by VanderLaan, seconded by Godfrey, to adjourn the meeting at 8:26 p.m. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Respectfully Submitted,

Ruth Holdvogt, Recording Secretary  
*TimeSaver Off Site Secretarial, Inc.*