

***PLANNING AND ZONING COMMISSION MEETING – APRIL 25, 2023***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Karen Godfrey on April 25, 2023, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Scott Hudson, Bert Koehler IV, Nick Loehlein, Jonathan Shafto, and Patrick Schuman, Jr.

Commissioners absent: Ryan Winge

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

***PLEDGE OF ALLEGIANCE***

***APPROVAL OF MINUTES***

*March 28, 2023 Regular Meeting Minutes*

***Motion*** by Koehler, seconded by Loehlein, to approve the minutes as presented. Motion carried on a 5-ayes, 0-nays, 1-present (Schuman), 1-absent (Winge) vote.

***PUBLIC HEARING: Variance Request – Lot 9, Block 7, Lakeridge; PID #20-32-24-14-0006 – Ed Fields and Sons (Applicants)***

The Planning & Zoning Commission is requested to hold a public hearing and make a recommendation to the City Council on a variance to City Code for the minimum lot size. The subject property is located within the R-1, Single Family Rural Residential District and City Code 12-3-5 establishes a minimum lot size of 2.5 acres. The applicant is requesting a variance to allow a minimum lot size of 1.62 acres. Community Development Director Janish noted the purpose of this item is to hold a public hearing and take input on a variance request to the minimum lot size of 2.5 acres. He reviewed the criteria established for considering a variance request, historic and existing conditions, and staff's analysis of the variance request. Mr. Janish noted the applicant is submitting this request in hopes to build a home on the property.

Commissioner Koehler asked if the applicant will be allowed to put in screening between their new home and the road on either side of the pond, since there will be an easement in

place. Mr. Janish shared that typically they don't allow plantings to occur within an easement area, but there is an opportunity for plating and screening outside the easement area.

Commissioner Loehlein asked if there was already a home on the property, would a variance be needed. Mr. Janish said the property would become non-conforming but the City wouldn't have a say in it. This variance request is in place since there is currently no home on the property.

**Motion:** Chair Godfrey assumed a motion to open the Public Hearing at 7:09 p.m. Motion carried by unanimous consent.

There was no public input.

**Motion** by Koehler, seconded by Loehlein, to close the Public Hearing at 7:10 p.m. Motion carried by unanimous consent.

Commissioner Koehler shared his support for the variance request.

**Motion** by Hudson, seconded by Koehler, to recommend to the City Council approval of the variance request of Ed Fields and Sons for Lot 9, Block 7, Lake Ridge, for a minimum lot size of 1.62 acres, based on the findings of fact contained in the staff report. Motion carried on a 6-ayes, 0-nays, 1-absent (Winge) vote.

Mr. Janish stated that this item would be before the Council at the May 2, 2023 City Council meeting.

***PUBLIC HEARING: Consider City Code Amendments – City Code 12-11: Commercial/Industrial Permitted, Permitted Accessory, Conditional, Interim and Prohibited Uses – Liquor Sales in Neighborhood Business Zoning District – City of Andover (Applicant)***

The Planning and Zoning Commission is requested to hold a public hearing and make a recommendation to the City Council on an amendment to City Code relating to adding liquor licenses and off-sale liquor stores as a conditional use, consistent with the requirements of other commercial and industrial zoning districts within the City. The proposed amendment would allow the Planning Commission and City Council the ability to review potential locations for these uses through a Conditional Use Permit process. Community Development Director Janish explained that City Code 12-11 currently prohibits liquor licenses and off-sale liquor stores within the NB-Neighborhood Business zoning district. The proposed amendment, if approved, would allow liquor licenses and off-sale liquor stores as a conditional use within NB-Neighborhood Business zoning districts that are contiguous and at least five acres in size.

Mr. Janish noted they received an email from a resident that he will read as a part of the Public Hearing progress.

Commissioner Hudson asked how many of the four neighborhood district sites meet the five-acre threshold. Mr. Janish said two of them do, explaining that the two on Bunker are too small.

Commissioner Schuman asked what Mr. Janish meant by his use of the word contiguous. Mr. Janish explained that either a group of parcels put together need to meet the five-acre threshold when zoned, or one parcel needs to be five acres or greater.

Commissioner Koehler asked if the Commission goes ahead with this and someone wants to open a liquor store, would a Conditional Use Permit still have to come before the Commission and the Council for approval. Mr. Janish said yes, there would still be a public hearing process.

Commissioner Koehler confirmed the City will have the flexibility to say yes or no to a request.

Commissioner Loehlein asked for clarification about which City parcels meet 5 acres. He noticed that two of them, on Hanson and Bunker, are separated by a General Business zone. He asked if those don't meet the five-acre requirement because they are separated. Mr. Janish confirmed and explained that the General Business doesn't provide for a contiguous connection.

**Motion:** Chair Godfrey assumed a motion to open the Public Hearing at 7:17 p.m. Motion carried by unanimous consent.

Brandon Krosch, 3401 153rd Avenue NW, came forward and asked for an explanation on what contiguous acres are. He asked if a 5 acre piece can be done in parts but needs to be within a residential district. Mr. Janish explained they have to be in a Neighborhood Business district.

Mr. Janish presented the zoning map showing parcels that have been created in the City as of July 2022. He pointed out the Neighborhood Business (NB) parcels on the map which were shaded pink. He explained people who want to obtain a liquor license would need to find a spot that is "pink" on the map that is or adds up to five connected acres.

Mr. Janish shared the comment received via email from Wes Volkenant, 1482 158th Lane NW. Mr. Volkenant looked at the City map and indicated that of all the pink shaded areas, he didn't see any that would be appropriate for a liquor store location. He believes there are already more than enough locations for people to buy liquor in the City, and he recommended a rejection of the proposal.

**Motion:** Chair Godfrey assumed a motion to close the Public Hearing at 7:22 p.m. Motion carried by unanimous consent.

Commissioner Koehler complimented Mr. Krosch for asking a question, since residents watching at home may have had the same question.

Commissioner Schuman asked about the policy's purpose to protect the public health, safety and welfare of residents in the City. He asked what the grounds are for making an argument to approve the addition of a liquor store, would it have to fall under the intent of the policy. Mr. Janish shared the reason for a CUP is to indicate the City is willing to allow the addition of an amenity to a location if there is limited impact to surrounding properties. He explained the City can place reasonable conditions on a liquor license like limited hours of operation, size of operation, things to limit traffic that would go there, etc. Andover and many communities have used hours and screening as primary restrictions.

Commissioner Schuman asked if a CUP in this context would be limited by the five-acre threshold, and if it would be up to liquor licensing if safety measures were being met. Mr. Janish said the liquor license process itself would include a background evaluation of an individual, and hours of operation. If someone with a liquor license sold to a minor for instance, the Council could pull or revoke the liquor license. Those safety factors are built into the license itself.

Chair Godfrey asked for clarification and stated that there are three levels of control for the City related to liquor sales. The first is that currently in the Neighborhood Business (NB) district, the sale of liquor is prohibited. The request today is to change that from being prohibited to being permitted with a Conditional Use Permit (CUP) to make it possible. The second is the specific application for a CUP, which could have additional conditions should the Commission or Council recommend/approve those. The third is licensing by the State liquor board which creates an enforceable situation for the business owner. What they are requesting to do tonight is to change the option of having the opportunity to have a CUP for liquor sales in a NB area. Mr. Janish confirmed all that was stated..

Commissioner Loehlein shared his support of the code amendment.

**Motion** by Shafto, seconded by Hudson, to recommend to the City Council approval of an amendment to City Code 12-11 to add liquor licenses and off-sale liquor stores as a conditional use within the NB-Neighborhood Business zoning districts that are contiguous and at least five acres in size and consistent with the requirements of other commercial and industrial zoning districts within the City. Motion taken by roll call: Hudson - aye, Schuman - nay, Koehler - aye, Godfrey - aye, Shafto - aye, Loehlein - aye. Motion carried on a 5-ayes, 1-nay (Schuman), 1-absent (Winge) vote.

Commissioner Koehler shared he didn't want Mr. Volkenant to think they ignored his email, and respects the fact that he took the time to send it in. He shared he supports the motion on the table.

Mr. Janish stated that this item would be before the Council at the May 2, 2023 City Council meeting

***OTHER BUSINESS***

Community Development Director Janish shared an update on a CUP for additional cell antennas on a water tower, which was presented to the Commission at their last meeting. The Council reviewed and approved the CUP. They are working with the provider to get the antennas in place.

Commissioner Koehler asked for a timeline on that. Mr. Janish said the CUP will expire in 1 year. He hasn't heard specifics for when the antennas will be on the tower. He will keep the Commission updated.

***ADJOURNMENT***

***Motion:*** Chair Godfrey assumed a motion to adjourn the meeting 7:34 p.m. Motion carried by unanimous consent.

Respectfully Submitted,

Kristina Haas, Recording Secretary  
*TimeSaver Off Site Secretarial, Inc.*