

PLANNING AND ZONING COMMISSION MEETING – MAY 8, 2018

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Kyle Nemeth on May 8, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Scott Hudson, Bert Koehler IV, Nick Loehlein, Jeff Sims and Mary VanderLaan

Commissioners absent: Dean Daninger

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

WELCOME

Chairperson Nemeth welcomed new Commissioner Mary VanderLaan.

APPROVAL OF MINUTES

April 10, 2018 Regular Meeting

Commissioner Koehler requested the following change be made to the Workshop minutes:

- Page 8, line 24 – “Mr. Hudson” should be replaced by “Mr. Smith”
- Page 11, line 31 & 32 – make a correction to indicate “this change would impact adjacent lots perhaps making them unviable”

Chairperson Nemeth requested the following changes be made to the regular minutes:

- Page 1, line 12 – add “Kyle” before Nemeth
- Page 4, line 32 – add space between “MN” and “DNR”
- Page 6, line 13 – should read Mr. Janish described “the” vacation of easements, removing “a”

- Page 7, line 16 – Las Vegas, Nevada, add comma
- Page 10, line 17 – add a comma after “however”

There were no changes from staff.

Motion by Koehler, seconded by Hudson, to approve the April 10, 2018, Regular Meeting minutes as amended. Motion carried on a 5-ayes, 1-present (VanderLaan), 0-nays, 1-absent (Daninger) vote.

PUBLIC HEARING: Sketch Plan/Planned Unit Development – Knoll Property/Centra Homes – 157th Avenue/Round Lake Blvd NW

Mr. Janish presented information regarding a sketch plan for a single family planned unit rural residential development as requested by Centra Homes. 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.

The ARC reviewed the sketch plan and submitted comments to the applicant. A rough sketch plan has been submitted for the entire property. The staff mocked up a plan that was provided to the developer for consideration of changes prior to the Planning and Zoning Commission meeting.

The property is not located within the MUSA Boundary. The Comp Plan Rural Residential (R-1) land use provides development areas outside the MUSA.

Access is proposed from Tulip Street and 157th Avenue NW with the construction of a new street. A local street will be constructed to access the lots. The length of the cul-de-sac exceeds five hundred feet as measured along the centerline from the intersection to the center of the cul-de-sac area by approximately 50 feet.

The applicant is proposing a narrower street width (27 feet wide with 18-inch ribbon curb) and 50 feet of right of way. It should also be noted that this street width does not allow for on street parking.

The Anoka County Highway Department has not yet made comment.

Mr. Janish commented that access from Tulip Street should be located further North to meet the spacing requirements and it would provide access to the property to the North that is not part of this proposal. Another option indicated by staff is to continue a street to the North that could eventually be extended to provide access to that lot.

Each lot will be served by individual septic systems and individual wells.

The applicant is proposing a Low Impact Development (LID) that would focus on preserving as many trees as possible and reduce environmental impacts by having narrower streets and work to minimize storm water impact.

The property is zoned R1 – Single Family-Rural, which allows for rural development. The acreage in the proposal is approximately 28.59 acres. The applicant is proposing 14 lots, which equates to a density of .49 units per acre. At this density the developer would receive 3 additional lots versus a typical R-1 Single Family-Rural development consisting of 2.5 acre lots.

The applicant is requesting a PUD as part of this development. The applicant is requesting flexibility in code requirements including lot size and dimension; primarily to have flexibility to minimize tree removal and has indicated that the land is long and narrow, limiting design options under the standard zoning requirements. The applicant is also seeking a higher density that would provide for 3 additional lots within the development.

The wetlands will need to be delineated and the report will need to be submitted as part of the preliminary plat process. The Lower Rum River Water Management Organization will need to review the preliminary plat and the developer will need to address any issues that are raised during that review prior to a public hearing.

Commissioner Loehlein inquired about the flag lot. Mr. Janish responded that typically it tends to be a lot that looks like a flag. Mr. Janish drew an example.

Commissioner Sims asked about an open area. Mr. Janish replied that some of the land is likely unable to be developed and is not in the area under discussion.

Commissioner Koehler asked about the email sent to the developer on April 17 and if any updates had been received. Mr. Janish confirmed that the narrative was updated, but the sketch was not updated and that the Commission already had a copy of the updated narrative in their information.

Commissioner Koehler asked about moving the road farther north and how far east it would be going, if it would connect to Round Lake or the cul de sac. And further, would the road meet the requirements for the access for going north? Mr. Janish confirmed that it would and that the developer would make the determination of how far east.

Commissioner Koehler also asked about the double frontage lots and if there would be double assessments in the future. Mr. Janish replied that would not be an issue, considering it is a County road.

Commissioner VanderLaan asked about the area of the lots. Mr. Janish confirmed that there would be 14 lots as requested and 11 lots if the City holds to the Code. He referred to the staff memo. She noted that the City Council directed the Commission in the recent

minutes to remain with the 2.5 acres as intended. Mr. Janish confirmed that if there were 14 lots, they would be smaller than 2.5 acres each. It is up to the developer to show how a high-quality development can be created by using the PUD to change the R-1 standard. Staff looked at the proposal and it is up to the Planning & Zoning Commission and City Council to make this determination. This parcel, due to the length and width and existing homes, makes it a greater challenge. The developer is not asking for a change in the sewer requirement.

Commissioner Koehler asked if the City's suggestion to move the road to the north was met and would the City be amenable to direct access to 157th. Mr. Janish replied that according to the map, there is no access at this point, until the map is redone. This is just a sketch plan, an informational step. The Commission will still see the preliminary plat.

Commissioner Hudson asked about the Memo from Anoka County regarding the reconstruction of "the raised median channelization." He speculated that theoretically it could affect the entire length of the development. Mr. Janish confirmed that they do not yet know the County's intention for this particular property.

Chairperson Nemeth asked how wide the streets are supposed to be. Mr. Janish believed that it was 32 feet, which is a 5-foot loss, plus ribbon curb (goes to a ditch). He asked if the Reynolds property was land locked. Mr. Janish referred to the narrative which talks about possibly providing a road on the northern boundary. Staff is unsure at this time as it relates to the easement and who has access.

Chairperson Nemeth asked if Lot 3 was buildable as it stands, due to the wetland. Mr. Janish replied that the City does not require soil bearings at the sketch phase. He followed up by asking about the lot width. Mr. Janish stated that it was not known at this time. He also asked what the Park & Recreation Commission had determined for park space. Mr. Janish confirmed that they wanted cash in lieu of land.

Commissioner VanderLaan, noting the width of the roadway, asked about the statement that there would be no off-street parking. She had concerns regarding no parking at all. Mr. Janish explained the proposed parking situation and that there has been some trouble with ribbon curb in the past, so they would like to be cautious. Engineering believes that it has been done before and should be done, in spite of any difficulty. Commissioner Koehler confirmed with Mr. Janish, the answer regarding the width of the street, resulting in no parking being allowed on either side of the street.

There were no additional questions of staff.

Motion by Loehlein, seconded by Sims, to open the public hearing at 7:43 p.m. Motion carried on a 6-eyes, 0-nays, 1-absent (Daninger) vote.

Chairperson Nemeth explained the public hearing process.

Ray and Kathy Schraeder, of 3340 159th Avenue NW, residents that live just north of the proposed development, have lived there for 20 years. They like the way it is laid out but would hate to see the 2.5 acres requirement change. He expressed concern regarding the road and concern for the view. He also asked about wetland concerns, drainage and the price point of the homes. Most of his concern relates to taking away from the rural environment, including the ability to hunt if you are a property owner of 5 acres or more with a bow.

Mike and Deb Bertrom of 3537 157th Avenue NW, expressed concerns about the road to the development abutting their rear property line, increased noise, dropping property values, and they would have road frontage on 3 sides. They would like to see the road go farther north. They would also like to see the speed limit on 157th lowered. Overall, the value of the lots would be greater if the development had back-to-back backyards. They would like to see the lot size remain at 2.5 acres as it makes it private.

Mark Bringham, of 17322 Aztec Street NW, asked about lot size in relationship to similar capacity of the land to assimilate septic waste. He asked for clarification as to each property having their own well and water and has concerns with the impacts to the water table if there are more lots allowed.

Ken Putz, of 15640 Quay Street, lives on the property directly south off of Quay Street. He agrees that the issues are around septic, conservation, well usage, and R-1 and lot sizes. He noted that the lot sizes in the surrounding area are 2.5 acres and would like it to be consistent. He would also like to see better accessibility with the property having access from the north and a resulting very attractive plan for the whole area.

Developer Tate Baxter, of Oak Grove, Minnesota and Centra Homes has been a local developer/builder for 7+ years and is currently a builder in 9 locations across the Twin Cities. The owner of Centra Homes is also local and lives in Andover. He proposed the PUD and sketch plan options.

Mr. Baxter described the development as similar to the Preserve at Oakview with a range of lot sizes starting from 1.5 acres. A total of 14 lots are proposed for the development. The purpose of the PUD is to propose a lower impact development that includes swales on the outsides of the street. It is proposed to be a high-quality development. For discussion purposes, he brought a new exhibit that was distributed to the Commissioners. A street is being proposed, that goes all the way from west to east, with a width that is greater than what is needed. The density is higher than the standard Code. The reasoning for the way that it is laid out is the low impact design to preserve trees and maintain the natural feel. The parking would be like The Preserve at Oakview. City staff felt that parking on one side of the street would be acceptable. Regarding the road to the north and to the east, he would like to do it as planned and he does not feel it would impact the property. All storm water would be kept on site. All septic and water issues would be addressed as the process moves to the preliminary plat. He addressed Mr. Putz and responded that “if we were to go farther north, there is nowhere to come south, no

easement.” The north property is 7.5 acres. There is an Anoka County egress/ingress easement, and they have been in talks with the Reynolds family. They plan to add this to the PUD if they can come “to terms” on an agreement.

Chairperson Nemeth asked staff to put up the new map and asked to hear Mr. Janish’s comments.

Mr. Janish described staff thoughts regarding Quay Street and described possible changes that would be needed if the property was not developed as a PUD.

Commissioner Hudson referred to page 4 of the packet regarding standard development standards.

Chairperson Nemeth asked about the widths of the lot as it relates to City Code. Mr. Janish confirmed that some are under 300 feet width and some are over. The sketch distributed in the packet is not to scale but is close.

Deb Bertrom, of 3537 157th Avenue, referred to the developer saying that it would be a “high quality neighborhood.” She wanted to know why 14 lots is “high quality” compared to 9 lots, which would be of larger size. She asked do more homes equal more quality? She thought that bigger lots are worth more to some people.

Steve Barry, of 17230 Aztec Street, looked at the proposal, specifically at lot 3 and 4 and suggested splitting lots 3 and 4 for a road and putting a cul de sac in lot 2, at the edge of lot 1.

Chairperson Nemeth reminded the resident that there was an issue with lot #3 due to the wetlands.

Hope Luedtke, of 16932 Jivaro St, stated that she appreciated what Deb had to say. She does not believe that Andover needs to be the Edina of the north. She enjoys the country feel of the community and the quality the residents enjoy in the City. She acknowledged that things are going to be developed.

Mr. Baxter came back to the podium and addressed “high quality” lots (14 vs. 9 lots). He responded that it is planned as a low impact development, with narrower streets, ribbon curb, a rain garden, ditches, and landscaping. He specifically mentioned moving the lots west for lower impact. Economic feasibility came into the picture to help compensate for the costs for the extra features. In this type of scenario there are covenants in place to maintain. He commented that 1.5 acre lots still feel like they are large and allow for septic sites. In proposing the development, they are not trying to push the standards, but rather they are trying to work around the wetlands. Chairperson Nemeth expressed interest in learning more about the Architectural Controls Committee. Things he would like to see are the type of home, minimum square footage, exterior materials, etc. Mr.

Baxter stated that a three-car garage would be standard, with 1,800 square feet on the main level. The builder would start as the head over architectural controls.

Dave Dresback, of 3339 157th Avenue NW, stated his main concern would be the style of the home. He came to the meeting because he wanted to see what was being built.

Motion by Koehler, seconded by Loehlein to close the public hearing at 8:35 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

Commissioner Koehler gave advice to the builder saying “you are close, but you are not quite there,” in reference to 1.5 acres being too far off City Code. He expressed support for a PUD as it relates to preserving the view and the trees, seeing the benefit. He went on and referenced the narrower road, which is 5 feet wider than The Preserve at Oak View, which would allow for parking on the side of the road. Narrowing the road in that case helped reduce speeding. State codes must be met for septic and water. He expressed disapproval for the “flag lot,” which was discussed a year ago. Lastly, he suggested working with the builder on access roads because he is concerned about lot 1 and safety. He concluded by saying, “hopefully, when this comes back as a PUD, we can horse trade to get some of these things done.” He would like to work with this builder to make it what fits in the community.

Commissioner Loehlein agreed that a PUD is probably appropriate, due to the odd shape and access issues. He supported what staff stated about more access in the north, avoiding the street on the Bertrom’s abutting property. He thought there were advantages to the current layout, especially preservation of trees and wetland.

Commissioner VanderLaan addressed the issue of the 2.5-acre lot by recalling that in 1974, before the City became a City, there was a lot of insistence to keeping the rural character. To provide services, the entire area had to be looked at. Every time the City compromises, suddenly there is more pressure on roadways, so it is important to keep the density light. Large lots give an assurance of rural character. It is the City’s obligation.

Commissioner Hudson stated that the proposed lots are too small. He suggested that the acreage “start with a number 2.”

Chairperson Nemeth stated that he concurred. He does not believe that the Council will approve less than 2.5 acres. He suggested illustrating the future access and possibly a ghost plat, north of the property. He concurs with moving the street north on Tulip and extending Quay Street. He likes the rural feel and lives in the area. He remarked that he hears people in the community say at Family Fun Fest that they want bigger lots.

RECESS AND RECONVENE

The meeting was recessed at 8:50 p.m. and reconvened at 8:56 pm.

PUBLIC HEARING: Comprehensive Plan Amendment – Petersen Farms – 7th Avenue/165th Avenue NW

Anoka Independent Grain and Feed Dealers Inc. has been conducting business as a turkey farm within Andover. As part of the operation, the agricultural lands were enrolled in the Agricultural Preserve Program. Minnesota Statute 473H establishes a program to encourage preservation of land for the production of agricultural products by valuing agricultural property in the metropolitan area in a manner similar to greater Minnesota. To qualify, the property must be zoned long-term with a maximum residential density of one house per forty acres. The parcel must (normally) be forty acres in size.

To remove property from the program, the owner files an “Expiration Notice” with the County Recorder. Eight years after the Expiration Notice is filed, the property is released from Agricultural Preserve. Anoka Independent Grain and Feed Dealers, Inc. filed for an expiration notice in 2010. As of April 18, 2018, the property was removed from the Agricultural Preserve Program; therefore, it no longer qualifies for the current land use designation.

Once property no longer qualifies for the program and to remain compliant with the Comprehensive Plan, the land use designation should be changed to Rural Residential. The Rural Residential district provides an area for low density residential development outside the MUSA that will not be served by municipal sewer and water, with an overall residential density of 0.4 units per acre.

Commissioner Koehler asked if there was other agricultural preserve land in the City. Ms. Hanson confirmed that it does exist. If the City does not want to change the designation, there would need to be someone to buy the land and re-enroll it in the program. This is really the only thing that needs to be decided. Legally, the designation is changing, but it is just a matter of what it is changing to. This is really the only thing that needs to be decided. The recommendation is to change it to R-1, rural residential. Developer or not, the City still needs to pull the land out of the rural reserve.

Commissioner Sims asked if there is a developer and is there potential for another Comprehensive Plan change. As long as the designation is changed to rural residential, there will be no more Comprehensive Plan amendments.

Commissioner VanderLaan asked what conditions have changed: Was it being sold? Was it intended to allow it to expire? Was this a plan to end the activity of farm? Ms. Hanson confirmed that the owners intended for the expiration to occur.

Commissioner Koehler asked for confirmation as to whether the designation expired due to negligence. Ms. Hanson confirmed that it was intended to expire. The land owners made the decision to remove the property from the Ag Preserve program.

Chairperson Nemeth clarified that a land use change was required. He remarked that, “if we do not change this to rural residential, what else can we change to?” Ms. Hanson replied that the most logical change is to match it with the surrounding area, which is rural residential.

There were no additional questions of staff.

Motion by Loehlein, seconded by Hudson, to open the public hearing at 9:09 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

Chairperson Nemeth reminded those in attendance that the hearing was not about future development, only about land use change to rural residential. The hearing is not to discuss future development.

Mark Bringham, of 17322 Aztec Street NW, said that his property is adjacent to the property being discussed. His question was regarding the “little NE spike of land that is flood plain land for the Rum River.” This land is valued by people who access the area in the summer and winter. He wondered if it would be possible to take part of that land and create some preserve land so that the neighbors can freely access that area. If there was potential to add to Martin Meadows, it would be valued by neighbors. He asked if that option could be considered, rather than a rural residential designation.

Steve Barry, of 17230 Aztec Street, confirmed that he was interested in the same piece of land. In the past, the Peterson’s had been approached about purchasing the floodplain, but they had never managed to close the deal. He noted that land is flooded right now and that area is not buildable, so it cannot be a part of a lot, except attached to a lot.

Commissioner Koehler noted that for a park to exist, it has to be residential property. To change it to rural residential, it would be residential property.

Carol Dixon, of 16434 Zuni Street, shared that when she exited the neighborhood recently, she saw a family of sand hill cranes. She expressed it would be great to have this remain as park land in the City. There is still farmland. She thinks that it would be progressive of Andover.

Melanie Thiel, of 4819 170th Avenue, said that she appreciates being able to look out on her deck at the cranes and the deer. She wants her kids to have that experience, and that is why her family moved there. She stated that when the land is up for sale, their family would be moving.

There was no one else in the audience to comment on the variance.

Motion by Koehler, seconded by VanderLaan to close the public hearing at 9:20 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Daninger) vote.

Commissioner Koehler commented that if the land is not buildable, it is not buildable. There will be future meetings going forward about what will happen to that land.

Chairperson Nemeth referred to the Tamara Anderson letter and her concerns of environmental impacts. He asked that it be on the record as well.

Chairperson Nemeth asked if Open Space funds have been exhausted. Ms. Hanson confirmed there are no more funds available to purchase open space.

Commissioner VanderLaan looked at the map and recalled the early days when the City had to determine street names while meeting in a room, in a school, and they grabbed a book on minerals and Indian names and that is how the street names were born in the City. One was discovered to have been named for a Peruvian headhunter, which should maybe be changed. xx

Motion by Koehler, seconded by Loehlein to approve the resolution amending the City's comprehensive land use plan. Motion carried on a 6-ayes, 0-nays, 1-absent (Daninger) vote.

This matter will be heard at the June 5, 2018, Council meeting at 7:00 pm.

OTHER BUSINESS

Ms. Hanson stated that Comprehensive Plan work was coming up. Work session dates will be scheduled and she will email Commissioners to get them on the calendar. The meetings will be each month.

Home construction is at 15 new homes. O'Reilly Auto Parts is working on an expansion to the store. Muddy Paws doggy day care is remodeling and working toward an August opening. Growing Generations Day Care is busy with construction, also opening in August. Andover High School is beginning their addition and renovations. There will be two phases, a classroom addition and science labs, and then a gymnasium addition. Two emergency sirens are being replaced each year. In 6 years they will all finally be updated.

As for Catcher's Creek East, Mr. Janish noted that the Council approved the preliminary plat with the "eyebrow" in place. The cul de sac would be a permanent design. Landscaping is planned along Andover Blvd, similar to Catcher's Creek.

Commissioner Koehler asked for an update on the eyebrow cul de sac. Mr. Janish stated that the Council approved the resolution with no modifications, and the matter will move forward. He also asked about volunteer slots for Fun Fest. Mr. Janish will follow up with the Commission at a future date. The Commission will meet again on May 22, on one item.

Commissioner Hudson inquired about the agricultural preserve lands and if any other notices have been filed for expiration. Ms. Hanson noted that others have not filed and that the largest area is south of the high school and they have no interest in filing.

Chairperson Nemeth asked about a Comprehensive Plan update. Ms. Hanson indicated there would be meetings in the next few months, June – September. Each month the Commission would go through one section. Sections would be emailed out a couple of weeks in advance.

ADJOURNMENT

Motion by VanderLaan, seconded by Koehler, to adjourn the meeting at 9:33 p.m.
Motion carried on a 6-ayes, 0-nays, 1-absent (Daninger) vote.

Respectfully Submitted,

Marlene White, Recording Secretary
TimeSaver Off Site Secretarial, Inc.