

***PLANNING AND ZONING COMMISSION MEETING – MAY 14, 2019***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on May 14, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Karen Godfrey, Nick Loehlein, and Mary VanderLaan

Commissioners absent: Jeff Sims and Scott Hudson

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

***PLEDGE OF ALLEGIANCE***

***APPROVAL OF MINUTES***

*April 23, 2019 Regular Meeting: Correct as written.*

***Motion*** by Daninger, seconded by Godfrey, to approve the minutes as presented. Motion carried on a 4-ayes, 0-nays, 1-present (Koehler), 2-absent (Hudson, Sims) vote.

***PUBLIC HEARING: Consider Rezoning from R1 - Single Family Rural to R4 - Single Family Urban - 14328 and 14329 Butternut Street NW - Jan Thomas***

City Planner Hanson reviewed the proposed request to rezone the specified parcels from R1 Single Family Rural to R4 Single Family Urban. She stated, as with all rezonings, the City shall find one of two findings provided by State Statute: the original zoning was in error, which is not applicable in this case; or the character of the area or times and conditions have changed to such an extent to warrant the rezoning. She oriented the properties in relationship to Catcher's Creek East and Catcher's Creek 2nd Addition on the map and explained it has been the practice of the City to change the zoning on a parcel within the Metropolitan Urban Service Area (MUSA) when it is ready to be developed. The Planning and Zoning Commission is asked to hold a public hearing to gather public input and consider recommending approval for the rezoning request based on the fact the property is located within the MUSA, water and sewer are available to the

property, and the request is in harmony with the Andover Comprehensive Plan. She stated the property owner and Engineer are present to answer any questions.

There were no questions or comments from the Commissioners.

**Motion** by VanderLaan, seconded by Loehlein, to open the public hearing at 7:05 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

Jan Thomas, 14329 Butternut Street, requested the Commission to review and consider the Preliminary Plat plans. She stated she is doing this sooner than expected to accommodate Mark Smith in developing Catcher's Creek but is on board with the rezoning project. She said the sooner this gets accomplished, the better, because instead of living in the middle of woods, she's living in the middle of sand dunes right now.

Chairperson Koehler stated there are multiple issues being considered, including the rezoning now and the Preliminary Plat which is the next agenda item, and reminded everyone the issues need to be kept separate when voting.

**Motion** by Daninger, seconded by Loehlein, to close the public hearing at 7:07 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

There was no further discussion.

**Motion** by Daninger, seconded by Loehlein, to recommend to the City Council approval of rezoning the properties located at 14328 and 14329 Butternut Street NW as presented because it fits the times and the conditions. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

City Planner Hanson said this item will be before the City Council at the May 21, 2019 meeting.

***PUBLIC HEARING: Consider Preliminary Plat - Shadowbrook North - 14 Urban Lots - 14328 and 14329 Butternut Street NW - Jan Thomas***

City Planner Hanson located the subject properties on a map and stated the Planning and Zoning Commission is asked to review the Preliminary Plat known as Shadowbrook North, which contains 14 urban residential lots and is located south of Catcher's Creek East. The property is located within the MUSA and currently zoned R1 Single Family Rural but will need to be rezoned to R4 Single Family Urban for the project to go forward. She said currently Ms. Thomas uses Andover Boulevard and Butternut Street to access her property. However, as part of the Catcher's Creek East plat, Butternut Street will be eliminated, and University Avenue will be extended south, and then the area will be accessed through internal streets. Also, sewer and water will be obtained from the south to service the Shadowbrook North and Catcher's Creek subdivisions.

City Planner Hanson stated the Coon Creek Watershed District has reviewed the plat and submitted comments. There are floodways and floodplains on the property that will be impacted. The developer submitted a Letter of Map Revision (LOMR) to FEMA, which is to revise the FEMA floodway boundary based upon more recent accurate information. She demonstrated on a map the current path of Coon Creek and indicated FEMA's data is off so their maps will need to be revised to move the floodway so it matches up with the creek. She said the developer is also proposing to fill in some of the floodplain. The floodplain volume needs to be mitigated on a one-to-one basis, meaning any floodplain area that is filled in needs to be offset by creating a new floodplain in another area of the site. This requires a Letter of Map Amendment (LOMA) through FEMA. This will be addressed as part of the approved grading plan by the Engineering Department and the Coon Creek Watershed District. Staff is recommending a condition of the final plat that would allow the plat to be recorded but building permits will not be issued until the lots that are impacted by the LOMR and the LOMA are formally approved by FEMA. Grading will also not be allowed within the current FEMA floodway until the LOMRs are approved.

City Planner Hanson indicated the 14 lots on the Shadowbrook North Preliminary Plat meet the requirements of City Code including lot size, lot width, corner lot width, and lot depth. She stated the Park and Rec. Commission looked at the plat in November 2018 and made a recommendation of a cash contribution in lieu of land. In addition, the Andover Comprehensive Plan has proposed a regional trail along the north side of Coon Creek which has been discussed with other subdivisions. She pointed out the general path of the trail and stated the trail will be partly funded from the City's trail fund or a potential Minnesota DNR grant fund. There will also be a pedestrian bridge over the creek that will hook up with the trail.

City Planner Hanson stated the Planning and Zoning Commission is asked to hold a public hearing related to this Preliminary Plat and make a recommendation to the City Council. She said Property Owner Thomas and their Engineer are available to answer questions.

Commissioner VanderLaan reiterated that the density and lot size meet City Code and asked City Staff whether all the setbacks are also meeting Code. City Planner Hanson confirmed they are.

Commissioner VanderLaan asked what the procedure for vacating Butternut Street would be, whether that action would be inherent within the approval of the Preliminary Plat, or whether that would require a separate action because it needs to be done by Ordinance. City Planner Hanson stated her understanding is that Butternut Street is a Prescriptive Easement to the City so it does not have to be vacated since it has not been recorded. If she learns there is an Easement with a document number, it will be vacated at the City Council level and that would be done prior to the final plat.

Commissioner VanderLaan said one consideration regarding other plats the Commission has dealt with is whether the street has been maintained by the City and for how long, including plowing and grading, because those factors might require a different process.

Commissioner VanderLaan asked to confirm the route one would take going to Catcher's Creek East: start on Andover Boulevard, take a right on University, and take a right on 144th Avenue,

which then goes into the new street. City Planner Hanson confirmed the route on a map. Commissioner VanderLaan asked whether the new street will end in a cul-de-sac, which City Planner Hanson confirmed, for the Shadowbrook North subdivision.

Commissioner VanderLaan stated she understands the State archeologists and Bureau of Indian Affairs have been consulted regarding the Indian mounds but wondered if the Preliminary Plat would be affected by the protection collar that's in place because of its close proximity to them. City Planner Hanson responded that it would not be affected because there are no burial areas on the Thomas property and the burial area on Catcher's Creek East is not located in an area where the road will be constructed.

Commissioner Loehlein inquired as to the City's requirement for the maximum length of a cul-de-sac and whether the Alder Street cul-de-sac conforms to the requirement. City Planner Hanson said the new cul-de-sac does meet Code requirements. She used a map to reference the location of the measurement.

Commissioner Daninger expressed concern regarding the measurement and stated he thought it was measured at the intersection. City Planner Hanson confirmed that the area she pointed to on the map is considered the intersection.

Commissioner Daninger stated he thought the end of the cul-de-sac on the plat looked offset. He asked whether it was offset, whether the Andover Review Committee was aware of that, and whether it was designed that way to meet setbacks. City Planner Hanson agreed it is offset and stated the Engineering Department looked at it and is fine with its configuration. Commissioner Daninger thanked City Planner Hanson and stated he then would not need to ask the applicants the question during the public hearing portion.

Commissioner VanderLaan asked if the existing home that is remaining is located on Parcel 4 and whether that is the home of the property owner. City Planner Hanson confirmed that as correct.

Commissioner VanderLaan asked if the existing home would become a rental property or if the owner would remain at that location because she saw an address of North Third Avenue in Anoka on a document. An unidentified audience member gave an unintelligible answer.

Chairperson Koehler asked that conversations between the audience and the Commission cease until the public hearing is opened.

Chairperson Koehler asked whether the April 9 report from the Watershed District has been updated. City Planner Hanson stated there have been discussions with the Watershed District but no updated letter.

**Motion** by Loehlein, seconded by Godfrey, to open the public hearing at 7:24 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

Commissioner VanderLaan re-asked Ms. Thomas if she lives in the dwelling on Lot 4. Ms. Thomas confirmed that she does.

Commissioner VanderLaan also re-asked if she was misreading an address of downtown Anoka in a document. Ms. Thomas stated that is her office address. Commissioner VanderLaan said her other question regarding whether the home would be a rental property is probably redundant and the answer is obviously not.

Commissioner VanderLaan thanked Ms. Thomas for repeating the answers and also thanked Chairperson Koehler for allowing her to straighten things out.

Commissioner Godfrey said she appreciates Ms. Thomas assuring the Commission she is on board with the development and process. She stated she has been in the area to view the current conditions, which are as Ms. Thomas stated, and asked if she is satisfied with the access to her home and the plan for access during construction. Ms. Thomas stated she's been assured during construction she will have alternate access and will be able to get in and out daily if need be.

Commissioner Daninger commented that it's difficult to sell property sometimes and the Commission wants to make sure things go right for the property owner and everyone else involved in the process. He asked the applicant and/or staff where the driveway is of the existing home and how the home fits with the rest of the plat and whether it would be front-facing or side-facing to the new road.

Aaron Briski, 2744 Virginia Avenue, Roseville, Minnesota, from Carlson McCain, the Consulting Engineer, pointed out the existing driveway on the map. He stated there will be a little grading or patchwork done to make the connection to the curb but most of the existing driveway will stay in place.

Commissioner Daninger asked where the front of the house was. City Planner Hanson indicated the location on the map and stated the front of the house faces north.

Commissioner Daninger reiterated he would like to make sure things look right for the plat and the applicant as things move forward, because at times developments have been completed and the house has looked backwards.

Ms. Thomas indicated an area on the map and stated that is where she has a circle driveway and her house faces that direction, but because of the circle and trees and bushes there, the view would not be interfered with by other lots.

**Motion** by Daninger, seconded by VanderLaan, to close the public hearing at 7:31 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

There was no further discussion.

**Motion** by Daninger, seconded by Loehlein, to recommend to the City Council approval of the Preliminary Plat known as Shadowbrook North, which contains 14 urban residential lots and is located south of Catcher's Creek East, as presented. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

City Planner Hanson said this item will be before the City Council at the May 21, 2019 meeting.

***PUBLIC HEARING: Consider Rezoning from R1 - Single Family Rural to R4 - Single Family Urban - 1049 Andover Boulevard Northwest - Mark Smith***

City Planner Hanson located the subject property on the map and said the Commission is asked to review the proposed request. She stated on May 7, 2019 the City Council approved the Preliminary Plat for Catcher's Creek West with the condition that the property must be rezoned to R4 Single Family Urban. She explained, as with all rezonings, the City shall find one of two findings provided by the State Statute: the original zoning was in error, which is not applicable in this case; but this request does meet the finding that the character of the area or times and conditions have changed with the extension of the MUSA line, which warrants the rezoning. The Planning and Zoning Commission is asked to hold a public hearing to gather public input and consider recommending approval of the rezoning request based on the fact that the property is located within the MUSA, the water and sewer are available to the property, and the request is in compliance with the Andover Comprehensive Plan. She indicated Mr. Smith is present to answer questions.

There were no questions or comments from the Commissioners.

**Motion** by Daninger, seconded by Loehlein, to open the public hearing at 7:35 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

Chairperson Koehler stated the Preliminary Plat has already been approved, making this more a formality from his perspective, and asked Mr. Smith if he had a presentation or any comments.

Mark Smith stated he would like to thank Commissioner Daninger for noticing the zoning error now instead of discovering the error after getting further into the process. Commissioner Daninger responded that there is never an easy one and everything gets looked at in-depth. Chairperson Koehler also thanked Commissioner Daninger for pointing out the error.

Commissioner Godfrey asked Mr. Smith to clarify the current status and near-term plan for the property because she noticed a For Sale sign on the property. Mr. Smith responded it is not his sign, he does not know what it is there for, and thought it should have been removed during the demolition. He stated he has not done anything to the property and won't until the next study is done in a couple of weeks, and then he will make sure the sign is removed.

**Motion** by Loehlein, seconded by Daninger, to close the public hearing at 7:37 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

There was no further discussion.

**Motion** by Daninger, seconded by Godfrey, to recommend to the City Council approval of the Rezoning Request from R1 to R4 for the property at 1049 Andover Boulevard NW as presented. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

City Planner Hanson said this item will be before the City Council at the May 21, 2019 meeting.

***OTHER BUSINESS***

City Planner Hanson stated the City Council approved the side yard setback variance for the house at 2384 151st Avenue NW from the April 23, 2019 Planning and Zoning Commission meeting. She also said, as of May 14, the City has seen 47 new residential permits.

Chairperson Koehler welcomed Jake Griffiths, Associate Planner with the City of Andover, a recent graduate from the University of Minnesota-Duluth.

***ADJOURNMENT***

**Motion** by Loehlein, seconded by VanderLaan, to adjourn the meeting at 7:39 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Hudson, Sims) vote.

Respectfully Submitted,

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