

PLANNING AND ZONING COMMISSION MEETING – MAY 22, 2018

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Kyle Nemeth on May 22, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Bert Koehler IV, Nick Loehlein, Jeff Sims, Mary VanderLaan

Commissioners absent: Scott Hudson

Also present: City Administrator Jim Dickinson
Community Development Director Joe Janish
City Planner Stephanie Hanson
City Attorney Scott Baumgartner

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES.

May 8, 2018.

There were no changes from staff.

Commissioner Koehler requested the following changes be made to the regular minutes:

- Page 8, lines 28 and 29 - ~~“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.”~~
- Page 9, line 29 - ~~“...change it to rural residential, it would need to be residential property.”~~

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

- Page 4, line 11 – “...according to the map, ...”
- Page 4, line 28 – “He also asked what the Park & Recreation Commission had determined for park space.”
- Page 5, line 9 – “Mike and Deb Bertrom, of 3537 157th Avenue NW, ...”
- Page 6, line 26 – “...curb, a rain garden, ditches, and landscaping.”
- Page 7, line 14 – “Narrowing the road in that...”
- Page 8, line 16 – “...Agricultural Preserve Program; therefore, it no longer...”

Commissioner VanderLaan requested the following changes be made to the regular minutes:

- Page 10, line 13 – “One was discovered to have been named for a Peruvian headhunter, which should maybe be changed if a park is established, as it should not be named Jivaro Street.”

Commissioner Loehlein requested the following changes be made:

- Page headers throughout corrected to read May 8, 2018

Motion by Loehlein, seconded by Koehler, to approve the minutes as revised above.

Motion carried on a 5-ayes, 0-nays, 1-present (Daninger), 1-absent (Hudson) vote.

PUBLIC HEARING: Conditional Use Permit / Planned Unit Development – Petersen Farms – 7th Avenue / 165th Avenue NW

Community Development Director Janish reviewed desirable Planned Unit Development (PUD) design qualities sought in any PUD as per City Code. He stated the Planning Commission is asked to review a Conditional Use Permit (CUP)/Planned Unit Development (PUD) for Petersen Farms. The proposal contains 24 rural residential lots and two Outlots. The PUD request is by Landform, on behalf of JD Andover Holdings. It was noted the Commission had received the developer’s PUD narrative and applicant’s “Concept Master Development Plan” that shows how the overall property could develop and how tonight’s PUD request for Phase 1 would blend in with the development.

Community Development Director Janish reviewed the proposed CUP and PUD with the Commission. He noted that according to City Code 13-3 Planned Unit Development, 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 of greater creativity and flexibility in environmental design than provided under strict application of the standards set in Code.

Community Development Director Janish explained City Code 13-3-9 regulates the findings that are required for a PUD to be approved and 13-3-11 identifies desirable PUD design standards that are sought in any PUD proposal. As part of the PUD Narrative, the applicant addresses the design qualities they believe the City seeks when granting a PUD proposal as identified in City Code 13-3-11. He presented the four required findings to consider when approving a PUD per City Code 13-3-8 as well as the applicant’s response to each.

Community Development Director Janish noted right-of-way changes, allowance for water drainage easements, tree removal and atypical ponding due to rural development. He said the Commission is only reviewing Phase 1 at this time and reviewed street improvements and proposed right-of-way widths of 50 feet with rural street widths of 27 feet. He stated rural street pavement widths including ribbon curb are 30 feet, but after review, Fire Chief Streich was comfortable with the overall proposed street widths.

Community Development Director Janish reviewed lot size standards and based on width and depth allowed on 63.19 acres, the plat resulted in one less than allowed. He said the development would be served by private septic and well and reviewed proposed lot sizes and lot summary.

Community Development Director Janish stated the Planning and Zoning Commission is asked to hold a public hearing and gather public input, review the proposed PUD, and make a recommendation to City Council. He said if the Commission provides a positive recommendation, it needs to keep in mind the four required findings and if the Commission recommends denial, then findings of fact will need to be provided to City Council and direction provided to staff, including language for the draft Resolution of Denial. He noted there was a typographical error in the draft Resolution for approval and that the word “not” should be removed in the third Whereas paragraph.

Chairperson Nemeth inquired about the two outlots. Community Development Director Janish identified Outlots A and B and said the Outlots would remain under current ownership and that the applicant would only purchase the area identified as Phase 1. He said discussions regarding roadway and Outlot A, may not become part of the plat but would be discussed further with the applicant during the preliminary platting process.

Chairperson Nemeth clarified that the Commission was only reviewing Phase 1 and that additional phases were ghost platted for future determination only.

Commissioner Loehlein referred to regulations for lot standards and density and asked if the proposed 63.19 acres included the Outlots. Community Development Director Janish said both Outlots were excluded from the acreage calculations.

Commissioner Sims asked how much of Phase 1 was buildable. Community Development Director Janish said the density calculations are gross density and counted whether the area was buildable or not.

Commissioner Sims commented on the lot size of Lots 1, 2, and 3 and that the northwest corner included other one-acre lots at the very outside corner in the PUD. Community Development Director Janish said there were different standards in place at the time of the adjacent development and did not include a PUD for that area.

Commissioner Sims further questioned if the proposal is not part of MUSA and what is the zoning and abutting against a differently-zoned parcel. Community Development Director Janish indicated the zoning adjacent to the proposal is zoned a different type of residential which is either Suburban or Estates. These areas still rely on septic and wells. PUD’s can create a higher quality development.

Commissioner Koehler confirmed the current zoning was R-2 (Single Family-Estate).

Commissioner VanderLaan questioned why this item was coming back so quickly and clarified conditions for a CUP that would grant the PUD. She asked if residents within 350 feet of the parcel were properly notified within 10 days and confirmed they were notified for the Council action as well from Agricultural Preserve to Rural Residential. Community Development Director Janish said separate notifications had been sent for this meeting and that the notification sign was along 7th Avenue was switched out so individuals who drove on 7th Avenue would be informed. A notification sign was also placed at the end of 168th Avenue. He said property owners within 750 feet of the proposal would have received mailed notices of the proposed Comprehensive Plan amendment including any outside the City.

Commissioner Koehler asked about the Anoka County Highway Department's comments and how staff and the developer would address noise impacts and volume coming from local County roads should this development exceed the City's noise ordinance. Community Development Director Janish summarized his discussions with City Engineer Berkowitz and how the reports, comments would cover the County from having to provide future financial support for a sound wall, or other sound mitigation should the development ever reach a specific volume level.

Commissioner Koehler confirmed this development would not violate any current noise ordinance. Community Development Director Janish said Engineering had no noise concerns based on this development with the exception of mufflers and jake braking.

Chairperson Nemeth inquired about the proposed trail construction. Community Development Director Janish said staff would bring the item forward to the Parks and Recreation Commission as part of a preliminary plat. The Parks and Recreation Commission would provide a recommendation to the City Council, which ultimately would determine the need for a trail.

Commissioner VanderLaan reviewed roadway lists and the proposal of 27 feet of bituminous surface and ribbon curbs, with slopes toward the roadway, and asked if they are each 18 inches. Community Development Director Janish explained the slope and ditch system on the ribbon curb so water sheds off the roadway and stormwater moves down and infiltrates within the ditch system to avoid larger ponding and that through the design process it would be determined how ditches would handle stormwater runoff.

Commissioner VanderLaan asked how much staff has explored potential flooding to the surrounding lots in this area due to the high-water table. Community Development Director Janish said this work would be done as part of the stormwater management plan in accordance with State law through the creation of a stormwater calculation model.

Chairperson Nemeth confirmed one side of the street would be signed no parking.

Commissioner Koehler said the Preserve at Oakview development included 22-foot roadways and one-sided parking and was working well. Community Development

Director Janish agreed at this point the parking was working fine but noted Emergency Management personnel would prefer 27-foot widths with 18-inch ribbon curb.

Commissioner Koehler said that width is significantly wider than other areas. Community Development Director Janish said the width is one foot less than the standard design, but wider than the Preserve at Oak View. He said the applicant wanted 22 feet but after the Fire Chief's review it was determined that 27 is better in order for stability arms to be deployed for the ladder truck, and for the movement of fire tanker trucks.

Chairperson Nemeth clarified the reason for the wider street width was because of the need for fire equipment access and not because it was located outside the MUSA.

Motion by Daninger, seconded by Sims, to open the public hearing at 7:43 p.m. 5-ayes, 0-nays, 1-present (Daninger), 1-absent (Hudson) vote.

Darren Lazan, Landform Professional Services, LLC, 105 South Fifth Avenue, Suite 513, Minneapolis, explained the proposed development was a collaboration between Landform and Metrowide, recapped key items and shared background of Petersen Farms which was a declining turkey farm. He said the proposal would include removing the plat from Agriculture Reserve and shared proposed plats for Phase 1 and ghost plats for any future phases. He reviewed the process from the first Planning Commission meeting, Council, workshop and the concept of rural PUDs and noted the PUD component is a legitimate section in City Code equal to R-1 zoning. Mr. Lazan explained PUD zoning was as purposeful as other zoning and adds flexibility to create a better, low-impact designed neighborhood with the smallest footprint possible to avoid large grading work. He explained the plat would result in roughly the same number of lots and the two areas of flexibility in lot size averaged 2.46 acres with lot width averages of over 207 feet. He said they were asking for relief on width of right-of-way as the 60-foot portion has more through-traffic but only on other roadways.

Mr. Lazan said they were promoting a fair amount of preservation and Phase 1 development would have no expected impacts to any wetlands. He shared a diagram depicting house placement near the wetlands and how the PUD flexibility allowed for better development and home placement by balancing the upland. Mr. Lazan reviewed the entire proposed Phase 1 concept, the development purpose was not to add density and was in compliance with City Code. The development will result in the same number of house tops as a standard development so the impacts to schools, fire coverage, and City services will not increase, but remain the same. There will be a trail at the end of the cul-de-sac to access Martin's Meadows. He shared a tree inventory aerial and outlined tree stands and explained how the balanced upland areas would preserve current tree stands.

Mr. Lazan said they took comments shared from sketch plan review into account and noted they wanted to retain the outlot as unbuildable until they come back with a plat. He spoke about approach to density and how they attempted to match lots to the abutting development in the southern portion at the 2.5-acre level. He shared the density study

from the existing figure ground to the proposed figure ground and how the same number of homes and demands on City services resulted in less infrastructure and blends well with the community.

Mr. Lazan noted the Parks and Recreation Commission reviewed the plat and had no additional park land requests in Phase 1 but possibly would in Phase 2 and asked that adequate space be provided east/west for that and that while there would be no trail now, a contribution would be paid for use of a future trail. He commented on Phase 1's cul-de-sac to the north to Martin's Meadows and that stormwater was currently under design and that the high-water table in the northern portion of the site was 30 feet above ground and no concern. He shared soil borings were complete and the septic field survey done which showed no groundwater concerns, adding street review with the Fire Department was adequate and may even result in future City Code revisions.

Jason Osberg, Metrowide Development, 15356 Yukon Street NW, shared the revised sketch plan was based on public comment and that the road on the very eastern edge had no lots abutting 168th Avenue. He referred to trees on the east side of the property that will be left as a buffer and likely fill in and shared that they met with Mr. Leudtke and his son-in-law and shared that the ghost plat road proposed through their home had been relocated to the south.

Chairperson Nemeth inquired about issues with the ribbon curb. Mr. Lazan said they believed the ribbon curb has performed as designed and no changes were proposed other than making the overall roadway wider as the curb allows the water into ditches and infiltrates immediately. He said the cracking that has occurred in other areas is only surface cracking and was likely an installation issue as it was not adequately jointed.

Chairperson Nemeth inquired about the proposed trail. Mr. Lazan said there will be an internal trail on the roadway but no proposed internal trails and that the Parks and Recreation Commission wanted adequate right-of-way and full payment for the park in the future phase. He noted they were adding a trail from the end of the cul-de-sac into Martin's Meadows.

Chairperson Nemeth asked how many trees will be removed. Mr. Lazan outlined the proposed tree removal and said the roadway design followed the existing tree line as best as possible.

Community Development Director Janish identified tree impacts on an aerial and said the developer was trying to place the majority of homes within the field, noting the PUD allowed the ability to cut and fill and tried to utilize the existing contours in the area.

Chairperson Nemeth inquired about the price point. Mr. Lazan said the homes will range between \$400,000-\$500,000+ but that they need to do more market research first, adding they currently have two or three home builders interested in this development.

Chairperson Nemeth inquired about the quality of the homeowners association. Mr. Lazan said they expect the association to be the same as The Preserve and referred to discussion of storage, recreational use of properties and a base line for recreational vehicles such as prohibiting dirt bikes, etc. He said there will be architectural controls implemented on the home and accessory buildings and strict home occupation parameters to help create a quality neighborhood, adding stormwater management and entrance monuments will be included.

Chairperson Nemeth noted the Council has had issues in the past with some homeowners' association and their attention to maintenance.

Commissioner Koehler inquired about covenants. Mr. Lazan said the covenants would be recorded with the land and a functioning homeowners' association would provide funding for maintenance, etc.

Commissioner VanderLaan asked if property owners would be charged an association fee. Mr. Lazan said the association would start out wholly controlled by the builder and then turned over to homeowners and become self-controlled with bylaws still in place and an annual fee for common area maintenance.

Chairperson Nemeth reminded those in attendance that the hearing was not about any future development but only about the Conditional Use Permit/Planned Unit Development request.

Jim Zushin, of 3943 168th Avenue, said he was in favor of the development as long as no negative impact occurred to those already here. He said the residents were counting on the City to maintain the 2.5-acre minimums and that they had no problem with development just the number of units. He said from the eastern side toward the wetland is a 30-foot drop and shared concerns about traffic, wetland impacts, and necessary road improvements that he does not wish to pay for. Mr. Zushin said 24 lots are impactful and that the plat has much involvement with little access. He said allowing approval of the smaller lots will set a precedent and referred them to owners on Aztec Street with one-acre lots and septic systems and by adding more, drainage problems could occur, especially since City water will not be in place for decades. Mr. Zushin commented on the applicant's flexibility and that while we need more residences we need to maintain the flavor of Andover. He shared concerns about water, drainage, and other impacts polluting their land and commented on street widths and requested they be maintained. He said traffic impacts during development will be huge and the current roadway will not support the additional traffic.

Chairperson Nemeth asked about access points currently through 168th Avenue and going through 165th Avenue instead as it branches east and north and is currently private property at Eldorado. He also inquired about flooding on Outlot B. Mr. Zushin said the area was on the south end of Aztec Street and is wetland.

Timothy Timm, of 16676 Valley Drive NW, said his property was at the southeastern edge of the development and emphasized the drainage problem, adding he was unsure about external access to the development. He shared about a Colorado Springs development that was low and had water draining incorrectly, noting the drainage was good internally to the development but not externally. He said his 4.6-acre lot is 10 feet below the farmland and that water will pond on his lot and shared concerns regarding increased traffic, noting with current speeds at 50 mph and the addition of more residents will create a bigger problem as the road is too narrow and speed limits need to be reduced. Mr. Timm shared concerns about noise and asked who the builders will be.

Chairperson Nemeth said they are not sure yet who the builders will be and noted Anoka County determines speeds and maintenance for Valley Drive.

Steve Bury, of 17230 Aztec Street, thanked the Commission for their questions and commented how noise comes right up the river from 7th Avenue and how keeping lots down will help. He shared concerns regarding water, mosquitos, condition of the ribbon curb, lack of parking on Aztec Street, no trail connection, and how Valley View Park never was constructed as intended.

Jim Neilson, an Andover resident and real estate attorney at 118 East Main Street, Anoka, said he represented the Zushins. He requested the acreage be corrected to include the outlots and noted there are nine lots less than 2.5 acres which is a norm for single-family residences with private septic and wells, adding 1.5-acre lots are not adequate. Mr. Neilson said Lots 1-6 total 9.84 acres and should result in four lots, not six and said his concern was about setting precedent as this should be a 60-foot road with parking restrictions on one side and that the temporary cul-de-sac was not dedicated or noted on the plat.

John Edewaard, of 3983 168th Avenue NW, commented on density calculations and how there was not enough land to build this many homes. He shared a different sketch plan was shown that originally was shared with future development of a ghost plat and included a four-phase development but has now changed to one phase of 400 acres. He said all objections were not addressed in an appropriate manner to satisfy the neighborhood and he shared alternatives about using 168th Avenue as an access as there was no room for garbage trucks at 60-feet of right-of-way and this was proposed for 50 feet. Mr. Edewaard shared concerns regarding the curve on 168th Avenue and accidents with the 30-foot drop in elevation if developed and said he took exception to the language of the notices that showed a symbiotic relationship between the developer and City staff who suggested utilizing 168th Avenue instead. He asked questions regarding conflict of density calculations with the City and the Metropolitan Council and referred to PUD criteria and how the criteria was not feasible as a complete unit and was dependent on the other development such as 168th Avenue. He said the Planning Commission was being asked to consider a long-term project presented in the short-term and commented on public street assessments and poor quality of the road, adding if approved the

neighborhood will present the need for an Environmental Assessment Worksheet (EAW) because engineering standards were not being considered.

Pam Zushin, of 3943 168th Avenue NW, shared concerns regarding safety and watched as a fire truck tried to make turns on 168th Avenue and could not negotiate the turn. She said the road was not designed for construction or that many vehicle trips and should include additional access from this area, especially in an emergency.

Commissioner Sims left the meeting at 9:24 p.m. and returned at 9:30 p.m.

Becky Leudtke, of 16932 Jivaro Street, agreed with points raised and said she was against the PUD as it did not meet the 2.5 acres and would create high density. She said she understood development would happen and trees would be removed but that the density did not have to be high. She said the notification sign was for a Conditional Land Use and that most did not see it as they do not live within the notification area for the letter and that traffic concerns were too high.

Darren McDonald, of 16927 Jivaro Street, shared how his wife was in an accident yesterday which speaks to traffic concerns and density. He shared his concerns and asked when the County and City talk about traffic, noting while he understood that development will occur traffic needs to be addressed. He shared concerns about students walking to school and noted the 20-foot property they own on the east side would affect the easement to get to Martin's Meadows.

Kenneth Clements, 3952 169th Lane, clarified the current lot size was 2.8 acres and implored that the neighboring lots be larger as this was the reason they bought in this area.

Chairperson Nemeth invited Mr. Lazan to respond. Mr. Lazan commented that soil borings were completed and deemed good for infiltration. He said stormwater today was more complicated than in past developments and can no longer leave the site and includes new requirements for groundwater, adding any stormwater that leaves has to be current patterns and must leave the area in pre-developed condition. He said they do not anticipate flooding as the area is 20-30 feet high but noted they cannot control floodplain or where floodwater stores. Mr. Lazan said Anoka County will be addressing traffic impacts over the entire development, likely at Valley Drive and 168th Avenue, when the remaining development comes online with connections to future phases. He said they are required to make connections to 168th Avenue as per City policy but have secured all construction staging off the Farm Road and Jivaro Street off 168th Avenue. Mr. Lazan noted all drainage concerns would be addressed during the preliminary platting process.

Mr. Lazan clarified Mr. Neilson's concerns that the outlots were included in the calculations. He said 50-foot rights-of-way have been done in the City and there are additional easements on both sides, noting this will result in less road to maintain, plow, and repair and the connecting piece is 60 feet wide and matches the other plat. He said a

precedent is already in existence at The Preserve at Oakview with smaller lots and commented that minimum standards occur in the PUD zoning similar to R-1 zoning but allows it to occur in a more orderly manner. He complimented staff on their assistance and professionalism and noted the wetland delineation was underway but would not result in a threshold for an EAW or Environmental Impact Statement (EIS) as there is a recreational lake in Phase 2. Mr. Lazan said they will meet to review the 20-foot property owned by Mr. McDonald and address this area accordingly.

Commissioner Loehlein referred to the east/west connection to 168th Avenue to be 60-foot but said the sketch plan was in error. Community Development Director Janish said staff believed everything to the east of the north/south road would be 60 feet to match so there was no jog in the right-of-way. He noted the draft approval resolution included 60-foot right-of-way for the eastern portion of the road with 50-foot right-of-way traveling west.

Chairperson Nemeth inquired about how to address the trail easement from Martin's Meadows. Mr. Lazan said the area did not show on the survey but that they will work to still provide a trail easement up to the neighbor's property.

Commissioner Koehler thanked the applicant for the description of the PUD showing what would happen with strict Code interpretation and said he appreciated the time and place for a PUD. He commented on the low impact design and the desire to retain a number of trees, most of which are in the wetland, then inquired about the benefit to the City to approve the PUD. Mr. Lazan outlined reasons to approve PUD which included reduced impervious area, heat gain, ongoing repair of cement/concrete for roadways, treatment of stormwater into smaller basins, better infiltration at its source, and tremendously less grading impacts.

Commissioner Koehler said water is taken in a more aesthetically pleasing way and the non-PUD development would be flattened and built to City code. He said the PUD would create smaller lots and have less impact to wildlife if smaller lots are worth preserving the nature of the land.

Mr. Lazan agreed, noting the wetlands would be less impacted as well with a PUD.

Mr. Osberg referred to the north area of Phase 1 discussing roadways and wetlands on the west side and tree coverage. He shared an illustration that showed moving the road to the west. He said this would result in an encroachment towards the wetlands. The development will not lose any lots but it would limit useable area for the yards.

Ms. Zushin disagreed, stating she has lived in this area for 60 years and knows the trees and brush and asked why there are zoning rules if they were not followed. She asked how this was decided and if it was based on who has more money.

Ms. Leudtke suggested taking out five more homes and keeping the road where it is currently placed.

There was no one else in the audience to comment on the Conditional Use Permit/Planned Unit Development request.

Motion by Koehler, seconded by Loehlein, to close the public hearing at 10:05 p.m. 6-eyes, 0-nays, 0-present, 1-absent (Hudson) vote.

Commissioner Koehler referred to the concept of taking out homes and placing the road anywhere helps, as they are following the natural lay of the land. He noted a PUD does meet City Code as it is a different zoning code that allows the City to choose how it is completed.

Commissioner Daninger asked if the land use change eight years ago was a public process. City Planner Stephanie Hanson said homeowners applied to come out of agricultural preserve and noted it was their right with the intent to develop the property.

Commissioner Daninger commented how the natural traffic flow to the west off 7th Avenue was for traffic to flow to the west instead of 168th Avenue. Community Development Director Janish agreed.

Commissioner Daninger asked if the PUD, ponds and more drainage ditches instead of holding ponds was a newer, successful concept. Community Development Director Janish said this concept has been around for a while but was new to the City.

Commissioner Loehlein asked how outlots were used in wetland areas instead of lots. City Administrator Dickinson said outlots in backyards were no longer recommended and instead were attached to lots so individuals can own and maintain so they do not result in tax forfeit.

Chairperson Nemeth inquired about maintenance for the south lots and why outlots were brought into the development. Mr. Dickinson said they could include the easement for clean-up and access agreements or give the outlots to the individuals and keep out of the City's control. The outlots proposed would remain under the current ownership.

Commissioner Sims commented how it was confusing for residents to see PUD zoning as part of the code when the area was zoned R1, adding he understands why they feel they were not being represented. He said the residents understand development is coming but want the same expectation and precedent in Phase 1 to continue throughout.

Chairperson Nemeth noted this was only a ghost plat and could include changes, adding the PUD was something of a higher quality. Commissioner Sims agreed but noted that due to the wetlands this intent cannot occur.

Chairperson Nemeth said he understood the point but noted the developer was creating a better selling point on the west side with larger backyards.

Commissioner Koehler said the expectation was for 2.5-acre lots and noted the single point of access was major concern. He cautioned about homeowners' associations and what happens when they go defunct and said the traffic would not be good either way and that assessing current 168th Avenue residents for road improvements was not acceptable.

Community Development Director Janish explained if an association becomes defunct the City and or the association has the ability to assess property owners.

Commissioner VanderLaan said any development adds the potential for pollution and while traffic and water impacts are expected the residents should be comforted with the advancement of roads, planning, and the Metropolitan Council's communication. She said 2.5-acre lots were nice but drawn to enhance the features and maximize the development and that we have to balance neighborhood concerns. She said she was in favor of dropping lots on the very north of the site for the proposed trail and long road for a cul-de-sac and inquired about the maximum length. Community Development Director Janish said a cul-de-sac could be up to 500 feet.

Commissioner Loehlein said the concern as proposed was not based on density as an average of 2.5-acres but lot width variances as a large percentage and length of cul-de-sacs.

Commissioner Koehler asked if anyone else was concerned with the lot width. Commissioner Loehlein said the proposed lot width would affect the character of the neighborhood.

Chairperson Nemeth said he would prefer something over two acres but understood the trade-off as the road would be constructed through an area of least resistance. He said he had more concerns with emergency vehicles but said the 60-foot right-of-way would not solve that issue so the improvement at 168th Avenue and Valley Drive was needed, adding he did not perceive any noise concerns now.

Community Development Director Janish said that prior to any motion, findings would be necessary.

Commissioner VanderLaan suggested tabling the item to a future meeting to allow the developer to review comments made this evening as well as the Planning Commission, as she understood a special meeting was called for this item.

Chairperson Nemeth noted this was one of their regular meeting dates and asked staff about tabling the item. Community Development Director Janish said staff would need direction as the timing of the application was approaching the 60-day rule.

Commissioner Daninger encouraged a vote because they were a recommending body and had plenty of time to review, adding he would like to respect the neighborhood and provide staff with some direction.

Motion by Loehlein, seconded by Koehler, to recommend to the City Council denial of the Conditional Use Permit for Petersen Farms and the Conditional Use Permit/Planned Unit Development for Landform on behalf of JD Andover Holdings based on the following findings:

1. This residential zoning district has requirements in place to retain rural zoning and the Planned Unit Development project does not meet that requirement based on long cul-de-sacs and lots less than 2.5 acres.
2. Planned Unit Development project is in conflict with Land Use Goals, Objectives and Policies Goal 4 to allow residential growth while maintaining the quality of natural resources and amenities.

Commissioner Daninger said any approval would be based on flat grading to meet the 2.5-acre lots of which the result would be less than what the City wanted.

Commissioner VanderLaan asked if the denial was approved would the Planning Commission have the opportunity to make small changes as this is was a preliminary plat only and if denied could not be acted upon for one year. Community Development Director Janish clarified the request was for a Conditional Use Permit/PUD request. He further commented the request for the PUD is to develop minimum standards, then they (applicant) would move forward with a preliminary plat based on that Conditional Use Permit. He said the Council could override a denial recommendation and then it would not be considered again for one year. Community Development Director Janish said reasons were needed to deny the request.

Commissioner Koehler said Goal 4 clearly defines areas for urban and rural residential development. Commissioner Loehlein agreed.

Motion carried on a 4-ayes, 2-nays (Daninger, Koehler), 1-absent (Hudson) vote.

Community Development Director Janish stated this item would be before the Council at the June 19, 2018, City Council meeting.

Commissioner Sims inquired about the similarity of denying the Catcher's Creek development and how staff forwards the recommendation. Community Development Director Janish said he would provide the meeting minutes to the Council and attempts to provide a short abbreviated overview of the discussion with the staff write up.

City Administrator Dickinson said the fully-contained discussion was included in the minutes and that while staff would provide a draft version of the minutes that many City Councilmembers review Planning Commission meetings online.

Chairperson Nemeth thanked the public for their input and said the Commission takes their comments very seriously which was provided in the reasoning for denial. He thanked the applicant as well for their work.

OTHER BUSINESS.

Community Development Director Janish updated the Planning Commission on related items stating no other items are moving forward to Council. He commented that the Growing Generations Childcare expects to open in August and that staff will be meeting with other developers on potential development.

Chairperson Nemeth noted the Muddy Paws Doggy Daycare location scheduled to open in August appears to have already opened.

ADJOURNMENT.

Motion by Daninger, seconded by Loehlein, to adjourn the meeting at 10:51 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Hudson) vote.

Respectfully Submitted,

Cathy Sorensen, Recording Secretary
TimeSaver Off Site Secretarial, Inc.