

PLANNING AND ZONING COMMISSION MEETING – JUNE 11, 2019

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on June 11, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Dean Daninger, Karen Godfrey, and Nick Loehlein.

Commissioners absent: Scott Hudson, Jeff Sims, and Mary VanderLaan.

Also present: City Planner Stephanie Hanson
Others

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

May 14, 2019, Regular Meeting: Correct as written.

Motion by Godfrey, seconded by Loehlein, to approve the minutes as presented. Motion carried on a 4-ayes, 0-nays, 3-absent (Hudson, Sims, VanderLaan) vote.

PUBLIC HEARING: Interim Use Permit – Land Reclamation - 15991 Vale St. NW - Janie Hemmelgarn

City Planner Hanson reviewed the applicant's request for an IUP - Land Reclamation - to store/grade up to 1,500 cubic yards of soil and oriented the stockpile area on the subject property on a map. She stated the soil is excess dirt from the grading of the site for the new public works facility and will be used for future grading of the lots on the subject property. She explained that in the past the property was stripped, and the materials were taken and used for construction of an accessory structure, so the area is low. The applicant wants to bring soil on the property where it was stripped to bring it back up to the grade it was. She stated the stockpile location is not within the floodplain or wetlands. There are other requirements the applicant will have to adhere to, including the side slope cannot be more than 3 to 1 and no placement of soil within the floodplain or wetland without proper permits. Also, silt fencing will be required around the stockpile area until vegetation has grown to control erosion, and the applicant will be required to seed and hydro mulch the stockpile to ensure proper vegetation. She indicated the trucks will exit from the new public works facility site, travel north on Nightingale, east on 161st, and then south on Vale Street and enter where the property is located.

City Planner Hanson stated the Planning and Zoning Commission shall recommend the IUP and the City Council issue the IUP only if code requirements are met, including:

- 1) The stockpile will not create an excess burden on parks, streets, and other public facilities; the placement of fill will not create any excess burden on parks or other public facilities. The vehicles hauling fill will use the haul route which will be approved as part of the IUP. No grading and stockpiles can occur within 50 feet of adjacent property lines, the right-of-way, and wetlands.
- 2) The IUP will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare. The applicant will be required to establish vegetation in the area, and the haul trucks will be required to be licensed and inspected.
- 3) The IUP will not have negative effects on the value of property and scenic views. While vehicle traffic will increase for a short time, the applicant intends to develop the site at a later date; there will be single-family homes in this area.
- 4) The IUP will not impose additional unreasonable costs to the public. The applicant is responsible to clean the streets of any haul material that may accumulate on the roadways. She said if anybody in the neighborhood sees dirt on the streets that is not being cleaned up, they should contact City Staff so City Staff makes sure it is cleaned up.

In addition, the City Council can impose other conditions on the IUP. She stated the applicant, Ms. Hemmelgarn, is present to answer any questions and she would also try to answer questions.

Commissioner Daninger asked City Staff to repeat the street the trucks would enter the property from, whether that was 161st. City Planner Hanson said trucks would enter from Vale Street and used the map to indicate the location the trucks would access the property.

Commissioner Daninger inquired as to how many truckloads it would take to haul 1,500 cubic yards, so people have an idea of the amount. City Planner Hanson stated although she did not know, she could get that information. Commissioner Daninger said he would probably ask the applicant when the public hearing opened.

Commissioner Loehlein asked why four years was chosen as the expiration from the date of proof for the IUP. City Planner Hanson explained that although the applicant may not need 1,500 cubic yards, the applicant may also need to bring additional fill on the site, which would not be determined until grading is done, so that length of time is given in case additional fill is required on the site.

Chairperson Koehler questioned if there was a reason why entering the property from 161st Avenue was not considered as opposed to using a residential street. City Planner Hanson responded that was the haul route that was proposed and Engineering/Public Works Department was fine with the access off of Vale Street. Chairperson Koehler restated his understanding, that no one explored exiting off of 161st to enter the property, which City Planner Hanson said it was not discussed with planning staff.

Chairperson Koehler verified that this is a four-year IUP and that an IUP has a maximum length of five years, which City Planner Hanson confirmed as accurate. Chairperson Koehler asked whether development on the property would be expected to happen within four years, because the pile would need to be taken down in that time frame. City Planner Hanson said although she is not sure when development would occur, the pile would be graded out within four years. Chairperson Koehler thanked staff for the clarification that the grading would occur within the four years.

Motion by Daninger, seconded by Loehlein, to open the public hearing at 7:10 p.m. Motion carried on a 4-ayes, 0-nays, 3-absent (Hudson, Sims, VanderLaan) vote.

There being no public input, Chairperson Koehler asked the applicant to step forward and give her name and address. Applicant Janie Hemmelgarn, 15991 Vale Street Northwest, Andover, proceeded to the podium.

Commissioner Daninger asked the applicant if she had any idea how many truckloads it would take to haul 1,500 cubic yards. Ms. Hemmelgarn said when she met the contractor doing the development for the public works, he had fill at that time. She did her due diligence to find out how much fill could be brought onto the property before she went through the IUP process, which was 400 yards. She stated the contractor already brought 400 yards to the property, which was done in about 1 1/2 days, and she guesstimated it was 20 truckloads because she counted the piles. She said she did not know how many yards were in each load but the math could be done to find a more accurate answer.

Commissioner Daninger stated he is going to be in favor of approving the IUP but does not know how many truckloads it would take to haul 1,500 cubic yards and sometimes it is nice if people have an idea of the amount which is not, obviously, 1,000 truckloads. Ms. Hemmelgarn said she believed a truck could haul approximately 15 to 20 yards.

Commissioner Daninger commented that he thought the applicant had an answer to one of the Chair's questions since she raised her hand at one point. Ms. Hemmelgarn stated she could address the question regarding the street from which the trucks would exit. She said there is a pretty steep ditch along 161st and there is also a barrier from the railroad tracks, so that is not as feasible as the proposed haul route. She then indicated an area on the map they use to access the barn on their property.

Commissioner Godfrey said she noticed there is some wildlife around the pond and thought some ducks were nesting there and wondered what arrangements have been made to ensure the delivery of this dirt and the traffic in the area would not disturb the nesting area. Ms. Hemmelgarn stated the nesting and wildlife area is closer to the pond area of the wetlands and where the dirt is being placed was pasture, it was scraped previously, and there's no wildlife there other than maybe pocket gophers.

Commissioner Godfrey asked if the area would be the requisite 50 yards away from the wetland. Ms. Hemmelgarn replied that it was farther than 50 yards, probably 100 yards

from the wetlands. She indicated the location on the map where the first 400 yards were placed, on the back part of the diagram, and said this fill would be placed in the open area depicted on the map.

Chairperson Koehler asked the applicant if she had anything else to share. After Ms. Hemmelgarn declined, Chairperson Koehler thanked the applicant for attending.

Motion by Daninger, seconded by Godfrey, to close the public hearing at 7:15 p.m. Motion carried on a 4-ayes, 0-nays, 3-absent (Hudson, Sims, VanderLaan) vote.

There was no further discussion.

Motion by Daninger, seconded by Loehlein, to recommend to the City Council approval of the IUP as presented. Motion carried on a 4-ayes, 0-nays, 3-absent (Hudson, Sims, VanderLaan) vote.

City Planner Hanson said this item will be before the City Council at the June 18, 2019, meeting.

OTHER BUSINESS

City Planner Hanson stated on May 14 the Planning Commission made recommendations for the rezoning and preliminary plat for Shadowbrook North and also the rezoning of the property at 1049 Andover Boulevard, and the City Council approved those at their meeting. She said there will be two items on the June 25 Planning and Zoning Commission meeting. Also, the Human Resource Director sent out the booth signup for Funfest and anyone interested should contact her to volunteer.

ADJOURNMENT

Motion by Daninger, seconded by Loehlein, to adjourn the meeting at 7:18 p.m. Motion carried on a 4-ayes, 0-nays, 3-absent (Hudson, Sims, VanderLaan) vote.

Respectfully Submitted,

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