

PLANNING AND ZONING COMMISSION MEETING – JUNE 25, 2019

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on June 25, 2019, 7:05 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Commissioners absent: Jeff Sims

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

June 11, 2019

Commissioner Loehlein requested the following correction:
Page 2, Line 28: "...date of proof..." to "...date of approval..."

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

PUBLIC HEARING: Variance Request — Reduce Side Yard Setback — 13951 Holly Street NW — Hue Tran

Community Development Director Janish stated the property owner submitted a Variance Request for the subject property. The request is to reduce the northerly side yard setback from 10 feet to 5 feet, and a Letter of Justification was submitted with the application. The home was constructed in 1998; the applicant acquired it shortly afterwards. The structure is code compliant and meets required setbacks. In 2013 a family member faced a medical emergency which now requires him to rely on 24/7 care. The family home is not accessible for the individual, and the proposed elevator would provide accessibility from the main floor to the second level. Anoka County Social Services will provide funds to construct the elevator. Referencing a map, he said the home was evaluated, and the best option for the elevator is on the northerly side. The elevator would allow the resident better ability to move from story to story and also provide for privacy.

In addition, the proposed elevator location will not impact the drainage and utility easement. City Code 12-4-3 allows for accessibility encroachments within side yard setbacks or setbacks in general; specifically, it notes an exposed ramp for wheelchairs would be allowed.

Community Development Director Janish reviewed the four criteria when considering a Variance, including: 1) The property owner proposes to use the property in a reasonable manner not permitted by an official control. Staff took information from the applicant's letter and also from communications with the contractor and the occupant of the home, and as it relates to this situation, elevators are a permitted use within the residential area. They are typically constructed within the home; however, in this case the elevator needs to be retrofitted into an existing structure, requiring the Variance. The construction of the elevator would allow the applicant to utilize the existing floor plan in which access will be provided to areas of the home that are needed to assist with care. 2) The plight of the property owner is due to circumstances unique to the property not created by the landowner. The current floor plan was created in 1998, when the home was constructed. The home meets the required setbacks. The applicant purchased the home with the current floor plan. However, when it was purchased, there was not a need for an elevator to make the home fully accessible to assist with the care of a family member. 3) The Variance, if granted, will not alter the essential character of the locality and will not alter the urban residential character. The proposed addition is located within the urban portion of the community which is zoned R-4, Single Family Urban. Detached accessory structures can be constructed 5 feet from the side yard property line; garages can be constructed 6 feet away from the property line. The elevator addition will be roughly 6 x 5 feet; it will not run the entire width of the home. He used a survey to show the proposed elevator location and stated the exterior finish of the addition will be the same/similar as the existing home so it would blend in. 4) Economic considerations alone do not constitute practical difficulties. If the Variance is not granted, the applicant would not be able to provide access to the second level; access would provide privacy and ease of care. Referencing a side view of the property, he said the applicant indicated the proposed location of the addition allows for the logical use of the existing floor plan. He stated both Staff and representatives for the applicant were available to answer questions.

There were no questions or comments from the Commissioners.

Motion by Loehlein, seconded by Hudson, to open the public hearing at 7:13 p.m. Motion carried on a 6-eyes, 0-nays, 1-absent (Sims) vote.

There was no public input.

Commissioner Daninger asked how much noise the elevator would make. John Ringler, 16339 Makah Street Northwest, Andover, stated the elevator is electric and very quiet.

Motion by Loehlein, seconded by Hudson, to close the public hearing at 7:15 p.m. Motion carried on a 6-eyes, 0-nays, 1-absent (Sims) vote.

Commissioner Loehlein asked Staff if the proposed elevator meets all required building codes. Community Development Director Janish stated if the Variance is granted, the applicant would

have to submit a building permit. The building permit would be evaluated based on the building code, so it would be expected to meet building code requirements.

Motion by Daninger, seconded by Godfrey, to recommend to the City Council approval of the Variance Request as presented based on the answer regarding noise and the fact that there was no public input, meaning the neighbors were content with the Variance Request. Motion carried on a 6-ayes, 0-nays, 1-absent (Sims) vote.

Community Development Director Janish stated this item would be before the Council at the July 2, 2019 City Council meeting.

PUBLIC HEARING: Amend Conditional Use Permit (CUP) — Veterinary Clinic — 1574 154th Ave NW — Jessica Levy (Applicant)

Associate Planner Griffiths stated the request is to amend a Conditional Use Permit to allow for a veterinary clinic in a shopping center-zoned district. He stated the request is different than what is on the agenda, which called to approve a new Conditional Use Permit. However, a previous CUP was issued in 2006 for the same proposed use and lasted until 2016, when Andover Animal Hospital left the location. Upon further review by Staff and consultation with the City Attorney, it was determined amending the CUP would be the best direction to go, which accounts for the supplemental agenda item.

Associate Planner Griffiths located the subject property on a map and stated the applicant is seeking approval of an Amended CUP to operate a veterinary clinic in the building known as Hanson Commons II. A veterinary clinic is allowed as a conditional use in a shopping center district, and the approximate two-acre parcel will meet the needs. He referenced depictions of the interior of the structure both before and after the proposed use, showing the significant change between the two uses, and explained that is why the Amended CUP is required. The CUP is for a veterinary clinic within a retail-type use: The holistic veterinary clinic area will be about 20 x 12 feet, and the Canine Crossings retail area will take up most of the remaining space. No exterior changes will be made except for a permanent sign which has already been approved.

Associate Planner Griffiths reviewed the criteria for granting a Conditional Use Permit, which include: 1) The effect of the proposed use upon the health, safety, morals, and general welfare of the occupants of surrounding lands. Veterinary clinics are permitted as a conditional use, and the present shopping center has more than enough space for the proposed use. Therefore, Staff determined it will most likely not affect the health, safety, morals of the surrounding lands. 2) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands. The retail and appointment-based business is not expected to have a major impact on the streets and roadways. The current shopping center has more than the required amount of parking stalls available. 3) The effect on values of property and scenic view in the surrounding area, and the effect of the use on the Comprehensive Plan. It is not expected that the veterinary clinic will impact property values in the area or alter scenic views in the surrounding areas. The site has already been issued a CUP for this use, and Staff is not aware of any issues from that use. The proposed use is much less intrusive than the previous use: The previous use included surgeries

and boarding of animals; the proposed use is more a consulting-base veterinary practice. He stated both he and representatives of the business were available to answer questions.

There were no questions or comments from the Commissioners.

Motion by Daninger, seconded by Godfrey, to open the public hearing at 7:21 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Sims) vote.

There was no public input.

Commissioner Loehlein asked how the open space in the interior of the building will be used.

Lynn Israelson, 1156 Andover Boulevard Northeast, Ham Lake, Minnesota 55304, said she is the owner of Canine Crossing. She stated the business consists of Dr. Levy, who has a holistic practice with an office; Stacy, who is an animal chiropractor with two offices; and she also has an office. The remaining 2,400 square feet will be the retail store where dog and cat food, toys, and supplies will be sold. She said they have additional services within the store but would not be grooming animals at the Andover location, although that occurred at the Ham Lake location.

Commissioner Loehlein confirmed that the open area in the diagram would be aisles with items for sale. Ms. Israelson agreed and said the aisles will contain products for dogs and cats.

Chairperson Koehler asked if there were animals that would be treated other than dogs and cats. Ms. Israelson stated only dogs and cats would be coming into the facility.

Commissioner VanderLaan welcomed Ms. Israelson and the business to the community and questioned whether animals would be visiting on a regular basis or staying overnight. Ms. Israelson said there would not be any boarding or kenneling of animals.

Commissioner VanderLaan asked whether horses would be treated at the facility, since a few residents were wondering. Ms. Israelson said horses would be treated but that would be off-site. She stated it would be a nice feature but there is not enough space to treat horses at this location.

Commissioner Daninger said he wanted to make sure the applicant understood that the resolution contained verbiage regarding no overnights. He stated initially he wanted to know why there was going to be another vet clinic in town, but now understands it is different than a typical vet clinic, which Ms. Israelson confirmed.

Motion by Hudson, seconded by Loehlein, to close the public hearing at 7:25 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Sims) vote.

Commissioner Daninger said he wanted to confirm the Supplement is the recommendation if someone makes a motion to approve. Chairperson Koehler responded that it is up to the individual Commissioner but assumed the Commission would want to approve the most recent document, which is the Supplement.

Motion by Daninger, seconded by Loehlein, to recommend to the City Council approval of the Conditional Use Permit as presented in the most current document. Motion carried on a 6-ayes, 0-nays, 1-absent (Sims) vote.

Associate Planner Griffiths stated this item will be before the Council at the July 2, 2019 City Council meeting.

Chairperson Koehler suggested the City Council or City Attorney take a look at the rules for Conditional Use Permits and have some type of a sunset when the permitted activity has not been carried out for a period of time -- whether that is one year, two years, five years -- that the permit should expire. He stated he did not think anywhere in the permit it says canines or cats and that if somebody wants to come back and do horses 30 years from now, that could be an issue. He reiterated there should probably be a discussion about how to deal with CUPs that really are not in effect anymore. Community Development Director Janish said Staff could look into that.

OTHER BUSINESS

Community Development Director Janish stated the City Council met and discussed the Interim Use Permit off of Vale Street and approved that, so stockpiling will be occurring on that property. In addition, he said Staff provided the sign-up sheet for the Andover Funfest event and encouraged everyone to sign up and stated if there were open slots at the July 9 meeting, it would be discussed again.

Commissioner VanderLaan commented that the new facility on Nightingale is looking lovely. She said a couple of residents have asked if there is somewhere they could see the site plans with the buildings, because they can see where Tower Drive and Veterans Memorial Boulevard will go through. She stated that although she has some information, she doesn't feel she can give residents an intelligent answer and asked what she should tell people. Community Development Director Janish said residents should contact city hall and then Staff can email them information or have a conversation with them, adding that if people want to stop by, they should call ahead to make sure somebody is available.

Commissioner Daninger stated people have asked why the new trail by the fire station with the wood bridge is still closed and wanted more information on that topic. Community Development Director Janish explained that the trail starts at a lower elevation at the fire hall but then the trail starts to climb in elevation going towards Bunker. Once the trail was constructed, Engineering and Building decided to fabricate and construct a 120- or 150-foot railing so the walking trail bridge, which is a certain elevation above the water, will have a railing on both sides so that if someone fell, the railing would catch them versus falling a certain distance into the water.

Chairperson Koehler referenced the agenda item regarding elevator access to the house. He expressed concern that there is code that would permit a handicap ramp for wheelchairs but people needing an elevator are forced to come before the Commission for a permit. He suggested reviewing the code to see if inserting language such as “anything that is ADA-approved to get into a house” or something similar would be possible. He stated he did not think people who

need a mechanism to get into their homes should have to come before the Commission when it is a legitimate reason and can be quantified by the ADA or a similar organization. He said he is not sure if it should be changed but would like the City Attorney/City Council to provide input on the topic since the City allows other handicap access. Community Development Director Janish said Staff could bring it up to City Council at the July 2 meeting and get some feedback from them and work with Legal Counsel and Building to see what options might be available. He said the codes may be a little more antiquated when it comes to accessibility and ADA than originally thought. Chairperson Koehler commented that he sat in on Planning and Zoning meetings and reviewed different permits but at that time they did not think of situations like this. However, now that these types of issues have come up, in his opinion, something should be done. Community Development Director Janish reiterated that Staff would look into it.

ADJOURNMENT

Motion by Loehlein, seconded by Daninger, to adjourn the meeting at 7:33 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Sims) vote.

Respectfully Submitted,

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