

***PLANNING AND ZONING COMMISSION MEETING – JULY 14, 2020***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on July 14, 2020, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Karen Godfrey, Scott Hudson, Nick Loehlein (remote), Mary VanderLaan, Marni Elias, and Dawn Perra (remote)

Commissioners absent: None

Also present: City Planner Peter Hellegers  
Associate Planner Jake Griffiths  
Others

***PLEDGE OF ALLEGIANCE***

***APPROVAL OF MINUTES***

*May 12, 2020 Regular Meeting*

***Motion*** by Hudson, seconded by Godfrey, to approve the May 12, 2020 Regular Meeting minutes as presented. Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

***PUBLIC HEARING: Amendment to City Code Title 12, Chapter 2: Rules and Definitions and City Code Title 12, Chapter 12: Commercial/Industrial Permitted, Permitted Accessory, Conditional, Interim and Prohibited Uses - City of Andover (Applicant)***

Associate Planner Griffiths explained the current City Code defines contractor shops and storage yards as a manufacturing use which is only permitted in General Business and Industrial zoning districts. He stated staff was approached by a local business owner interested in operating a landscaping and tree trimming business out of a property within a Neighborhood Business district. Since landscaping businesses are classified as manufacturing by the City Code, the use is currently prohibited within the Neighborhood Business district. Mr. Griffiths stated the business owner would have to find a location within an existing General Business or Industrial district or the City Code would need to be amended.

Mr. Griffiths identified the location where the business owner would like to purchase property. He explained staff brought this item to Council on June 23, 2020 and the Council expressed support to amend the City Code to allow for contractor shops and storage yards as a conditional use within Rural Neighborhood Business Districts.

Mr. Griffiths gave examples of contractor shops and yards. He stated that Neighborhood Business Districts are meant for retail sales and services and are small plots close to residential areas and arterial roads. Mr. Griffiths presented the proposed amendment to the Ordinance and explained the Conditional Use Permit Process to allow this type of usage.

Chairperson Koehler asked what areas would be notified of the proposed usage. Mr. Griffiths showed the Commission the approximate area that would be notified, a 700-foot radius. Chairperson Koehler asked if the Commission could place conditions on the location of storage on the property. Mr. Griffiths stated there may be restrictions based on the layout of the property and the Commission can make reasonable recommendations.

Chairperson Koehler stated his main reason for the question is to protect neighbors from nuisances adjacent to their property. Mr. Griffiths responded the Commission can place conditions requiring screening.

Commissioner VanderLaan asked if the business owner was looking at a particular property that Mr. Griffiths identified or some other location. Mr. Griffiths responded that the City and business owner were having conversations about possible locations and the exact location will be determined by the business owner. Commissioner VanderLaan commented that rarely does a city change an ordinance for one business but she sees the rationale that allows for this type of usage.

***Motion*** by Godfrey, seconded by Hudson, to open the public hearing at 7:13 p.m.

Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

There was no public input.

**Motion** by Hudson, seconded by Godfrey, to close the public hearing at 7:14 p.m.

Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

Commissioner Godfrey asked Mr. Griffiths if the City has received any comments from the public by emails, phone calls, or letters. Mr. Griffiths stated the City has received no comments.

Chairperson Koehler stated he expressed his concerns earlier which were to protect the neighbors and provide adequate screening. He stated the Conditional Use Permit stays with the land and asked Mr. Griffiths what would happen if the owners were to sell the business or land. Mr. Griffiths stated the CUP goes with the property, regardless of owner, and can only be revoked if the conditions are not adhered to.

**Motion** by Godfrey, seconded by Elias, to recommend to the City Council Approval of Ordinance #\_\_\_\_\_ Amending City Code Title 12, Chapter 2: Rules and Definitions and City Code Title 12, Chapter 12: Commercial/Industrial Permitted, Permitted Accessory, Conditional, Interim and Prohibited Uses. Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

Mr. Griffiths announced the recommendation will be on the City Council's agenda on Tuesday, July 21, 2020.

***PUBLIC HEARING: — Amendment to City Code Title 12, Chapter 7: Fences and Walls - City of Andover (Applicant)***

City Planner Hellegers referred to supplemental items given to the Commission at the meeting. Mr. Hellegers stated the City has been working with a property owner on their Commercial Site Plan and the owner asked about installing a six-foot fence in the front of the business to screen the property instead of relying solely on landscaping. Mr. Hellegers explained the current City Code which limits fence height to four feet in height if it is "closer to the front property line than the principal structure..." (located in the front yard). Staff presented the request to the City Council and they directed staff to draft the amendment and bring it forward to the Planning Commission for consideration.

Mr. Hellegers reviewed the proposed City Code amendment allowing fences in the front yard of the Hughs-Westview Industrial Park to be up to six feet in height through the Commercial Site Plan process provided that the fence is used to screen an approved use of the property and that landscaping is used to break up the mass of the fence line. He explained the amendment would also state that barbed wire and electric fences shall not be used on residential lots except for containing farm animals and that barbed wire may be used around utility and substation sites.

Commissioner Elias stated she is concerned about privacy fences obstructing views and not allowing police or code enforcement a visual of what is happening on the property. She asked if the fences were going to be privacy fences or staggered. Mr. Hellegers stated the intent of the ordinance is to provide a visual block from the street so there will not be a sight line. Commissioner Elias asked if there were complaints from the neighborhood. Mr. Hellegers stated this is a requirement of the business owner to meet City Code and not as a result of specific complaints.

Commissioner Godfrey asked for clarifications on definitions. She asked if barbed wire is a term that includes razor wire. Mr. Hellegers stated barbed wire and razor wire are used interchangeably. Commissioner Godfrey asked if electric fences meant electrified, as in power going through them, or an electrically operated gate. Mr. Hellegers responded electric fences refers to electricity running through the fence and not to the operation of a gate.

Commissioner Loehlein asked for clarification if the ordinance applies to a subset within the Hughs-Westview Industrial Park or the entire Industrial Park. Mr. Hellegers responded the ordinance applies to the entire Hughs-Westview Industrial Park.

Chairperson Koehler asked if staff talked to the Anoka County Sheriff's Department to get their input on the code change. Mr. Hellegers stated staff did not.

***Motion*** by VanderLaan, seconded by Elias, to open the public hearing at 7:29 p.m.

Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

There was no public input.

**Motion** by Hudson, seconded by Godfrey, to close the public hearing at 7:30 p.m.

Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

Commissioner Godfrey asked Mr. Hellegers to clarify that any property within the proposed ordinance would have to go through the site plan approval process where any provisions for security would be discussed. Mr. Hellegers responded it is a requirement to go through the Commercial Site Plan process.

Chairperson Koehler asked staff to place a definition for barbed wire in the code and ensure it includes razor wire. Chairperson Koehler asked staff to talk to the Sheriff for their input on privacy fencing and screening prior to going to Council. Associate Planner Griffiths stated Council has established ordinances related to residential properties for outdoor storage and installing a 6-foot privacy fence is a way to comply. Chairperson Koehler stated he would still like the Sheriff consulted because it concerns security. Commissioner Elias stated she has experience in another city where illegal activity was occurring behind a 6-foot privacy fence which made it difficult for law enforcement and code enforcement to determine what was occurring. Mr. Hellegers stated there can be a way to build in sight lines when laying out the site plan.

Commissioner Loehlein stated a lot of the businesses in the Hughs-Westview Industrial area face each other so he does not see why the fence needs to be 6 feet.

Commissioner Perra asked why the business owner prefers a fence over landscaping. Mr. Hellegers stated this gives them more options and a better way of screening the business. He stated the City allows 6-foot fences around the other parts of the property.

**Motion** by VanderLaan, seconded by Godfrey, to recommend to the City Council Approval of Ordinance #\_\_\_\_ Amending City Code Title 12, Chapter 7: Fences and Walls. Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - nay

VanderLaan - aye

Hudson - aye

Loehlein - nay

Koehler - aye

Motion carries 5 ayes, 2 nays (Elias and Loehlein)

Mr. Hellegers stated this item will go before Council on July 21, 2020.

### ***OTHER BUSINESS***

City Planner Hellegers presented the Code Enforcement report to the Commission and updated Code Amendments approved by Council. Mr. Hellegers stated the Commission will meet on August 11, 2020 which is the primary election day. He stated the options are to move the meeting to 8:00 p.m. or change the date. The Commission asked staff to present two options via email and choose the date where the majority of Commissioners are available.

### ***ADJOURNMENT***

**Motion** by Hudson, seconded by Godfrey, to adjourn the meeting at 7:46 p.m. Motion was taken by roll call:

Perra- aye

Godfrey - aye

Elias - aye

VanderLaan - aye

Hudson - aye

Loehlein - aye

Koehler - aye

Motion carried unanimously.

Respectfully Submitted,

Shari Kunza, Recording Secretary  
*TimeSaver Off Site Secretarial, Inc.*