

***PLANNING AND ZONING COMMISSION REGULAR MEETING  
NOVEMBER 23, 2021***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on November 23, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Karen Godfrey, Nick Loehlein, Scott Hudson, Wes Volkenant, Jonathan Shafto

Commissioners absent: Mary VanderLaan

Also present: Associate Planner Jake Griffiths  
Others

***PLEDGE OF ALLEGIANCE***

***OATH OF OFFICE – COMMISSIONER JONATHAN SHAFTO***

Chairperson Koehler administered the Oath of Office to Jonathan Shafto.

***APPROVAL OF MINUTES***

September 14, 2021 Regular Meeting

***Motion:*** Chairperson Koehler assumed a motion to approve the September 14, 2021 Regular Meeting minutes as presented. Motion carries 4 ayes, 1 present (Hudson).

***PUBLIC HEARING: VARIANCE REQUEST – INCREASE MAXIMUM SIZE OF GROUND MOUNTED SOLAR PANELS – 16971 WARD LAKE DRIVE NW – HAROLD AND LINDA HALUPTZOK (APPLICANTS)***

The Planning Commission is requested to hold a public hearing, compare the variance request with review criteria, and make a recommendation to the City Council on a variance request to increase the maximum size of ground mounted solar panels at 16971 Ward Lake Drive. Associate Planner Griffiths identified the location of the property and

stated it is 114 acres in size and is within the R-1 zoning district. Mr. Griffiths reviewed the variance approval process and stated it stays with the land if approved. Mr. Griffiths stated City Code allows for ground mounted solar panels up to 1200 square feet on some properties over 3 acres and the applicant is requesting 3600 square feet. Mr. Griffiths presented review criteria and referred to the staff report for detailed information. He explained the Commission would mostly be looking at “Practical Difficulties” when making their recommendation.

Commissioner Loehlein asked if all four components of practical difficulties must be met. Mr. Griffiths stated all four components must be met.

**Motion:** Chairperson Koehler assumed a motion to open the Public Hearing at 7:09 p.m. Motion carries by unanimous consent.

Harry Haluptzok, 16971 Ward Lake Drive, came forward and stated the ordinance makes sense in a residential community. He stated he has two outbuildings in addition to his home to provide power to. Mr. Haluptzok stated his home is 1700 feet from Ward Lake Drive and 1700 feet from Crosstown Boulevard with forest in between. He stated the closest neighbor is over 500 feet away. He noted the size of the panels is around the size of a tennis court.

Commissioner Loehlein asked Mr. Haluptzok the nameplate rating of the array and if the panels are fixed mounting or articulated. Mr. Haluptzok stated the plan is to have the panels fixed mounted, but he is looking into the option of articulated panels. He stated the nameplate rating is 36 kw and the maximum allowed by Connexus is 40 kw.

Commissioner Godfrey asked Mr. Haluptzok to explain any topographical changes that would have to be made in order to ground mount the solar panels. Mr. Haluptzok stated there will not be any changes and the location is flat.

Commissioner Shafto asked how Mr. Haluptzok decided on 3600 square feet. Mr. Haluptzok stated 3600 square feet came from the bids he received. He noted 1200 square feet would cover  $\frac{3}{4}$  of his electrical needs, assuming good weather.

Commissioner Godfrey asked what the finished height of the solar array is. Mr. Haluptzok stated they are 13 feet high.

Mr. Haluptzok stated he feels it is his duty to do what he can to keep his carbon footprint as small as possible.

Chairperson Koehler read an email from Jennifer Wical, 769 170th Lane, stating she has no concerns on the variance.

James Selmer, 17000 Ward Lake Drive, came forward and stated there should be more installations of solar panels. He encouraged the City to encourage homeowners to install more panels.

**Motion:** Chairperson Koehler assumed a motion to close the Public Hearing at 7:17 p.m. Motion carries by unanimous consent.

Commissioner Hudson asked Mr. Griffiths to explain why a variance is needed instead of a Conditional Use Permit. Mr. Griffiths stated City Code does not state going above 1200 square feet as a conditional use and the variance is an exception to the Code. Commissioner Hudson asked what happens to the variance if the property is sold and divided. Mr. Griffiths stated staff would need to review the situation depending on how the property is proposed to be divided at that time.

Chairperson Koehler stated he was on the Commission when the code was written, and the Commission did not consider a property over 100 acres. He explained the Commission focused on 3-acre properties and stated this is a perfect use of a variance.

Commissioner Loehlein stated he appreciates the history provided by Chairperson Koehler and also feels the variance is an acceptable use.

Commissioner Volkenant stated he appreciates the history and was surprised the code was based on acreage instead of the size of the property needing to be covered by solar power. Commissioner Volkenant recommended looking at the code at a workshop. He stated he supports the variance.

Chairperson Koehler stated the code was established by what other communities do and long discussions.

**Motion** by Loehlein, seconded by Godfrey, to recommend approval of the variance request as written in the draft resolution. Motion taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

Shafto - aye

Volkenant - aye

Loehlein – aye

Motion carries unanimously.

Mr. Griffiths stated the item will go before Council on Tuesday, December 7, 2021.

***OTHER BUSINESS***

Associate Planner Griffiths updated the Commission on Council action regarding roosters. He stated City Council approved allowing roosters on property over 5 acres. He stated the City Council also updated the animal noise nuisance code.

Mr. Griffiths announced that the Planning Commission will have two vacancies and applications are due by December 17. He explained there are openings on other Commissions as well.

Mr. Griffiths stated there will be a Commission meeting on December 14, 2021 to discuss City Code updates.

Chairperson Koehler wished the City of Andover a Happy Thanksgiving.

***ADJOURNMENT***

***Motion:*** Chairperson Koehler assumed a motion to adjourn the meeting at 7:28 p.m. Motion carries by unanimous consent.

Respectfully Submitted,

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