

***PLANNING AND ZONING COMMISSION MEETING – MAY 10, 2016***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Acting Chairperson, Kyle Nemeth, on May 10, 2016, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Commissioners Timothy Cleven, Bert Koehler IV, Steve Peterson, and Jeff Sims.

Commissioners absent: Chairperson Daninger and Commissioner Scott Hudson.

Also present: Community Development Director Dave Carlberg  
City Planner Stephanie Hanson  
Associate City Planner Brett Angell  
Others

***APPROVAL OF MINUTES.***

April 12, 2016

Commissioner Cleven requested that the Workshop minutes be edited on page 3, line 43, by deleting the word “to” and adding the word “make” and on page 4, line 30, eliminating the second instance of “that” in the sentence.

Acting Chairperson Nemeth requested that the Workshop minutes be edited on page 3, line 30, to correct the spelling of “siting” to “citing.”

***Motion*** by Koehler, seconded by Cleven, to approve both the Workshop and Regular minutes as amended. Motion carried on a 4-ayes, 0-nays, 1-present (Sims), 2-absent (Daninger and Hudson) vote.

***PUBLIC HEARING: Interim Use Permit – Land Reclamation – Winslow Woods 2<sup>nd</sup> Addition – BL Holdings, LLC.***

Associate City Planner Angell noted the purpose of this item is to hold a public hearing and take input on an IUP to store up to 5,300 cubic yards of soil. The soil is excess dirt from the Winslow Woods 2<sup>nd</sup> Addition development which is planned to be used in future additions of Winslow Woods. The stockpile of dirt is existing and there are no changes

that would be made to the existing pile except for minor subtractions and additions of dirt with the development of the lots of Winslow Woods 2<sup>nd</sup> Addition. The stockpile has been graded to acceptable slopes reviewed by the City of Andover Engineering Department.

Associate City Planner Angell further reviewed the proposed details of the IUP in the staff report with the Commission.

Mr. Angell stated that Mr. Berkowitz had been to the site and noted that silt fencing had already been installed except on the south side of the stockpile because it would be a hardship when turning around the farming equipment. Mr. Berkowitz also confirmed that the grass seed was starting to take hold. Mr. Angell confirmed that if the seed does not grow, the applicant will need to remediate that by re-seeding. He also pointed out that the plan is only to be trucking soil from the area if it is needed as the intent is to keep it on site for use as lots are developed. If trucking of the soil occurs, the route is noted on the map provided in the packet. The IUP would expire on November 1, 2019, according to the proposed resolution. Mr. Angell noted that the applicant was unable to attend the public hearing. Mr. Angell offered to take questions.

Commissioner Koehler asked if City staff would be doing a review of vegetation growth in the future. Mr. Angell confirmed that staff will monitor the stockpile for growth of vegetation.

Commissioner Sims inquired if the stockpile would be gone or would it be permanent once the development was complete. Mr. Angell stated the stockpile would be removed when the IUP expires if it was not already removed. It is anticipated that it would be utilized during the development of the lots.

Commissioner Cleven inquired where the soil would go if it was removed. Mr. Angell did not know. If it was in Andover an IUP would be needed. He continued by asking if soil was removed or added to the stock pile would there be plans to clean and maintain roadways. Mr. Angell confirmed that if the soil is shipped out, the applicant would be required to clean the roadway.

Commissioner Peterson inquired if that should be in the conditions [cleaning of the roadways]. Mr. Angell reiterated that shipping the soil out would be the last resort and it could be added as a condition. Mr. Peterson also stated that days and times of hauling have sometimes been an issue on other sites. He asked for clarification as to whether there would be hauling within the site or between the site and the lots (referring to condition #4). Mr. Angell indicated that it referenced from and to the site and the lots.

Commissioner Koehler asked if condition #4 could be worded to state “to or from the site.” Mr. Angell confirmed that it could be restated.

Acting Chairperson Nemeth inquired if staff was comfortable with there being no silt fencing on the south side of the stockpile. Mr. Angell noted that Mr. Berkowitz approved

of it. He also noted that any runoff from that area of the stockpile would go into the farmland, not a drainage pond or wetland.

Acting Chairperson Nemeth asked for confirmation of the hauling directions and eventual destination of the soil. Mr. Angell stated that there are no plans for a specific development to ship the soil to which may remain. Mr. Carlberg reiterated that the proposal included a map indicating the preferred hauling route through the neighborhood if soil was to be removed from the site prior to the expiration of the IUP.

Acting Chairperson Nemeth asked if the IUP could be a 2-year time frame, instead of 3 years. Mr. Angell stated that there had been a lengthy discussion and that the staff was comfortable with 3 years, due to it not being a large pile and it was already seeded and the silt fencing was in place.

**Motion** by Koehler, seconded by Cleven, to open the public hearing at 7:12 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Daninger and Hudson) vote.

There was no public input.

**Motion** by Peterson, seconded by Koehler, to close the public hearing at 7:13 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Daninger and Hudson) vote.

Commissioner Cleven inquired when the anticipated completion date was expected. Mr. Angell indicated that there were 4 homes under construction and there are 18 total lots. He estimated that it would be two years. He continued by asking if the construction could be done in 2 years, why the IUP would be for an additional year. Mr. Angell stated that there is no certainty that the lots will be sold in that time frame. Mr. Angell reiterated that as the homes are built, dirt will come and go from the stockpile.

Commissioner Koehler noted that the developer asked for 4 years and the City compromised at 3 years.

Summarizing, Commissioner Koehler stated that the recommended changes to the IUP should include adding language indicating “to or from” on condition #4 and cleaning roads where dirt is being hauled as a new condition. The exact language used will be left up to staff to determine.

**Motion** by Koehler, seconded by Peterson, to recommend to the City Council approval of the Interim Use Permit with the above recommended changes. Motion carried on a 5-ayes, 0-nays, 2-absent (Daninger and Hudson) vote.

Mr. Angell stated that this item would be before the Council at the May 17, 2016 City Council meeting.

***PUBLIC HEARING: Sketch/Planned Unit Development Plan Review – 16473 Crosstown Blvd – Metrowide Development, LLC.***

City Planner Hanson noted the purpose of this item is to hold a public hearing and take input on preliminary plans for a proposed development at 16473 Crosstown Boulevard.

City Planner Hanson reviewed the proposed concept plan with the Commission. Of note is the fact that these are rural lots and that they are not located within MUSA boundaries. The property is zoned R-1. Each lot is planned to have its own septic and well. There are 13 proposed lots with 5 of them being less than the typical 2.5 acres for an R-1 zoned lot. Ms. Hanson stated that there are minimal wetlands on the property and since the project is at the concept phase, it has not yet been submitted to the Coon Creek Watershed District. The Park and Recreation Commission recommended cash in lieu of land for park dedication. One letter from a resident was placed into the public record. Ms. Hanson requested to move to a public hearing.

Acting Chairperson Nemeth asked for clarification, stating that the Commission would not be voting and that the concept plan was simply open for review. Ms. Hanson replied that the development would come back to the Commission in a preliminary plat hearing and that there would be more communication at that point.

Commissioner Cleven noted that 8 of the lots meet the lot requirement and 5 are under review. He asked what the option would be for them. Ms. Hanson responded by saying that was why the development was coming to the Commission as a PUD.

Commissioner Koehler asked if the City had received any information regarding how small the lots might be. Ms. Hanson replied 1.33 acres, indicating that the sizes were described in the agenda packet.

Commissioner Peterson inquired about extending the road to the southern boundary and asked if they had received any concepts from the developer. Ms. Hanson stated that the City does not want homes to be landlocked, and that they did receive a ghost plat from the developer. She described the ghost plat and stated that it is an illustration of what it might be like if it were developed in the future.

Commissioner Sims inquired if the developer was required to work under the PUD guidelines. Ms. Hanson stated that the work with City officials was on the PUD and that they worked with the developer with the idea of being flexible and creative to come up with a product that works for everybody.

Acting Chairperson Nemeth stated that developments within MUSA must have city sewer and water. He inquired as to what makes this different. Ms. Hanson responded that City water and sewer is not available to this property.

Acting Chairperson Nemeth asked if the developer had spoken with the Anoka County Highway Department. Ms. Hanson indicated that question should be asked of the applicant.

Acting Chairperson Nemeth asked staff if the right-of-way was a concern. Ms. Hanson responded that 50 feet would be sufficient, and because of that, there would be signs posted indicating no parking on either side of the street.

Acting Chairperson Nemeth made note of the memo by Mr. Berkowitz related to curb and gutter. Ms. Hanson stated that it was not required because it is rural, but staff is recommending it.

Acting Chairperson Nemeth inquired about their tree preservation plan. Ms. Hanson stated that it is informal, but it is not required and there will be references to it on the plat.

Acting Chairperson Nemeth indicated that he felt he could not really see the lots themselves in the printed material and that it would be helpful to be able to see them better.

Commissioner Cleven stated that adding ditching alongside the roadway, for drainage and runoff for the property would be of interest to the watershed district.

Commissioner Koehler wondered if 60 feet ROW might work better for the roadway, and if there was 50 feet in another area to observe. Mr. Carlberg confirmed that 50 feet can be found in other areas of the City and that he has not heard of any issues with the narrower ROW.

Mr. Carlberg noted the staff report and discussion related to a potential street connection to the east and to the south. He referenced item 4 in the staff memo.

Acting Chairperson Nemeth gave instructions to anyone wishing to address the Commission and reminded those in attendance that nothing would be approved at this evening's meeting, but that the purpose was to give feedback to the developer as well as the City Council, who also reviews the minutes and/or video of the meeting.

**Motion** by Peterson, seconded by Koehler, to open the public hearing at 7:36 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Daninger and Hudson) vote.

Shawn Lidberg, of 545 Constance Boulevard NW, stated that he had a few concerns in reading the staff report, including the number of variances requested. Mr. Lidberg noted the smaller lots, believing that the developer was trying to develop as many lots as they could when the property is not actually designed for that many. In addition, Mr. Lidberg noted that there were plans for a deceleration lane, but not a bypass lane. He expressed a preference for a vehicle count and study believing that the traffic would increase due to the additional housing, since he moved to the area 18 years ago. Mr. Lidberg also noted

the ghost plat and stated that his property would not be developed any time soon. He also expressed the need to have a turn-around for emergency vehicles. Wetlands were briefly mentioned, he felt what was not addressed was the County Ditch #58. He asked how the ditch would be crossed and with what type of road structure. The fact that there would be no parking on the street with the reduced right of way he felt could be an issue, if there was an event at someone's home. On the PUD, Mr. Lidberg noted that he had concerns about Lots 6 and 7 and how the vegetation buffer might be maintained and what that requirement involve and if there was any flexibility in where the lot line was placed. His final question was would the development affect his ability to have horses on his property. In summary, he asked the Commission to take into consideration the consistency in the ordinances, as the development has been laid out.

Acting Chairperson Nemeth responded by saying that if a resident is abiding by the City Code that they could certainly maintain their horses.

Greg Shultz, 16331 Crosstown Boulevard NW, stated that he had concerns about a pipeline that runs through the area. He wondered what the potential impact might be on those lots and the layout of those lots.

Steve Heinen, 455 166th Avenue NW, stated that he lives just north of the proposed development. He wanted to know if there would be a study done on how it might affect adjacent property as it relates to well water and pressure. He also had concerns about the width of the roadway if there was a graduation party or family reunion. He commented that it is hard to get through when there is parking on both sides of the street for a roadway that is not a reduced width.

Diane Schultz, 16331 Crosstown Boulevard NW, asked about the ghost road and if there would be a planned road to the east and where would it be located.

Doug Engstrom, 509 166<sup>th</sup> Avenue NW, asked why the Commission would consider less than the minimum 2.5 acres.

Joe Maki, 16409 Crosstown Boulevard NW, expressed their interest in a development that included a tree preservation plan.

Patty Diestler, 401 Constance Blvd NW, wrote a letter against the development with concerns focusing on the reduction of habitat. Her comments were acknowledged.

Darin Lazan, of Metrowide Development, stated that he had informal meetings with staff, including discussion regarding trees with Kameron Kytönen. He appreciated the work that had been done with the staff. He reiterated that it is an interim step to get feedback from residents and the Commission and then he would get back to work and bring back additional information to share. At this point the project is at a concept level. Generally speaking, he does not prefer to do ghost platting, but it is required. The road as shown to the east is one potential option to meet requirements, but it is not shown on the concept,

because it is unlikely to be developed. If it becomes critical to the project, it can be addressed. Wherein, access to south does make sense. Because this is designed to be a low impact development, the objective is to have the least disturbance possible and the smallest footprint possible with custom grading to preserve trees. Considerable flexibility was taken to align the road to preserve the best amenities. This was also the motivation for reducing the size of the roadway. Their initial thought was to have no parking on one side and he is willing to work with staff on that concern. Since the focus of the design is to minimize the footprint and the property is generally surrounded with a considerable amount of wetland the reduced lot size is not as noticeable. Also, by reducing the lot sizes the best stand of trees would be able to be left undisturbed as opposed to where the road would have gone in a traditional development. Mr. Lazan showed an example of a low impact design (LID) development in Edina. He discussed how storm water is treated naturally and showed examples of similar projects where the swale was planted with native grasses. Residents can choose to have a rain garden adjacent to the driveway. Their plan asks for a 13<sup>th</sup> lot, instead of 12, because low impact developments are a more expensive process and this would offset the costs with one extra lot to support it. He noted that the traffic volume is not expected to be as much of a concern and there are plans for a deceleration lane to get into the neighborhood. Site lines are a consideration. This would be a pilot project for Andover and a way to save trees and wetlands. If the concept is appealing Mr. Lazan would like to know before he puts more time and money into the project.

Acting Chairperson Nemeth expressed concerns about the dead end and the need to accommodate fire department vehicles. Mr. Lazan stated that this point was an oversight in the design and would be addressed.

Acting Chairperson Nemeth inquired if there would need to be a culvert placed where the county ditch goes through. Mr. Lazan agreed that this would need to be addressed.

Acting Chairperson Nemeth addressed tree preservation, clarifying that the homeowner makes the ultimate decision to keep or what is taken out as development moves forward. Mr. Lazan stated that was a correct statement.

Acting Chairperson Nemeth asked if there would be an impact to the pipeline. Mr. Lazan stated that it is a natural gas pipeline and that the necessary requirements and setbacks would be maintained, the same as in his own Andover neighborhood.

Acting Chairperson Nemeth inquired if the developer expected that there would be any effects on well water or the water table by 12 or 13 new lots particularly since neighboring residents are already having issues. Mr. Lazan stated that the question would need to be addressed at a future date and that they would look at the well depth.

Acting Chairperson Nemeth inquired as to why the lots were less than 2.5 acres, which is standard. Mr. Lazan stated that this plan helps to preserve more trees and with a PUD it is typical to have give-and-take. Acting Chairperson Nemeth followed up by asking why

there was a request for an additional lot. Mr. Lazan responded that the trees were the greatest asset and that the goal was to minimize disturbance as little as possible. He stated that he hoped to maximize the lots, in exchange to help fund the extra expenses for the more expensive low impact development process.

Acting Chairperson Nemeth encouraged Mr. Lazan to work with City staff on parking, stating that even no parking signs do not stop people and that he shared the same concern as the resident that spoke earlier in the evening.

Acting Chairperson Nemeth asked whose responsibility it would be to maintain the vegetation. Mr. Lazan replied that the landowner is responsible for taking care of their property. He indicated that the swale is intended to be allowed to grow and would be marked accordingly and that homeowners could choose more or less vegetation, but there would still be native vegetation in the swale. He noted that in other developments they had to keep coming back for a few years, but with newer standards they can more easily predict effectiveness and they are able to be maintained.

Commissioner Cleven reiterated that these systems work well for runoff and as stormwater drainage systems, and if kept up by property owners are appealing.

Commissioner Peterson thanked the developer for trying something new and innovative. He expressed a preference for parking on one side of the street and commented that Club West in Blaine, has a narrower feel that is too tight. He commented that he was curious what Anoka County would say about the safety issue as it is planned. He wondered if consideration could be given to remove lot #8, and then lot #7 and #9 would be back up to usual standards. He also wondered if an offset driveway makes sense.

Mr. Sims also commented on the pipeline noting that the easement on one lot already exists today. Mr. Carlberg confirmed that the dedicated easement carries through to the plat. Mr. Sims asked about the narrow road. Mr. Lazan responded that there was less disturbance, grading, etc.

Commissioner Koehler indicated that he is hesitant on the road to the east. He also feels that there should be consideration for the need for emergency vehicles to allow for redundancy. He stated that the narrower road slowed people down in his own neighborhood. He felt what it boils down to is having lots size of less than 2.5 acres and whether or not it is worth allowing for a nicer neighborhood to compromise on the size. He noted that the developer is offering more in exchange for the compromise.

In summary, Acting Chairperson Nemeth stated that the Commission had listened to the residents including concerns about the size of the lots and noted that this was a PUD so there is give and take. He also stated that he liked the plans for the storm water swales and applauded the developer for the planned effort to save the trees.

Commissioner Sims asked if there would be a sole builder and if interest had been expressed in the lots. Mr. Lazan stated that there may be individual builders or a builder could buy several lots. Commissioner Sims asked if they would be “cookie cutter” homes. Mr. Lazan replied that the lots are planned to be custom graded for the eventual homeowner.

Mr. Carlberg asked for direction from the Commission on lot size as well as a connection to the east.

Acting Chairperson Nemeth inquired if the existing home would be removed. Mr. Lazan stated it may be restored and that the pole barns would be removed.

Commissioner Koehler stated that he felt that the development needs to be thoughtfully planned out. He also expressed concerns about there being one way in and one way out of the development and encouraged the developer to work with staff to find a way out to the east and not to ignore the standard 2.5 acres lot requirement for 5 of the 13 lots. He stated that he believed that it would be a nicer neighborhood if he was good to his word.

Commissioner Cleven noted that Lot 12 is 112,300 square feet and the others are all smaller. He stated that a PUD is give and take and that consideration be given to getting Lots 8 and 9 closer to 1.5 acres. He stated that he believed there were people that would buy the smaller lots.

Commissioner Peterson stated that he agreed with what had been said by his fellow Commissioners. He noted that two lots were over an acre smaller, and were quite a bit less than 2.5 acres. He recommended looking at ways to unify the lot size more. He indicated that he was not supportive of putting a road into a wetland and that the preliminary plans cannot provide for every possible connection. Commissioner Peterson asked the developer to work with staff.

Commissioner Sims recommended enlarging the 1.3 acre sites to closer to 2 acres. He also expressed concerns with the road.

Commissioner Koehler asked that the developer talk with staff about the road. He asked that they not “put a bridge to nowhere.” He noted the size of the smaller lots -- two of the five, are 1.33 and 1.38, and the rest are all 1.66 or more. Mr. Lazan stated that the sizes are all negotiable. He noted that Lot 8 has a large area to build on with less usable wetland behind and some of the bigger lots actually have less buildable area. Commissioner Koehler thanked Mr. Lazan for calling out the difference.

Acting Chairperson Nemeth summarized the previous comments made by the Commissioners.

Mr. Lazan stated that they could break out what is buildable and not buildable for each of the lots.

**Motion** by Sims, seconded by Koehler, to close the public hearing at 8:49 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Daninger and Hudson) vote.

City Planner Hanson stated that this item would be before the Council at the June 7, 2016 City Council meeting.

***OTHER BUSINESS.***

Mr. Carlberg updated the Planning Commission on related items.

There is now dirt moving on the Re/Max Results building site. This is a 2 story office building that will be completed this summer. The Shoppes @ Andover had its permit issued the day previous to the meeting. It will be a 13,000 square foot retail center with restaurants and one tenant will have a drive-through feature. There are no announcements about the proposed tenants for the building as of yet. Andover Animal Hospital has had their site plan review with staff and they will be working with the Coon Creek Watershed District to secure their permit from them.

The Andover Family Fun Fest is coming up and the City will have a booth. Mr. Carlberg asked for volunteers to participate. There will be zoning maps available and he will be emailing out a sign-up sheet to the Commissioners. Volunteer slots are for 2 hours each.

Commissioner Peterson noticed that nothing is progressing at the Clocktower Commons development. Mr. Carlberg stated that nothing has been submitted to date but that the site is being actively marketed.

Acting Chairperson Nemeth stated that he appreciated the commentary and information given by residents.

***ADJOURNMENT.***

**Motion** by Koehler, seconded by Cleven, to adjourn the meeting at 8:53 p.m. Motion carried on a 5-ayes, 0-nays, 2-absent (Daninger and Hudson) vote.

Respectfully Submitted,

Marlene White, Recording Secretary  
*TimeSaver Off Site Secretarial, Inc.*