

PLANNING AND ZONING COMMISSION MEETING – JULY 12, 2016

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Acting Chairperson Nemeth on July 12, 2016, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Commissioners Timothy Cleven, Scott Hudson, Bert Koehler IV, Kyle Nemeth, Steve Peterson, and Jeff Sims

Commissioners absent: Chairperson Dean Daninger

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

APPROVAL OF MINUTES.

May 10, 2016

Motion by Koehler, seconded by Cleven, to approve the minutes as presented. Motion carried on a 4-eyes, 0-nays, 2 -present (Peterson and Hudson), 1-absent vote (Daninger).

June 14, 2016

Acting Chairperson Nemeth requested the following edits:

- page 3, line 7, inserting the word “was” prior to the word “public.”
- page 3, line 31 – inserting the word “a” prior to the word “review”
- page 4, line 5 – inserting an apostrophe to make the word “commission” possessive, and inserting “the” prior to the word “lot”

Motion by Peterson, seconded by Hudson, to approve the minutes as presented. Motion carried on a 5-eyes, 0-nays, 1-present (Koehler), 1-absent vote (Daninger).

PUBLIC HEARING: Preliminary Plat and PUD Amendment – Grey Oaks 4th Addition.

City Planner Hanson noted the purpose of this item is to hold a public hearing and take input on the proposed preliminary plat and PUD with the Commission.

Ms. Hanson reported that RC Development proposes to construct 19 single family detached townhomes to serve the 55 and older community. One additional lot is to be 8.33 acres in size and will be created as a common lot. The applicant is also requesting an amendment to the previously approved Grey Oaks Planned Unit Development. Originally, three 30-unit apartment buildings were approved for this area. The property is within the Municipal Urban Service Area and has access to municipal water and sewer. The property is zoned M-2 Multiple Dwelling, as is the rest of the Grey Oaks development. The single level homes are planned to be 1,645 square feet with 5-foot side yard setbacks from the lot line. They will be individually owned. A wetland area, 5.7 acres in size will be established as an easement area. The buildings will be similar color and style to the current development. Trees will be cleared for construction, but a nice buffer will be left behind the homes. Landscaping will be planted in the front of each lot.

Ms. Hanson asked to hold a public hearing.

Commissioner Peterson brought forward the fact that a PUD had been approved for Estates at Arbor Oaks. Mr. Carlberg stated that work was expected to start on that development in the late summer or early fall.

Commissioner Cleven referenced the July 7 memo regarding drainage and erosion control plans. He noted that there were a lot of items pending, including hydrology reports and wondered if any responses had been received. Ms. Hanson stated that the Engineering Department feels it can move forward because the letter was just sent out with the request. She commented that the developer has been quick on the turn-around of the items.

Commissioner Cleven noted bracketed items in section 13-3-9 related to the City Code and he asked about the “findings required” in order to approve a PUD. Ms. Hanson stated they had been reviewed and accepted.

Commissioner Sims inquired about the homeowners association, inquiring if they would be joining the existing association, or if it would be new. Ms. Hanson reported that the homeowners association would be new and remain separate.

Commissioner Koehler inquired about the location of the electrical utilities and whether they would be underground or overhead. Ms. Hanson replied that all utilities would be underground.

Commissioner Koehler also asked about the enforcement of the homeowners association and what would happen if it dissolves and would the City have any recourse or be able to enforce the agreements. Mr. Carlberg confirmed that it is up to the association to enforce their documents and associated rules and regulations. The only involvement that the City might have is if the developer does not meet the 55 or older age requirement which is a condition of the project. He confirmed that 80% of the development has to be occupied

by that population. Any issues that may come up around mowing lawns, etc., would be addressed by the City Code through a code enforcement process.

Commissioner Hudson asked if the entire development would be built right away or as needed/sold. Ms. Hanson stated that it is typical to build the units as they are sold. She deferred any follow up questions to the developer.

Acting Chairperson Nemeth also inquired about the homeowner's association agreement. Ms. Hanson stated that the agreement is drawn up by an attorney and the City attorney reviews the document and then it goes to City Council for final approval. He also asked if the Fire Department had reviewed the proposal and Ms. Hanson replied that they had and that there had been no comment. Mr. Carlberg reiterated that a 5 foot set back is typical for townhomes in the City. He also confirmed that there is adequate capacity on the sewer line for 19 single family homes.

Commissioner Koehler noted that there were a number of things yet to be turned in regarding storm run-off, etc. and that all of these conditions need to be met before a permit is issued.

Commissioner Cleven inquired about the Metropolitan Council and if there would be a concern about reducing the number of homes available in the City with the change of previously planned apartments to single family homes. Ms. Hanson stated that they have worked with the Metropolitan Council Staff on density and they have been made aware of these plans. In this area of the City, specifically, new models of hydrology modelling show a higher water table separation requirement, so the originally planned apartments could not be allowed to be built there today with underground parking.

Motion by Peterson, seconded by Cleven, to open the public hearing at 7:24 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

Horst Graser, 3715 Island View Circle, Prior Lake, Minnesota, came to the meeting representing RC Development. He stated that the development's builder, Rick Novak, was also present.

Commissioner Hudson asked if the homes would be built "as you go." Mr. Graser stated that they will put up two sales models and that homes would be constructed as sales develop. He also confirmed that the homeowner's association documents would be submitted to the City for approval and that the development is for residents 55 years of age and up. The association will maintain lawns and snow removal. In the event there is an issue regarding the common area, then the City could step in. Enforcement will be up to the homeowners association. The developer governs the development until there are a certain number of units sold, typically 50 – 70%, which is yet to be determined.

Commissioner Peterson asked if there would be a variety of construction materials utilized, e.g. color, or would they be relatively the same. Mr. Graser stated that the

exterior will be one color and accents may be different per unit, but there would be a consistent theme throughout. Mr. Carlberg responded that there is a desire for the new development to fit into the overall Gray Oaks development and that would likely be the Council's preference as well.

Commissioner Peterson asked about sidewalks for the area and if there were thoughts or plans to extend the trail. Mr. Graser responded that to his knowledge, there were not. He noted that on the south side of 155th there is a sidewalk gap the way it is currently designed. Mr. Carlberg stated that these are the original plans for the original Grey Oaks development. He continued by stating that the City was satisfied with the trail system at the time of the original design and at this time the developer is only looking at a change in the style of housing units from apartments to the townhomes.

Acting Chairperson Nemeth asked if there were plans for a sprinkler system in the common area. Mr. Graser responded that there would be a sprinkler system in the common area that would be metered separately and a small structure would be built for housing it.

Richard Urbanski, 1823 156th Lane, asked for clarification as to whether there would be three different associations. Mr. Carlberg responded that was correct. Mr. Urbanski noted that he felt the siding and the peak should be the same color as his home as it is across the street from his home. Mr. Carlberg noted that variation adds value to the building and some difference to create interest.

David Vonvett, 15550 Linnet Street, asked for clarification if the homes were going to be built on a slab or have a basement and their price. Acting Chairperson Nemeth confirmed that they would be built on a slab due to the water issue and that the price of the homes would be about \$300,000.

Ken Johnson, 15570 Linnet Street, stated that the 5 foot set back from the property was "hard to hear" and compared it to the City of Minneapolis. Acting Chairperson Nemeth confirmed that it was the standard used in other townhome developments. Mr. Carlberg noted that there will be 10 feet between the interior lot lines and the very large open areas around the buildings. Ms. Hanson stated that the lots are 50 feet wide.

Dennis Brodin, 1958 156th Lane NW, expressed concerns about the infrastructure of the roads going through the development, being that it is a major thoroughfare to the school and businesses, including traffic late at night. He stated that the traffic has increased every year with more homes in the area. Acting Chairperson Nemeth referred traffic concerns to the City staff to address. Ms. Hanson stated that the traffic count was lower than originally proposed and noted that one individual had contacted City staff to inquire about controlled intersections, specifically a 4-way stop. Mr. Berkowitz gave that resident the standards and stated that the street could need it someday, but it is not even close to the threshold at this time. Commissioner Koehler asked who generates the standards. Mr. Carlberg replied that they are set by the State, not by the City. The

resident continued by expressing his concerns about speeding in the area. Acting Chairperson Nemeth inquired about speed limit signs. Mr. Carlberg indicated that the Anoka County Sheriff's office could come out to the area, and that residents could contact the City and they could take a look at it. He confirmed that the speed limit is 30 mph in the area. Acting Chairperson Nemeth asked staff to make sure signs are posted.

Commissioner Peterson noted that what Andover residents are experiencing is a lack of east to west roads because of the wetlands in Andover.

Loretta Doyen, 15550 Linnet Street, commented that she does not see any place for extra parking for visitors in the development and that she would like to see extra parking on the side for visitors.

Rich Patrow, 1742 155th Lane NW, noted that there currently is a buffer of trees between current homes and the new townhome development. He wondered if the trees would remain or be removed. Ms. Hanson stated that the trees in the wetland area would remain. Additional questions were: When would the beginning and end be for the construction of the townhomes; and how long would the construction traffic continue.

Linda Mangen, 15550 Linnet Street, asked if the homes would be ADA compliant homes as it relates to stairs, doors, etc.

Resident Ken Johnson further expressed his concerns about the setback due to the lack of the ability to park in the streets. He wondered if the size of the lots were such that there would be room to park without parking in the grass.

Mr. Graser came back to the microphone and stated:

1. All homes in the development would be handicap accessible
2. Construction timeline is anticipated to be 1 – 1½ years to complete all of the units
3. Homes will have double garages, with 2 cars parking in the garage, plus 2 more in the driveway. Those homes with more of a setback will be able to park 4 cars in the driveway.

Acting Chairperson Nemeth noted that the distance from the garage to the street will be 40 feet in length.

Motion by Koehler, seconded by Cleven, to close the public hearing at 7:55 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

Commissioner Koehler commented that traffic was a common theme by residents. Commissioner Peterson highlighted not enough access and encouraged staff to look at the issue. He also expressed concerns about the location of the crosswalk. He also suggested alternative ways to slow down traffic, such as signage and monitoring by the Sherriff's Department. Residents were encouraged to call the City so that they know and can work with you.

Commissioner Peterson asked to have more discussion about the traffic due to the 55 plus community and also expressed an interest in extending the trail segment. He asked fellow commissioners if they also had interest feeling that it [trail] might be an “easy fix.” Commissioner Sims expressed an interest saying that it “made sense.” Commissioner Koehler asked to see the aerial photo. There was further discussion and review. Mr. Carlberg indicated that it needed to be reviewed by engineering staff and then there would need to be additional discussion, when it goes to City Council with a recommendation for consideration. Commissioner Peterson proposed that it be on “156th,” where the cut-through is now.

Commissioner Koehler reminded residents that the upcoming vote should not be seen as an approval, as the matter goes to City Council for review and approval.

Motion by Peterson, seconded by Cleven, to recommend to the City Council approval of PUD with a recommendation to explore extending the gap in the trail.

Commissioner Koehler asked Commissioner Peterson if he intended to use the word “explore.” Commissioner Peterson stated that yes that was his intent.

Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

City Planner Hanson stated that this item would be before the Council at the Monday, August 1, 2016, 7:00 p.m. City Council meeting.

PUBLIC HEARING: Interim Use Permit – Land Reclamation – Country Oaks North Second Addition.

Associate Planner Angell noted the purpose of this item is to hold a public hearing and take input on proposing to store up to 15,000 cubic yards of soil until Nov 1, 2019. The soil will be stored on the northeast quarter of the development known as Country Oaks North 2nd Addition. The soil will be used for lots that are part of the County Oaks North and Country Oaks North 2nd Addition. Silt fencing will be required to be installed around the perimeter and it must be left installed and maintained until vegetation occurs on the stockpile. No City streets will be utilized for hauling.

Mr. Angell reviewed the proposed IUP with the Commission.

Commissioner Koehler asked how long the development would continue. Mr. Angell stated as needed. He followed up by asking if the ending date was appropriate. Mr. Angell stated that the staff felt that the date was appropriate and that was why staff was recommending approval, noting that the end date may be earlier.

Commissioner Hudson asked about the rough layout of the road. Mr. Carlberg stated that the road is in place now.

Commissioner Cleven asked about wetlands in the area where the planned road had to be altered. Mr. Carlberg confirmed that there is a black ash swamp that had to be avoided.

Commissioner Sims asked if the dirt was already in that location. Mr. Angell stated that the staff determined that they have to go through the IUP process and Mr. Carlberg confirmed the same. Commissioner Sims went on to ask if homes would be built there in the future. Mr. Angell noted the drainage area. Commissioner Sims asked if the “pile” was where the drainage should be, noting that in theory all of the dirt should be spread by the end of the project. Mr. Angell stated that they had been working with the Engineering Department.

Commissioner Cleven asked if there was a possibility of ponding issues due to the dirt pile and its location. Mr. Angell stated that the Engineering Department had no concerns. Mr. Carlberg indicated that draining would be to the south and to the west and that nothing could be approved that would affect the drainage.

Acting Chairperson Nemeth noted the end date of November 1, 2019. He asked why the City would approve the IUP for 3+ years. Mr. Angell stated that was the date requested by developer and that it works best for both the City and developer.

Acting Chairperson Nemeth referenced item number 4, and wondered about the hours of hauling related to keeping the noise confined. Mr. Angell stated that this is a boiler plate/standard language.

Acting Chairperson Nemeth inquired if the soil was from the Country Oaks 2nd Addition. Mr. Angell confirmed that the soil is remaining from the old location and is going to the new location, plus soil from grading both development locations.

Motion by Koehler, seconded by Cleven, to open the public hearing at 8:24 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

There was no public input.

Acting Chairperson Nemeth asked if any residents had contact the City. Mr. Angell confirmed there had not been.

Acting Chairperson Nemeth thanked the applicant for coming to present at the meeting.

Motion by Koehler, seconded by Cleven, to close the public hearing at 8:25 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

Motion by Koehler, seconded by Hudson, to recommend to the City Council approval of the IUP as written. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

City Planner Hanson stated that this item would be before the Council at the August 1, 2016 City Council meeting.

OTHER BUSINESS.

Mr. Carlberg thanked the Commissioners for volunteering at the Andover Family Fun Fest.

Acapulco Restaurant will be opening the first or second week of August. On August 16th they will host a Metro North Chamber Wine Club as well as do their ribbon cutting.

Wednesday, August 10, will be the next Planning and Zoning Commission meeting due to the primary elections. Commissioners should note the change.

Commissioner Peterson inquired about the development at Bunker and Hanson. Mr. Carlberg stated that the tenant list had not been disclosed as of yet. He continued by saying that until they have signed leases they will not disclose who the tenants will be at the property and he hopes to be able to share that information at the August 10th meeting.

Acting Chairperson Nemeth expressed that he enjoyed being at the community booth and that he feels that it is a good thing for Commissioners to do. Residents primarily asked about the opening of Acapulco and other restaurants in the new development and had questions about trails.

Commissioner Koehler stated that he had been asked why the City allows certain types of businesses to move in, expressing personal concerns about types of businesses. He responded to the resident that if a landlord owns the property and the tenant does not violate City or State codes, there is no recourse. Mr. Carlberg confirmed that the City cannot tell landlords who they can rent to if all City requirements are met.

ADJOURNMENT.

Motion by Koehler, seconded by Clevin, to adjourn the meeting at 8:32 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent vote (Daninger).

Respectfully Submitted,

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