

***PLANNING AND ZONING COMMISSION WORKSHOP MEETING  
MARCH 23, 2021***

The Workshop Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on March 23, 2021, 6:00 p.m., at the Andover City Hall, Senior Center, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Commissioners absent: None

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

***SITE VISIONING CONSTANCE FREE CHURCH ANDOVER/STATION 19 ARCHITECTS***

Associate Planner Griffiths introduced representatives from Constance Free Church and Station 19 Architects. Pastor Randy Discher explained they are gathering input on what to do with their property in Andover. He gave an overview of their activities in the community and they are looking at how to serve the community with their land and building.

Nicole Thompson, Station 19 Architects, came forward and asked the Commission what they see as the needs of the community and how the land can be best used. She stated they are crazy curious to hear comments from the Commission.

Pastor Sean McDowell, Constance Free Church, came forward and stated this is a listening session where Church representatives can hear what is needed in the community.

Commissioner Elias stated she would like to see a serene park setting with a gazebo.

Commissioner VanderLaan asked if they are looking to create activities that bring in revenue and use the revenue for community purposes. Commissioner VanderLaan asked

what the tax status of the Church is. Pastor McDowell stated they do not have any tax paying property and they are not in the process of creating revenue producing activities.

Commissioner VanderLaan asked about their cemetery. Pastor Discher stated they have built their parking lots around the cemetery and have protected the cemetery land. Commissioner VanderLaan stated she has a strong interest in the preservation of cemeteries and can see the cemetery being profitable for the Church.

Commissioner Godfrey stated the City is short on room for community gardens. She thought linking community gardens, education programs for youth to learn gardening, and a farmers' market would be a good use of the property.

Commissioner Hudson stated trees and open space are valued by the community. He suggested trails to link up to existing City trails. Commissioner Hudson would like to keep the land as natural as possible. He suggested partnering with Loaves and Fishes to provide produce for food shelves.

Commissioner Volkenant asked if they are looking for ideas to use their existing space. Commissioner Volkenant stated there aren't many parks or open space on the east side of the railroad tracks. He supports open space, community gardens, and public gathering spaces. Commissioner Volkenant stated there is a need for an adult day care.

Commissioner Loehlein concurred that open space, meeting space, and senior amenities are all needs in the community. He added that mental health services are highly needed as well. Commissioner Loehlein explained services for youth are important and he can see the Church filling the role for refuge and a place for people to connect.

Chairperson Koehler listed summer day camp outdoor programming, after school programming, outdoor training and survival skills, and outdoor facilities for older adults (pickle ball, bocce ball) as recommendations for using the land. He suggested taking the community garden a step further and have a farm-to-table restaurant run by youth. Chairperson Koehler suggested evening/night programs such as star gazing and navigation. He suggested a water facility and hosting holiday events.

Pastor Discher stated they are looking for ideas their congregation will support, and the Commission gave several great ideas. He said they are also looking for sustainable ideas.

Commissioner Volkenant stated the area has lost a camp program, Camp Guy Robinson, and sees a need for a replacement in the community.

Pastor Discher thanked the Commission for their input and stated they are gathering ideas to help them plan the use of their land.

***SUBORDINATE CLASSROOM STRUCTURES***

Associate Planner Griffiths stated the Commission expressed interest in amending the City Code for subordinate classroom structures and limiting their use. Mr. Griffiths stated there are two active applications for subordinate classrooms which have been around for decades. He explained the structures will be removed at the expiration of the permit or the organization will ask for a renewal. Mr. Griffiths stated there is a need in the community to allow for subordinate classroom structures in some capacity and that staff does not recommend outright prohibiting their use.

Commissioner Elias stated there is a need for the subordinate classroom structures because the school district is growing fast as new developments come in. She feels they need to be allowed in some capacity.

Commissioner VanderLaan asked Mr. Griffiths to connect the dots between schools and the passing of a levy when the two existing permits are for religious institutions. Mr. Griffiths stated Code allows subordinate classrooms for religious institutions and schools.

Commissioner Godfrey suggested requiring the applicant to show a plan that the use of subordinate classrooms is an interim use and not a lifetime solution.

Commissioner Hudson agreed with Commissioner Godfrey and suggested the applicant demonstrate they are working towards the goal of adding on to their facility to accommodate the need for additional space.

Commissioner VanderLaan asked if the City can exceed the State's Building Code standard.

Commissioner Volkenant stated he would like to see the permits end when the facility changes hands.

Chairperson Koehler stated subordinate classrooms are a way to get around the obligation to build a permanent structure. He said he agrees with the Commissioners' comments. Chairperson Koehler stated he would like to see a committed date and proof that the organization is attempting to raise funds to add on to their facility. He would like to see a stipulation that doesn't allow the IUP to be extended more than once. Chairperson Koehler stated he sees a conflict if the school district isn't able to pass a referendum to expand school facilities. He does not want to see subordinate classrooms for 15-25 years.

Commissioner Volkenant asked if staff has had a discussion with the school district to see if they can accommodate the influx of new students due to the growth of the City.

Commissioner Elias stated she supports a progress report if the applicant wants to renew the IUP.

Commissioner VanderLaan stated there was a progress report with one of the IUPs and they were able to show a plan.

Commissioner Godfrey stated the Commission's job is to establish a standard and they expect applicants to treat it in a business-like manner. She stated it is reasonable to have standards that require periodic status reports and for the City to enter into an agreement with the applicant that protects the City of Andover.

Commissioner Hudson stated if the school district attempted to pass a referendum and failed, they have proof they tried. He stated they also have enrollment projections which show growth or decline.

Commissioner Loehlein stated he is supportive of having a structure around the standard, requiring the applicant to show progress with the goal of eliminating the subordinate structures.

Chairperson Koehler stated rules need to be put in place that sets a date and draws a line in the sand. He can see the need for an extension because things happen. He stated if the applicant can't attain the goal after one extension, then the permit expires.

Mr. Griffiths summarized the Commission's discussion. The Commission has general consensus to keep the IUP process, and to add performance standards, a way to check in on progress, and potentially a cap on the number of extensions. Mr. Griffiths stated religious institutions may be different than school districts and asked for direction from the Commission on separating religious institutions from school districts.

Chairperson Koehler stated he supports separating schools and religious institutions, but he is not sure how that will be received. He said school districts don't do fundraising and there is a different burden of proof. Chairperson Koehler said if the City can separate the two entities, with approval from the City Attorney, it would be preferable.

City Planner Hellegers stated the Commission is looking for ways for the applicant to show measures they are making progress. He explained the schools and religious institutions may not need to be separated if the Commission requires progress reports. Mr. Griffiths stated that staff will research this and work with the City Attorney when drafting amendment language.

Commissioner Volkenant asked if a conversation needs to be had with the organizations holding IUPs for subordinate structures explaining the City's view. Mr. Griffiths stated the City will follow-up with the organizations.

***CONSTRUCTION OF ACCESSORY STRUCTURES PRIOR TO PRINCIPAL STRUCTURES***

Mr. Griffiths explained there was general consensus among the Commission that the City Code requirements related to construction of accessory structures prior to principal structures should be reviewed. In response, staff has created options for amending the

City Code and are seeking feedback from the Commission. Mr. Griffiths explained this issue has come up during lot splits. He asked the Commission if there was a situation where they want to see only an accessory structure on a property. The Commission did not see a situation where a property should only have an accessory structure. Mr. Hellegers asked if it changed the Commission's mind if the two properties were owned by the same person. The Commission's stance did not change.

Mr. Griffiths presented three options for the Commission to discuss. He asked if the Commission wants to continue with the one-year time limit to build a principal structure with a lot split or require an IUP for all cases of an accessory structure being constructed prior to a principal structure.

Chairperson Koehler said the standard life of an IUP is five years. He asked if the City could set it fewer than five years. Mr. Griffiths stated an IUP can be set to expire on a date or an occurrence of an event, there is nothing in the City Code or State Statute that requires an IUP be granted for five years.

Commissioner Hudson asked which is more favorable: a land use agreement or an IUP. Mr. Griffiths stated the City has worked with the City Attorney to create a land use agreement template which has made it a simple process. He stated the IUP process costs the landowner around \$500, staff time to review the application, publication, and a public hearing. Mr. Griffiths stated staff are comfortable with continuing with the land use agreement for lot splits.

Commissioner VanderLaan reviewed the City Council minutes from March 2 where Mr. Dickinson stated one year is the City's standard to build a principal structure and an extension is not a problem as long as there is communication between the City and applicant. She stated the process seems to be working.

Mr. Griffiths stated the City can grant a reasonable extension if there is a plan. He stated this works best with lot splits where there is already some level of formal review occurring by the City.

Commissioner Godfrey stated the process can be streamlined by using the land use agreement and not making extra steps for the City or the applicant. She is in favor of continuing the land use agreement as it has been used for the lot splits.

The Commission reached consensus to leave the process as it currently is. Mr. Griffiths stated staff will add language to the land use agreement indicating a one-year time frame and the option to ask for an extension.

Commissioner VanderLaan stated the requirement is a building permit must be acquired in one year.

Chairperson Koehler stated he has a concern about placing a one-year requirement because there are so many variables that can occur that justify an extension.

Mr. Griffiths summarized the Commission's discussion that the Commission felt that in no case should an accessory structure be built on a property without a principal structure permanently, that the Commission wanted to keep the land use agreement process for lot splits only, and that they would like to amend the City Code to change the approval process in all other situations from a Conditional Use Permit to an Interim Use Permit.

Chairperson Koehler stated he would like to see the applicant not have to come back and ask for an extension. Mr. Griffiths replied staff can work with the applicant and grant short extensions, so they don't have to come back in front of the Commission.

***OTHER BUSINESS***

Mr. Griffiths stated there will be a Commission meeting on April 13 and outlined the agenda items. Mr. Griffiths reviewed items the Commission recommended to Council. Mr. Griffiths updated the Commission on the Met Council's review of the City's proposed Comprehensive Plan Text Amendment.

***ADJOURNMENT***

***Motion*** by Volkenant, seconded by VanderLaan, to adjourn the meeting at 8:45 p.m.

Motion was taken by roll call:

Godfrey - aye

Hudson - aye

Koehler - aye

VanderLaan - aye

Volkenant – aye

Loehlein – aye

Elias - aye

Motion carries unanimously.

Respectfully Submitted,

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