

***PLANNING AND ZONING COMMISSION REGULAR MEETING
APRIL 27, 2021***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on April 27, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Commissioners absent: none

Also present: Community Development Director Joe Janish
Associate Planner Jake Griffiths
Others

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 13, 2021 Regular Meeting

Commissioner Volkenant requested a change on page 2, lines 21 and 22, adding the following to the end of the sentence: “where there were young people and children after school.”

Motion by VanderLaan, seconded by Loehlein, to approve the April 13, 2021 Regular Meeting minutes as amended. Motion carried unanimously.

PUBLIC HEARING: CONSIDER REZONING REQUEST - REZONE PROPERTY FROM M2 – MULTIPLE DWELLING TO R-4 - SINGLE FAMILY URBAN PART OF PIN 30-32-24-43-0001; UNADDRESSED PARCEL - TOM BAKRITGES, CAPSTONE HOMES (APPLICANT - ANDOVER 648-1 LAND LLC)

The Planning and Zoning Commission is asked to hold a public hearing, gather public input, and consider recommending approval of the rezoning request based on the fact that the property is located within the MUSA, water and sewer are available to the property, and the request is in harmony with the Andover Comprehensive Plan. Community Development Director Janish identified the location of the property on 7th and Bunker.

Commissioner Loehlein asked Mr. Janish to explain why the rezoning is appropriate at this time. Mr. Janish replied the M2 District is intended for an attached residential product and this development is building detached townhomes, so the R-4 requirements are more appropriate.

Chairperson Koehler asked if there are other areas within the City that can be zoned M2 if needed. Mr. Janish stated M2 housing does not contribute to density, it is the future land use that factors the density. He explained it did affect potentially affordable housing and the City identified another parcel as a higher density residential.

Motion by Godfrey, seconded by Elias, to open the public hearing at 7:07 p.m. Motion carries unanimously.

No one appeared before the Commission.

Motion by Loehlein, seconded by Hudson, to close the public hearing at 7:08 p.m. Motion carries unanimously.

Commissioner Volkenant stated he is going to use his vote as his final opportunity to register his concern with the process the City has taken with this parcel of land. He is not satisfied that it is being rezoned. He is not satisfied that potentially affordable housing was moved to a parcel that is not likely to be developed in his lifetime. Commissioner Volkenant understands the process is being followed properly. He said the proximity to the high school, library, and busy intersection gave the City the opportunity for high density housing. He feels the City wasted an opportunity for something Andover does not currently have and has left themselves with more of what Andover already has. He feels Andover should be attracting a more diverse population. He stated he will do a protest vote.

Motion by Hudson, seconded by Loehlein, to recommend approval of an Ordinance amending City Code Title 12-3-4, Zoning District Map of the City of Andover, rezone property from M2 - Multiple Dwelling to R-4 - Single Family Urban part of PIN 30-32-24-43-0001, unaddressed parcel. Motion carries 6 ayes, 1 nay (Volkenant)

Mr. Janish stated this item will go to City Council on May 4, 2021.

PUBLIC HEARING: CONSIDER CONDITIONAL USE PERMIT (CUP)/PLANNED UNIT DEVELOPMENT PUD) REQUEST - PART OF PIN 30-32-24-43-0001; UNADDRESSED PARCEL - TOM BAKRITGES, CAPSTONE HOMES (APPLICANT - ANDOVER 648-1 LAND LLC)

The Planning Commission is asked to conduct a Public Hearing, gather public input, and make a recommendation to the City Council for a Conditional Use Permit (CUP) for part of Pin# 30-32-24-43-0001.

Community Development Director Janish explained the property will consist of 49 detached townhomes maintained by an HOA. Mr. Janish reviewed the purpose of a Planned Unit Development (PUD) and identified street improvements, lot standards, setbacks, landscaping, and cul-de-sac length. Mr. Janish presented the housing styles and descriptions of each. He reviewed City Code 13-3-9 and stated the development requires a PUD. Mr. Janish explained the items in the draft Resolution including Engineers Comments, deviations from City Code, and conditions.

Mr. Janish stated the City received comments from the City of Anoka.

Commissioner VanderLaan asked about the emergency exit and stated it appears narrow. She asked how it will be used as the second outlet for emergency access. Mr. Janish identified the emergency access on the plat map and stated it is built for the purpose of a firetruck. The access will be built with bituminous and connect to a trail.

Commissioner Volkenant stated the emergency access is closer to the main intersection and asked if that creates an issue. Mr. Janish said the area will have City water and sewer and the larger firetrucks would be the vehicles exiting through that access point.

Chairperson Koehler asked if the HOA is part of the PUD or will it be considered under Preliminary Plat. Mr. Janish replied the HOA documents are part of the Final Plat.

Chairperson Koehler said the City went through a similar project when the Villas at Crosstown Woods were developed and asked how the development is functioning or if the City had any issues. Mr. Janish replied the City hasn't received any complaints or had issues.

Commissioner Volkenant asked where the snow will go. Mr. Janish referred to page 71 of the item and identified the snow storage areas. He stated if it is a heavy snow season, snow may need to be removed from the site.

Commissioner Volkenant asked about the snow removal in front of lots 5, 6, and 7. Mr. Janish stated there is easement at the end of the drive to allow for snow storage. Commissioner Volkenant asked if the intention is to not cross the fence. Mr. Janish replied that Commissioner Volkenant is correct.

Commissioner Godfrey stated there are 24 items to be completed in the Grading, Drainage, and Erosion Control Plan and asked staff to describe the timing of the completion of the items. Mr. Janish stated the applicant, and their engineer, are in the process of addressing those items. He explained once those items are addressed, Engineering provides a letter and approval so the project can begin grading.

Commissioner VanderLaan said the retaining wall is set in front of the pond. She asked what the material is and what it is protecting. Mr. Janish stated the retaining wall is 2½ feet in height, made of a keystone block.

Motion by Godfrey, seconded by Elias, to open the public hearing at 7:39 p.m. Motion carries unanimously.

Tom Bakritges, Capstone Homes, came forward and said the detached townhome product are popular with many buyers. He highlighted the components of the development: HOA, trail connection, landscape buffers, and trees. He stated the retaining wall may be made of natural boulders and about three feet high. He indicated they may be replacing the fence with a black chain link fence. He expects to start in early June.

Commissioner Hudson asked for the price point of the houses. Mr. Bakritges replied low \$300s to \$400.

Commissioner Hudson asked how in depth the HOA go with regulations and will rentals be allowed. Mr. Bakritges stated sheds will not be allowed but play equipment will be allowed. He stated the houses are for sale, but they can't restrict people from renting their homes.

Commissioner Hudson asked why the retaining wall is needed. Mr. Bakritges replied he would have to consult with his engineer, but believes it was the way the site is graded.

Commissioner Godfrey told Mr. Bakritges she appreciates how responsive he has been to staff, Council and Commission, particularly regarding the three-quarter access, snow storage, and emergency access.

Motion by Godfrey, seconded by Loehlein, to close the public hearing at 7:46 p.m.

Chairperson Koehler expressed his thanks to Mr. Bakritges for his professionalism and responsiveness.

Motion carries unanimously.

Motion by Godfrey, seconded by VanderLaan, to recommend approval of a Resolution for a Conditional Use Permit/Planned Unit Development requested by LGA Andover, LLC/Andover 648-1 Land LLC, as shown as Andover Village Preliminary Plat. Motion carries unanimously.

Chairperson Koehler stated this item will go to City Council on May 4, 2021.

PUBLIC HEARING: CONSIDER PRELIMINARY PLAT - ANDOVER VILLAGE - PART OF PIN 30-32-24-43-0001; UNADDRESSED PARCEL - TOM BAKRITGES, CAPSTONE HOMES (APPLICANT - ANDOVER 648-1 LAND LLC)

The Planning and Zoning Commission is asked to hold a public hearing, gather public input, and make a recommendation to City Council for a Preliminary Plat for Andover

Village, part of Pin 30-32-24-43-0001. Community Development Director Janish reviewed sewer and water connections, tree preservation plan, landscaping plan, and low mow or no mow grass. Mr. Janish stated the Park and Recreation Commission decided to accept cash in lieu of land for Park Dedication. Mr. Janish reviewed the draft resolution and conditions.

Commissioner Godfrey referred to the draft resolution, page 3, item 5 and asked what the vehicle access area was. Mr. Janish identified the vehicle access areas on the landscaping plan drawing and allows vehicle access to ponding.

Chairperson Koehler asked if there is a ghost plat to the east. Mr. Janish stated there is not a ghost plat. Chairperson Koehler asked why the City required the utilities to be stubbed to the east. Mr. Janish stated there is an acre for future development to the east and the stub is required to permit the development.

Chairperson Koehler asked if the City received feedback from the adjacent property owner for City utilities. Mr. Janish stated there is a purchase agreement between the applicant and the landowner.

Commissioner Loehlein asked why the City isn't considering a street stub to the east. Mr. Janish displayed a map of the adjacent property. He stated it is difficult to build a road from the development and connect it to the buildable area of the adjacent property due to the flood plain, wetland, and the request of a 60-foot right-of-way from the City of Anoka. Commissioner Loehlein stated he has never seen two separate 60-foot right of ways on the border between two cities before. He asked Mr. Janish to explain the City of Anoka's rationale. Mr. Janish referred to the Resolution provided by the City of Anoka which stated Anoka would not extend utilities or allow a connection to 41st Avenue from the property. He stated this was done when the property was zoned at a higher density and he assumes it is because of concerns of high traffic.

Commissioner Volkenant asked how Item 3 works with Item 1 in the City of Anoka's letter.

Chairperson Koehler asked Mr. Janish to read the City of Anoka's comments into the record.

Mr. Janish stated the City received an email from the City of Anoka identifying four items.

- Anoka does not understand why both parcels are not part of the project
- The development is isolating the eastern parcel
- Referred to the Resolution stating there will be no access to 41st Avenue from developments to the north
- Stated Andover will not have access to the City of Anoka utilities

Mr. Janish believes there were discussions about access in this area in 2011. He explained the City of Anoka was supportive of a signaled intersection along 7th Avenue but was not supportive of a roadway from Bunker south to 41st Avenue.

Commissioner Volkenant stated he feels the City has addressed the concerns of the City of Anoka. Mr. Janish stated their ultimate concern is that a developer will ask them for access off of 41st Avenue and there is already access for the eastern parcel from 41st.

Commissioner Volkenant asked if the house is considered in Andover and did it exist in 2011. Mr. Janish replied yes to both questions. Commissioner Volkenant stated there is some inconsistency in this matter.

Commissioner Hudson said stormwater is draining to the east requiring easements. He asked if the easements need to be required for the preliminary plat. Mr. Janish stated it will be part of the permits and the easements can be added as a condition.

Motion by Hudson, seconded by VanderLaan, to open the public hearing at 8:11 p.m. Motion carries unanimously.

No one appeared before the Commission.

Motion by Elias, seconded by Hudson, to close the public hearing at 8:11 p.m. Motion carries unanimously.

Commissioner Godfrey asked if this were the last time the Planning and Zoning Commission would see this item. Mr. Janish replied yes.

Chairperson Koehler questioned the request by the City of Anoka to have two parallel roads along 41st Avenue which provides access to a single home. Mr. Janish replied the property to the east is guided 8 units per acre and can be potentially accessed through Bunker.

Commissioner VanderLaan stated the eastern property may be a rental property and asked if the rental situation have anything to do with how this area will be developed. Mr. Janish stated the property is acquired and cannot state if it is occupied or not.

Chairperson Koehler asked if a license is needed for someone to rent a property in the City of Andover. Mr. Janish replied correct.

Motion by Loehlein, seconded by Volkenant, to recommend approval of a Resolution for the Preliminary Plat of Andover Village. Motion carries unanimously.

Chairperson Koehler stated this item will go to City Council on May 4, 2021.

OTHER BUSINESS

Mr. Janish updated the Commission on items they have sent to the City Council.

Chairperson Koehler asked if there was an opening date for Tasty Taco. Mr. Janish stated they are in process of construction and do not have an opening date set.

Commissioner Volkenant asked for clarification on whether the Commission was meeting on May 25. Mr. Janish replied the Commission is not meeting on May 25.

Chairperson Koehler asked if there was a decision regarding Fun Fest. Mr. Janish replied there hasn't been an official decision.

Commissioner Volkenant stated the Andover Community Facebook page indicated Fun Fest is going to occur.

ADJOURNMENT

Motion by Hudson, seconded by Godfrey, to adjourn the meeting at 8:18 p.m. Motion carries unanimously.

Respectfully Submitted,

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