

***PLANNING AND ZONING COMMISSION REGULAR MEETING  
JULY 13, 2021***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Bert Koehler IV on July 13, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Commissioners absent: None

Also present: Associate Planner Jake Griffiths  
Others

***PLEDGE OF ALLEGIANCE***

***APPROVAL OF MINUTES***

June 8, 2021 Regular Meeting

Commissioner VanderLaan asked for a change on Page 3, Line 30, changing “sewer line” to “MUSA line.” Chairperson Koehler mentioned a typographical error already submitted to staff.

Chairperson Koehler assumed a motion to approve the June 8, 2021 Regular Meeting minutes as amended. Motion carries 6 ayes, 1 present (Hudson).

***PUBLIC HEARING: CONSIDER REZONING REQUEST – REZONE PROPERTY FROM R-1: SINGLE FAMILY RURAL TO R-4: SINGLE FAMILY URBAN – 1325 AND 1346 161<sup>ST</sup> AVE NW – TAMARACK LAND DEVELOPMENT, LLC (APPLICANT)***

The Planning and Zoning Commission is asked to hold a public hearing to gather public input and make a recommendation to the City Council on a rezoning request by Tamarack Land Development, LLC.

Commissioner Hudson recused himself from the discussion and decision on the rezoning and preliminary plat request due to a conflict of interest. He removed himself from the dais and took a seat in the audience.

Associate Planner Griffiths identified the location of the proposed development and stated the property surrounding the parcels are zoned R-4 and have already been developed. Mr. Griffiths explained the State Statute regarding rezoning.

Commissioner Volkenant asked Mr. Griffiths about the process of rezoning and why the property adjacent to the development is not included with this application. Chairperson Koehler noted a Point of Order that the adjacent property is not included on the agenda and cannot be discussed without advertising it to the citizens of Andover.

Chairperson Koehler noted the Comprehensive Plan identifies this property as being rezoned for residential use. Mr. Griffiths stated most of the remaining small properties with development potential in the City are designated Transitional Residential in the 2008 and 2018 Comprehensive Plan in expectation that they will transition from rural to urban.

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

Donald Peterson, 1374 161<sup>st</sup> Ave NW, came forward and stated he prefers his property to remain rural at this time.

Chairperson Koehler assumed a motion to close the public hearing at 7:11 p.m. Motion carries by unanimous consent.

Commissioner Elias sees no issue with the rezoning due to the property being designated R-4 in the Comprehensive Plan with the plan of it being developed.

**Motion** by Loehlein, seconded by Godfrey, to recommend approval of rezoning 1325 and 1346 161<sup>st</sup> Ave NW from R-1: Single Family Rural to R-4: Single Family Urban. Motion carries 6 ayes.

Chairperson Koehler stated this item will go to City Council on July 20, 2021.

***PUBLIC HEARING: CONSIDER PRELIMINARY PLAT – OAKVIEW ACRES – 1326 AND 1346 161<sup>ST</sup> AVE NW – TAMARACK LAND DEVELOPMENT LLC (APPLICANT)***

The Planning and Zoning Commission is asked to hold a public hearing to gather public input and make a recommendation to the City Council on a Preliminary Plat for Oakview Acres. Associate Planner Griffiths presented the Preliminary Plat and stated the Andover Review Committee has reviewed the plat and provided feedback to the developer. Mr. Griffiths stated the Preliminary Plat meets all of the R-4 zoning district standards and the Comprehensive Plan density requirements. He identified the access points with three permanent and one temporary cul-de-sacs. Mr. Griffiths stated a variance is requested to extend one cul-de-sac beyond 500 feet. Mr. Griffiths stated a significant number of trees will need to be removed to meet storm water requirements.

Commissioner Volkenant asked how far off of 161<sup>st</sup> the filtration basin will be in section 1. Mr. Griffiths stated the area will be preserved because it is wetland. He said changes may not be noticeable from 161<sup>st</sup> Avenue.

Commissioner VanderLaan asked Mr. Griffiths to identify the existing home. She asked Mr. Griffiths to explain the reissued building permit for the existing home. Mr. Griffiths stated there are two properties that are in the development and since there is an existing home, the owner can only have one building permit prior to recording of the final plat and meeting all City contingencies.

Commissioner Loehlein noted the variance for the cul-de-sac and stated code is set at 500 feet for public safety concerns. He asked if public safety has been consulted and if they expressed any concern. Mr. Griffiths stated the Fire Department has reviewed this variance and expressed no concerns.

Commissioner Volkenant asked Mr. Griffiths to address the buffer between Lots 8 and 9 and the existing homes. Mr. Griffiths said the standard side yard setback is 10 feet and Lots 8 and 9 have been shifted to provide more distance. He stated the developer is proposing a landscape buffer.

Commissioner VanderLaan asked what the Park Commission decided for Park Dedication Fees. Mr. Griffiths stated the Park and Recreation Commission reviewed the plan at their June 3 meeting and recommended cash-in-lieu of land and pointed out the proximity of Oakview Park.

Commissioner Volkenant asked if there was access to the park from the other cul-de-sacs. Mr. Griffiths said the Park and Recreation Department looked at parks that serve this area and anticipate a future connection through an undeveloped property.

Chairperson Koehler assumed a motion to open the public hearing at 7:29 p.m. Motion carries by unanimous consent.

Mr. Griffiths read an email from Ed and Jessie Fredine, 15770 Avocet, stating they object to the rezoning and asked how the developer can fill in protected wetland while they cannot alter the wetland on their property. Mr. Griffiths stated the entire property is not wetland and those areas that are wetland will be protected during development. He indicated that a good portion of the site was upland.

Chairperson Koehler asked staff to reply to the resident. Mr. Griffiths stated staff have already responded.

Clark Honzik, 15897 Avocet St NW, came forward and stated he is speaking for his neighbor as well. He asked if the trees being proposed to buffer his property could be larger. He asked if he has any say in the placement of the trees. Mr. Honzik asked when

the trees get planted – before or after the house is built. He asked if he could purchase trees from the developer to plant on his property in order to get a better deal. He thanked the developer for listening to the residents and shifting the homes to provide for a better buffer.

Donald Peterson, 1374 161<sup>st</sup> Ave NW, came forward and stated he has concerns about access to his property. He would like to know if the temporary cul-de-sac was going to provide access to his property.

Clark Honzik, 15897 Avocet St NW, came forward and stated he and his neighbor are willing to have their back yard flattened if it would help the developer.

Brian Theis, Tamarack Land Development, came forward and stated the distance of the backyards from 161<sup>st</sup> is about 200 feet. He said the distance for the side yard on Lots 8 and 9 is 30 feet. Mr. Theis stated they are not filling in any wetlands. He indicated the landscape plan is a rough draft and can be altered. Mr. Theis stated there is a drainage area between Mr. Honzik's property and the new development. Mr. Theis said the right-of-way for 160<sup>th</sup> is being platted directly to Mr. Peterson's property and utilities are being stubbed to the property line as well.

Commissioner Volkenant asked what type of trees will be planted between Lots 8 and 9 and the existing homes. Mr. Theis stated there are side yard swales to help with drainage. He said there is a difference in elevation between the road and the back yards that will help with blocking headlights.

Commissioner Volkenant stated he is concerned people will access Mr. Peterson's property to get to Oakview Park and asked if there was a way to protect his property. Mr. Theis said the temporary cul-de-sac will have barricades to deter driving onto Mr. Peterson's property but they cannot stop people from walking on his property.

Commissioner Godfrey noted the fire hydrants in the cul-de-sacs and asked Mr. Theis to clarify two cul-de-sacs had two fire hydrants and two cul-de-sacs had three fire hydrants. Mr. Theis stated they place fire hydrants where they are required. Commissioner Godfrey stated there appears to be an abundance of fire hydrants which enhances safety.

Commissioner Volkenant asked if the existing homes would be impacted by excess water drainage due to the development. Mr. Theis stated they take adjacent property into account in the storm water plan.

Chairperson Koehler asked what the curbing on the 160<sup>th</sup> cul-de-sac would be made of. Mr. Theis stated it is concrete curb and gutter. Chairperson Koehler asked if Mr. Peterson could access his property through the temporary cul-de-sac on 160<sup>th</sup>. Mr. Theis stated the sign will block access to Mr. Peterson's property.

Chairperson Koehler assumed a motion to close the public hearing at 7:57 p.m. Motion carries by unanimous consent.

Chairperson Koehler asked if Mr. Peterson could get around the sign at the end of the cul-de-sac to access his property. Mr. Griffiths replied that if someone wants to get around a sign, they will find a way. He stated it will be clearly marked that the road ends.

Commissioner Loehlein commended Mr. Theis for listening to the feedback from the Commissioners and residents and adjusting their plan. Commissioner Volkenant concurred and commended the residents for attending and speaking up.

Chairperson Koehler referred to the variance in extending the length of the cul-de-sac and said there are other cul-de-sacs in the City that are beyond the 500 feet. He asked staff if there was anything the Commission should ask so they are not missing anything. Mr. Griffiths said the cul-de-sac is being extended for two lots and is not anticipated to put a strain on safety.

***Motion*** by Volkenant, seconded by VanderLaan, to recommend approval of the Preliminary Plat for Oakview Acres. Motion carries 6 ayes.

Chairperson Koehler stated this item will go to City Council on July 20, 2021.

Commissioner Hudson returned to the dais.

***OTHER BUSINESS***

Mr. Griffiths updated the Commission on items they have sent to the City Council. Mr. Griffiths announced there may be a workshop or meeting on July 27, 2021.

Commissioner Volkenant said the County transferred a property to the City of Andover.

***ADJOURNMENT***

Chairperson Koehler assumed a motion to adjourn the meeting at 8:07 p.m. Motion carries by unanimous consent.

Respectfully Submitted,

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