

***PLANNING AND ZONING COMMISSION REGULAR MEETING
JULY 26, 2022***

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Karen Godfrey on July 26, 2022, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Mary VanderLaan, Bert Koehler IV, Nick Loehlein, Scott Hudson, Wes Volkenant, Jonathan Shafto

Commissioners absent:

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

May 24, 2022 Regular Meeting

Motion: Chairperson Godfrey assumed a motion to approve the May 24, 2022 Regular Meeting minutes as presented. Motion carries by unanimous consent.

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT REQUEST - PID# 23-32-24-33-0002 & PID# 23-32-24-32-0006 - TEXT AMENDMENT TO URHL - URBAN RESIDENTIAL HIGH LOW LAND USE DISTRICT & RE-GUIDE SUBJECT PROPERTIES FROM GC - GENERAL COMMERCIAL AND URML - URBAN RESIDENTIAL MEDIUM LOW DENSITY TO THE URHL - URBAN RESIDENTIAL HIGH LOW LAND USE DISTRICT - SILVERCREST DEVELOPMENT, LLC (APPLICANT)

The Planning & Zoning Commission is requested to hold a public hearing on the Comprehensive Plan Amendment request and make a recommendation to the City Council. Approval of the Comprehensive Plan Amendment shall be contingent upon approval of the related City Code Amendment and Rezoning requests. Associate Planner Griffiths stated the Commission is looking at land use, not the specific concept plan. Mr. Griffiths gave an overview of the project. He explained the changes to the plan since the developer received feedback from the Council, Commission, and residents. Mr. Griffiths displayed renderings of the elevations of the concept plan. He stated the developer conducted a shadow study and a traffic study. Mr. Griffiths stated all three requests submitted by the applicant are independent of the concept plan. He stated the site plan will be addressed at future meetings when the applicant submits a preliminary plat and site plan review.

Mr. Griffiths explained the Comprehensive Plan Amendment proposed at tonight's meeting. He stated the first step is a text amendment language to allow a mixture of use on this property. He noted any property within this land use can benefit from the text amendment. Mr. Griffiths stated step 2 is the Future Land Use Map. Mr. Griffiths explained the past land use plan of the property. He stated the question before the Commission is do they think the property should be developed under the current plan or under a revised plan with a text amendment.

Commissioner Koehler asked if other cities have this type of land use setup. Mr. Griffiths stated some cities do and the City of Andover worked with their Met Council Representative to achieve this plan. Commissioner Koehler clarified that the text amendment does not target this development but can be used anywhere in the City that is zoned the same. Mr. Griffiths confirmed.

Commissioner Volkenant asked for clarification on "the 20%" in the text amendment and asked if that was the standard. Mr. Griffiths stated the "20%" came about through conversations with the Met Council Rep based on what other cities were doing to be successful.

Commissioner Volkenant stated the City is not anticipating any negative impact on the City's overall required density of 3.0 units per acre. He asked if there was a positive impact. Mr. Griffiths stated other developments have struggled meeting density and this development would be an increase in density which could benefit the City in the future.

Commissioner Volkenant asked about the text amendment process timeline. Mr. Griffiths stated the Met Council can take up to 120 days to review the application.

Commissioner Volkenant asked for clarification about the 4% decrease in traffic with the proposal than under the current land use plan. Mr. Griffiths confirmed. Mr. Griffiths stated the current land use plan calls for a mixture of commercial and medium density residential, which will contribute to an increase in traffic of 4% over the development proposal.

Commissioner VanderLaan asked how the Comprehensive Plan Amendment will affect affordable housing situations in the future. Mr. Griffiths explained higher density projects are considered affordable and the development proposal would be also considered affordable.

Commissioner Hudson stated the Comprehensive Plan Amendment not only affects this property but any property in the URHL. He asked Mr. Griffiths to explain where the other properties are that are designated URHL. Mr. Griffiths identified the locations that are designated URHL. Commissioner Hudson stated the change the Commission is considering today is going to affect very few properties. Commissioner Hudson stated the Commission is not addressing the project or site plan. The Commission is considering changing the Land Use Plan and Comprehensive Plan.

Motion: Chairperson Godfrey assumed a motion to open the Public Hearing at 7:31 p.m. The motion carried by unanimous consent.

Mr. Griffiths stated Eugene Benson, 1292 148th Lane NW, sent in a comment that has been entered into the record.

Mr. Griffiths reiterated the questions before the Commission: should mixed-use development be allowed in Andover and if so, should this property be a location for that use.

Hannah Svec, 15130 Avocet Street, stated she is concerned about adding the land use would devalue property in their neighborhood.

Cari Boswell, 15035 Drake Street, came forward and stated she is having a hard time knowing what to say because there is not a benefit to any other development except for this one. Ms. Boswell stated this is a huge development on a small plot of land and she doesn't think it is the right location. She stated it doesn't benefit the neighborhood nor the community. Ms. Boswell stated the Commission is a gatekeeper to protect the community and this has huge ramifications. She identified a location that would be more

appropriate for this development. Ms. Boswell stated the City isn't required to make an amendment or approve a project when it is demonstrated that its fulfillment will diminish the quality of life in her neighborhood. She stated development should be utilized to benefit the community and not fill the wallet of the developers.

Tom and Jan Peters, 15171 Bluebird Street NW, came forward and stated it is known science that when big developments come in and stack and pack, traffic increases, values decrease, crime goes up, and the neighborhood health decreases. Mr. Peters stated a law has been passed two years ago that prohibits this. He stated he is worried about the traffic on Bluebird Street. He stated there cannot be a worse place for an exit to be placed.

Chairperson Godfrey explained that the site plan discussion is not on the agenda at this time. She stated the item is regarding the text amendment to the Comprehensive Plan.

Craig Hendrickson, 14951 Drake Street, stated he is confused and new to this process. He asked if traffic was a part of the discussion. Chairperson Godfrey explained the issue is more specific on how the City feels about mixed use on properties that are zoned higher density. Mr. Hendrickson stated his parents have been in facilities in Andover. He noted a comment that people 55+ don't drive and he stated that is not correct. Mr. Hendrickson stated the mixed use will lead to extra traffic and accidents. He gave examples of people and companies that would be coming and going from the facility. Mr. Hendrickson stated the development will put more risk on emergency vehicles, residents, and pedestrians. He doesn't believe this is the right location for this type of facility. Mr. Hendrickson stated he wished the City would be more supportive of its residents that have chosen to buy their houses and live in this community. He asked if the traffic study was available to the public. Staff confirmed it was. Mr. Hendrickson asked the Commission to think about how they would feel about this project if they lived in the neighborhood. He stated he doesn't feel part of the process and information has been limited.

Chairperson Godfrey clarified the site plan is not on the agenda. She explained the item addresses if the City thinks mixed used should be allowed within the URHL Land Use District. Chairperson Godfrey stated there would be two more public hearings on a site plan and pre-plat which will be well advertised. Mr. Hendrickson stated it would be nice to have the information ahead of time so they can prepare their comments.

Barb and Jim Kelly, 15111 Bluebird Street came forward and asked if the City wanted this property to be strictly residential or a combination. Mr. Kelly asked if the text

change is approved and allowed, would the Council have input as to what kind of business goes into the commercial spaces. He stated a beauty parlor is one thing and vape shop/tattoo parlor is something else.

Motion: Chairperson Godfrey assumed a motion to close the Public Hearing at 7:54 p.m. The motion carried by unanimous consent.

Chairperson Godfrey asked staff to address the current zoning of the property, is the traffic study available, and can the Council have input on what goes into the commercial property.

Mr. Griffiths stated the commercial uses will be handled with existing City Zoning Code. He explained that the Zoning Code Amendment will be on later in the agenda. He noted the uses are proposed using the existing shopping center code. Mr. Griffiths stated all the materials presented to the Planning Commission are available at City Hall. Mr. Griffiths stated the site has been planned commercial for about 30 years. In 2020, the property was changed to a mix of commercial and residential.

Commissioner Koehler stated the property is currently zoned as commercial on the corner of Crosstown and Hanson. Mr. Griffiths stated the Land Use Plan shows that corner as commercial and the other parcel residential at 4-8 units per acre. Commissioner Koehler asked if what qualifies as general commercial today will qualify for general commercial in that land if the City makes no changes. Mr. Griffiths stated if the land is commercial, anything that qualifies under City Code as commercial will qualify.

Commissioner VanderLaan asked if the property is currently zoned R-1. Mr. Griffiths stated it currently is zoned R-1. Commissioner VanderLaan stated the Commission will need to consider rezoning the property and asked staff to explain what the R-1 District is. Chairperson Godfrey asked Mr. Griffiths to keep it brief as this item will be on the agenda. Commissioner VanderLaan withdrew her question.

Motion: by Koehler, seconded by Loehlein, to recommend approval a Resolution amending the text of the Comprehensive Land Use Plan of the City of Andover to include language related to Mixed-Use Development within the URHL - Urban Residential High Low Land Use District and amending the Future Land Use Designations of PID 23-32-24- 33-0002 and 23-32-24-32-0006 from a mix of GC - General Commercial and URML - Urban Residential Medium Low to URHL - Urban Residential High Low. Motion carries 5 ayes, 2 nays (VanderLaan and Koehler)

Mr. Griffiths stated the item will go to City Council on August 4, 2022.

PUBLIC HEARING: CITY CODE AMENDMENT REQUEST - CITY CODE 12-11: RESIDENTIAL PERMITTED, PERMITTED ACCESSORY, CONDITIONAL, INTERIM AND PROHIBITED USES - SILVERCREST DEVELOPMENT, LLC (APPLICANT)

The Planning Commission is requested to hold a public hearing and make a recommendation to City Council on an amendment to City Code 12-11 to allow mixed use buildings through a Conditional Use Permit in (CUP) the M-2 Zoning District. Mr. Griffiths stated the City Code needs to be updated to permit the recommendation of the Commission to allow mixed use in the M-2 Zoning District. Mr. Griffiths explained the City is proposing the mixed use to be multi-family of 100 or more units in the M-2 Zoning District. Mr. Griffiths explained if a developer wants to construct a mixed-use development, they will apply for a CUP which would have a public hearing and come before the Commission and the Council. The Council and Commission would decide if the site were a good location. Mr. Griffiths stated the City Code Amendment does not pertain to any particular property or project; it is a change in the City Code.

Commissioner Koehler asked Mr. Griffiths to explain why the Commission is not looking at permitted versus a CUP. Mr. Griffiths stated the Commission and Council can decide if they want to change the language to permitted, however, a CUP gives the City more control. Commissioner Koehler stated the options are to have a CUP, prohibited, or permitted uses.

Community Development Director Janish stated having mixed use as a CUP or Planned Unit Development, allows neighborhoods to hear comments and participate. If mixed use is permitted, it can happen without neighborhood input.

Commissioner Koehler stated he agrees with Mr. Janish and wanted to get it on the record that the Commission is not doing this blindly, there are other options.

Commissioner Volkenant stated changing this applied to any structure in the City of Andover with 100 or more dwelling units. He asked if existing units could renovate and add commercial. Mr. Griffiths confirmed so long as they meet applicable requirements.

Chairperson Godfrey clarified the property must be zoned M-2. Mr. Griffiths confirmed. Chairperson Godfrey clarified that a CUP would require the property to go through the public hearing process, have conditions, and be reviewed. Mr. Griffiths confirmed.

Motion: Chairperson Godfrey assumed a motion to open the Public Hearing at 8:07 p.m. The motion carried by unanimous consent.

Jim Kelly, 15111 Bluebird Street, came forward and asked why M-3 was omitted from this amendment.

Motion: Chairperson Godfrey assumed a motion to close the Public Hearing at 8:09 p.m. The motion carried by unanimous consent.

Mr. Griffiths stated the M-3 Zoning District is the highest density zoning the City has. He stated there is one property that has that designation. He noted staff are looking at the application that came in and narrowing the request for the most amount of City control.

Commissioner Volkenant asked where the M-3 property is. Mr. Griffiths identified the property as located north of Andover Crossings.

Motion: by Loehlein, seconded by Volkenant, to recommend approval an Ordinance amending City Code Title 12: Zoning Regulations, Chapter 11: Residential Permitted, Permitted Accessory, Conditional, Interim and Prohibited Uses permitting mixed use in the M-2 District.

Commissioner Koehler recommended that M-3 be included in the amendment to save the trouble of going through this process again. He noted that applicants would have to apply for a CUP and have to come before the Commission. Commissioner Shafto agreed with Commissioner Koehler.

Motion: by Koehler, seconded by VanderLaan to amend the motion to add the M-3 District.

Mr. Janish stated the Commission would have to amend the Comprehensive Plan prior to amending City Code. He explained the Commission can address this at the next meeting if they desire to make the change.

Commissioner Koehler stated he stands by his amendment.

Commissioner Loehlein asked Commissioner Koehler to share why the Commission should direct staff to proceed this way. Commissioner Koehler stated why come and have to do this again if it is going to pass through.

Commissioner Loehlein stated development in the M-3 district is a hypothetical at this time and had concerns asking staff to go through the motions of another text amendment. Commissioner Koehler stated it is just a recommendation and the City Council will make the final decision.

Chair Godfrey explained the Commission holds public hearings and makes recommendations to Council. The elected City Council makes the final decision.

Commissioner Volkenant asked about parliamentary procedure and if the Commission could open the previous item and address the M-3 District.

Chairperson Godfrey stated her understanding is only the Commissioners who voted in favor of the previous item can act on reopening the item. However, Chairperson Godfrey recommended on addressing one issue at a time.

Commissioner Hudson asked if the amendment has been approved by the initial Commissioners who motioned and seconded. Chairperson Godfrey stated the entire Commission would need to approve the amendment.

Commissioner Koehler asked for a call of the vote.

Vote on the amendment to the motion:

Motion passed 5 ayes, 2 nays (Hudson and Loehlein)

Motion: by Volkenant, to reopen discussion on the Comprehensive Plan Amendment discussion. The item did not receive a second.

Chairperson Godfrey asked staff to craft a change to the proposed text amendment as an alternative to offer to City Council.

Mr. Janish explained the first vote was on the amendment and there will need to be a vote on the original motion.

Vote on the original motion with the amendment:

Motion passed 5 ayes, 2 nays (Hudson and Loehlein)

Mr. Griffiths stated the items will go before the City Council on August 4, 2022.

PUBLIC HEARING: REZONING REQUEST - PID# 23-32-24-33-0002 & PID# 23-32-24-32-0006 - REZONE PROPERTIES FROM R- 1: SINGLE FAMILY RURAL TO M-2: MULTIPLE DWELLING HIGH LOW DENSITY - SILVERCREST DEVELOPMENT, LLC (APPLICANT)

The Planning Commission is requested to hold a public hearing and make a recommendation to the City Council on a rezoning request by SilverCrest Development LLC. Associate Planner Griffiths explained the Zoning Code needs to be consistent with the Comprehensive Plan. He stated the current zoning is R-1 which does not match the current Comprehensive Plan nor the proposal. Mr. Griffiths explained the Comprehensive Plan is the guiding document and the Zoning Code has to meet it. Mr. Griffiths explained the criteria for rezoning and stated the property meets the guidelines.

Commissioner VanderLaan asked why the question is going from R-1 to M-2 instead of R-2, R-3, or R-4. Mr. Griffiths stated the Comprehensive Plan is what guides the City's decisions. The Commission recommended the Comprehensive Plan be changed and now the Zoning Code needs to be changed to make it consistent.

Motion: Chairperson Godfrey assumed a motion to open the Public Hearing at 8:25 p.m. The motion carried by unanimous consent.

Hannah Svec, 15130 Avocet Street, came forward and asked for clarification that the Comprehensive Plan now allows the property for multiple housing. She stated the people who are doing this are SilverCrest and not the City. She stated the current zoning is R-1: Rural Residential and until tonight it has not been listed in the Comprehensive Plan as multiple dwelling, high-low density and commercial. Ms. Svec stated she would like to know the answer to this and have the opportunity to make additional comments. She stated it is a big deal. When she moved to Andover, she was told it was going to be a bedroom community. Ms. Svec stated adding high-low density is going to ruin the neighborhood and she does not think it should be rezoned. She stated she would like the development to be community based. Ms. Svec stated the developers are not from the City and don't care about whether they ruin the community and their way of life. She stated the Comprehensive Plan is being touted as the guiding body because it was just changed. Ms. Svec stated it is not changed yet because the City Council has to vote on it, but staff are trying to say this has been done and it hasn't. She stated there are a lot of people in the neighborhood who want it to stay a quiet neighborhood and she is 100% against it being rezoned to make it more dangerous. Ms. Svec stated she wants to live in Andover and not worry about her kid's safety on the next street over.

Mr. Griffiths explained the Comprehensive Plan is the guiding document for the City's zoning decisions. Prior to tonight's meeting and until the amendment is approved, the site is guided as a mix of commercial and medium density residential by the Comprehensive Plan, which is currently inconsistent with zoning. He explained with the first item approved, the City Code and Zoning has to be updated to match the Comprehensive Plan.

Community Development Director Janish stated if Council doesn't approve the change, a developer can come forward and make a proposal for 6 acres of commercial property (roughly 60,000 square feet) and 7 acres for medium density residential (56 homes). Mr. Janish explained the first motion designated the property URHL in the Comprehensive Plan with mixed use using a CUP.

Chairperson Godfrey asked for clarification that the changing of the zoning to M-2 only affects this property and not the surrounding homes. Mr. Griffiths confirmed.

Jim Kelly, 15111 Bluebird Street, came forward and stated he looked at the zoning map on the City's website and most houses are R-4. He stated the corner isn't good for commercial due to the lack of access. Mr. Kelly asked why that couldn't be changed. He stated the two properties would fit well if zoned R-4. Mr. Kelly applauded the developer for adding cottages along Bluebird, but he questions the need for a four-story building.

Cari Boswell, 15035 Drake Street, came forward and asked why the City has to move ahead for high density. She asked if the City could move backwards and allow more residential.

Motion: Chairperson Godfrey assumed a motion to close the Public Hearing at 8:39 p.m. The motion carried by unanimous consent.

Mr. Griffiths stated all the actions on the agenda are based on an application the City received. He stated by State Law, the City has to hear the application out, and go through the review process when an application is received. Mr. Griffiths stated the majority of the Commission recommended approval of a Comprehensive Plan Amendment. In order to be consistent with the Comp Plan, the M-2 District is the only zoning district that will do that.

Chairperson Godfrey noted that the second and third items on the agenda are contingent on the first one.

Motion: by Koehler, seconded by Loehlein, to recommend approval of an Ordinance amending City Code Title 12-3-4, Zoning District Map of the City of Andover, rezoning PID# 23-32-24-33-0002 & PID# 23-32-24-32-0006 from R-1 Single Family Rural to M-2 Multiple Dwelling High Low Density.

Commissioner Volkenant stated he is struck by the visual of the properties: to the east and south are residential and to the north and west are government buildings, commercial, and school. He always expected the corner to be a big store, but the perception of the residents surrounding the property has been it will be residential. Commissioner Volkenant stated there is a developer interested in the property and with actions taken tonight, he doesn't see another option than accepting the language of rezoning.

Motion carries 5 ayes, 2 nays (Koehler and VanderLaan)

Mr. Griffiths stated the items will go before the City Council on August 4, 2022.

OTHER BUSINESS

Chairperson Godfrey asked for guidance from staff on the inconsistency with the Comprehensive Plan and the M-3 Zoning District. She asked staff to craft language should City Council approve the M-3 District.

Chairperson Godfrey repeated a question from the floor. She stated there was a request for the neighbors to receive a copy of the updated proposal of the development. Mr. Griffiths stated residents can call City Hall and it will be sent out to those who request a copy.

Mr. Griffiths stated the August 9, 2022 Planning & Zoning Commission meeting will need to be rescheduled due to the primary election. After discussion, the Commission decided to reschedule the meeting to August 10, 2022.

Mr. Griffiths updated the Commission on actions of the Council regarding Planning items and upcoming items.

Chairperson Godfrey offered thanks to the Mayor and City Council, volunteers, and City staff for an amazing Andover Fun Fest.

ADJOURNMENT

Motion: Chairperson Godfrey assumed a motion to adjourn the meeting at 8:52 p.m.
Motion carried by unanimous consent.

Respectfully Submitted,

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