

***ANDOVER CITY COUNCIL WORKSHOP MEETING – MARCH 28, 2017
MINUTES***

The Workshop Meeting of the Andover City Council was called to order by Mayor Julie Trude, March 28, 2017, 6:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila, Valerie Holthus and James Goodrich
Councilmember absent: None
Also present: City Administrator, Jim Dickinson
Community Development Director, Joe Janish
Associate Planner, Dan Krumwiede
Public Works Director/City Engineer, David Berkowitz
Planning & Zoning Commission Acting Chair, Kyle Nemeth
Planning & Zoning Commissioner, Steve Peterson
Planning & Zoning Commissioner, Scott Hudson
Planning & Zoning Commissioner, Bert Koehler
Planning & Zoning Commissioner, Jeffrey Sims
Others

JOINT MEETING WITH PLANNING & ZONING COMMISSION

a. Zoning Text Amendment Rural Reserve

Mr. Janish stated on March 21, 2017, City Council approved the Comprehensive Plan Amendment (CPA) for the Rural Reserve area. Staff is in the process of submitting the CPA request to the Met Council for formal approval. The CPA will allow land owners within the Rural Reserve area the opportunity to subdivide land at a density of no more than 4 units per 40 acres. He noted landowners will have two options.

Mr. Janish reviewed the two different options and indicated they have the ability to go with option one but option two is typically supported by the Met Council. He noted option one is more restrictive than what the Met Council allows for because they are preserving the rest of the land.

Mr. Janish indicated staff would like to get some feedback from both the City Council and Planning and Zoning Commission to get some direction on the development of the zoning text amendment.

Mr. Janish stated current city code regulations do not require a public hearing for metes and bounds lot splits of 5 acres or more. Staff would like to know if a public hearing should be

required for lot splits within the Rural Reserve area or should the lot split approvals come through the Planning and Zoning Commission and City Council without a public hearing.

Councilmember Bukkila asked how frequently someone could do a lot split. If they do one lot split is that all they can do or do they have to wait a certain period of time before doing another one. Mr. Janish stated under their current ordinance it is a three year time period or can be done in one year if a plat is done. He stated they do have some flexibility as far as the text amendment goes, if they wanted to designate it to one lot split the Council could do that. Councilmember Bukkila indicated she did not like that.

Mayor Trude thought this would open up the whole fringe issue and would chip away at the edges of the Rural Reserve without a master plan. Commissioner Kohler agreed and stated it is not just the chip away but it is also about what the master plan will be going forward. He understood this area is supposed to be reserved for future urban development and if that is the case they probably want to make sure that what is being done and how it is being split allows them to move forward in the future with whatever the City Comprehensive Plan recommends. It gives them the chance to review it and talk about it and apply a little bit of common sense. He is not looking to make really strict rules but wants to leave the possibilities open in the future for what the City needs to do. Mayor Trude agreed.

Commissioner Peterson asked if there is a difference between the notifications of local property owners versus going through the whole process. Can people be notified and have a chance to review it without going through the Planning and Zoning Commission, staff and City Council. Still an opportunity for the property owners to find out what is coming their direction in their area. Mr. Janish stated that is typically considered a neighborhood meeting and sometimes a developer holds that meeting or City staff conducts the meeting to take notes as part of that process. He thought if they were going to notify individuals of the meetings then maybe there should be the public hearing process, follow that and then if there is some legality they can say they followed a certain standard and gave a ten-day proper notice, advertised in the paper and worse case, through the public hearing process you are going to notify more people, which is not necessarily a bad thing.

Mayor Trude asked how many people were notified with the one that came through for the Packer family. Mr. Janish stated with the Comprehensive Plan Amendment they went 750 feet outside of the Rural Reserve boundary and there where about 130 notices that went out and they did advertise it in the local newspaper as well. Mayor Trude noted that was because it affected all of that zoning district. Mr. Janish stated that was correct and typically they would notice 500 feet.

Mr. Dickinson stated as they are dealing with the Rural Reserve and set for long term, from a staff perspective, he was a little nervous bringing this forward without having full transparency with everyone in the area. Councilmember Holthus agreed and thought the more transparency they have the better it is for everybody, the fairer it is for everyone, the neighbors and future developers who may have an interest in this area.

Commissioner Peterson stated in their meetings when there are cases involving the Rural Reserve area there are generally more people at the meetings with more feedback. There is a lot of interest in the transition areas.

Councilmember Bukkila stated she does not normally like long processes and costly steps for people but because they do not really know how this is going to go and she did not see it happening very frequently, in order to avoid the public hearing process they would have to have a measured step that staff could follow and her concern is as they start to chunk away the parcels and someone has forty acres and wants to put a ten acre strip on the side or the middle, staff tells them no, they will appeal to the Council anyway. She did not know if they could put enough criteria in there and she did not know if she wanted to enumerate what everyone can and cannot do with this land because she thought every parcel will have some certain amount of subjectivity to it and she would at least like it to be out in the public meeting section of prevue in terms of how they make the decision.

Mayor Trude stated Councilmember Knight and herself sat through all of the Rural Reserve planning discussions and that did involve hundreds of property owners to decide where the land was set aside and their promise to the community was they would stop the chipping away at the edges and they were going to have something done like The Lakes in Blaine because that is what it is going to take to develop this area. She is worried if this is even appropriate in this area and is there a way to even shut this down more so they don't end up with so many rural type parcels on the edge so that the Rural Reserve does not happen. She wondered if they wanted to make it even harder to do a lot split within the Rural Reserve. She wondered if they should go through platting because they want to see a ghost plat for possible future development.

Mr. Janish stated if they do adopt the public hearing process, in this particular case, the Packer Family moves forward with their two five acre parcels leaving thirty acres and if they wanted to sell that off they would be restricted to that four for forty density or they could get two more potential homes in there so they would not be able to come in and do some sort of urban development because there would not be any municipal water or sewer to that site. He stated this is meant to be a process for individuals to either provide some cash flow by splitting off a lot or in this particular case, a family to do something with their land and to provide a home for other family members. He thought that overall as they are planning it and they are analyzing it whether it is through a lot split process or through a platting process, they want to analyze where there is a potential for City infrastructure, what does the Comprehensive Plan identify for minor and major collector roadways that are going through this area.

Mayor Trude wondered if they could do that with this process. Mr. Janish stated there are a couple of different ways this could be done. One is through deed restrictions and the other is through development review process. They would have to do the review process as they are doing the splitting process.

Commissioner Kohler stated every one of these possible splits is going to be a little different and they need to understand what the future plan is and if someone comes forward with a proposal,

they need to be able to check to make sure it meets the future plan.

A map with the aerial of property lines was displayed. The Council and Planning and Zoning Commission discussed the future of the Rural Reserve area and how lot splits would affect it.

b. Atlas 14 Discussion

Mr. Berkowitz stated Atlas 14 is new rainfall distribution data compiled by a large number of observation stations across the country; including Minnesota. The new data has resulted in an increase in rainfall depths and run-off volumes. The Coon Creek Watershed District has consulted with Wenck Associates to update the existing model with the new data. The new data suggests the floodplain with Andover, especially within the Rural Reserve area, has grown significantly.

Commissioner Kohler asked in terms of the floodplain, what impact does this have with development going forward. Mr. Berkowitz stated if someone wants to build in a floodplain fringe they need to mitigate it but if it is in the 100-year floodplain than nothing can be built on it.

Mr. Berkowitz showed a map of the current floodplain and the new map after Atlas 14 is updated. He reviewed the differences with the Council and Planning and Zoning Commission. He reviewed where the 100-year floodplain exists.

Councilmember Bukkila stated when talking about expanding the culverts, it would decrease the map but would have to affect farming soils as well. Mr. Berkowitz stated that is correct and could potentially affect the farmer downstream. The plan is as they start getting into the Comprehensive Plan update they would meet with all the farmers regarding this. He stated he would anticipate every farmer in the area will have a development benefit by having the floodplain reduced because when they sell off their property they will have more land to build on.

Mr. Berkowitz stated there is a lot of information that needs to be reviewed. He stated what they have is a draft of Atlas 14 and will come back to both the Planning and Zoning Commission and City Council for more discussion. He stated what this does is drastically impact the way Andover could potentially develop. Once the map changes are finalized the City Council is going to have to make the decision of how they deal with certain areas.

Mayor Trude hoped as staff gets new information they look at some different options to bring to the Planning and Zoning Commission for discussions as Comprehensive Plan review.

Mr. Janish continued to review the submittal process for lot splits within the Rural Reserve area.

Mayor Trude thought it would be important to have deed restrictions in order to have the ability to connect roads in the future. Mr. Janish stated they could have the ability for requiring

easements on property for future development.

The Council, Planning and Zoning Commission and staff continued to review the potential Packer Family lot split.

Mr. Janish thought the Council and Planning and Zoning Commission would like to see some sort of blanket easement related to roadways and City utilities.

Mayor Trude wondered if they could take some property as park dedication.

The Planning and Zoning Commission and Council discussed the possibility of possible park dedication areas within the Rural Reserve in case large development does not occur. Mr. Janish indicated staff would need to discuss this further with the City Attorney.

Mr. Dickinson thought the more land you can put under the deed restriction the more flexibility the City will have.

Mayor Trude thought her concerns can be addressed with the deed restrictions and they can get the master planning started on the saved land as long as they can put some zoning overlay on it. Mr. Dickinson stated this is really a tradeoff where the current property owners are giving up some control of their own property by taking on the deed restrictions so they have the ability to get some of what they want, which are two lots they can build on.

Councilmember Bukkila wondered how many forty acre parcels are around the Rural Reserve that could potentially develop. Mr. Janish thought they will not see many because of the soil mitigation costs. Mr. Dickinson thought there would be around 10 parcels.

Commissioner Nemeth thought this was more of a vision and those visions can always change depending on who wants to sell and when they want to sell. He thought there were so many variables and it is great to have the vision but it will probably not come to light.

Mr. Janish asked if the Council and Planning and Zoning Commission would like to see some sort of ghost plat for future splits. The Council and Planning and Zoning Commission indicated they would be in favor of that.

Mr. Janish stated they will come up with a hybrid lot split plan and thought the direction he was receiving is they would not have to plat if in the Rural Reserve they do the hybrid lot split and collect the same information as if they were doing a plat. Mr. Dickinson stated this would still require a public hearing.

Ms. Mary Harrell, 14955 Ivywood Street, stated her house backs up to 149th Avenue and she has a lot of concerns because it appears the northern route will be the connection through the Rural Reserve in the future. She stated the southern route was going to come in by Walmart because it is stubbed in already. Mr. Berkowitz stated that was the route that was approved prior to the

floodway information.

Ms. Harrell stated the concern is this is just a line on the map but the longer the line stays the more significant they become. She stated 149th Avenue is a minimum maintenance dirt road and in terms of it being any kind of an east/west connection that would impact the homes that surround it.

Mayor Trude stated Mr. Eveland filed to put his land into Ag. Preserve which will last for seven years so that should ease Ms. Harrell's concerns.

Mayor Trude thanked Ms. Harrell for coming to the meeting to voice her concerns.

RECESS AND RECONVENE

The Council recessed at 7:38 p.m.

The Council reconvened at 7:50 p.m.

Commissioner Koehler asked in regard to the resolution, if there are lot splits, plats or something in between will the Planning and Zoning Commission be able to review them. Mr. Janish stated they would. Mr. Dickinson stated it will need to go through a public hearing process in order for the changes to be made.

c. Flag Lot Discussion

Mr. Janish stated recently City staff has been contacted about the potential of creating a flag lot in the rural residential area. Current code regulations do not allow flag lots since each lot is required to have a width of 300 feet at the front yard setback and a minimum of 50 feet of road frontage.

Mr. Janish reviewed what the definition of a flag lot is. He asked if the Council and Planning and Zoning Commission would be open to allowing flag lots in Andover.

Mr. Janish noted if they did allow flag lots they could avoid some of the costs of public roadways.

Councilmember Goodrich asked what did other cities that allow these find as downfalls. Mr. Janish stated what he has found is townships and counties mostly allow for them and his past experience as a county official is the reason they allowed for them is that the townships did not want to maintain public roadways.

Commissioner Koehler stated there are many potential problems with a flag lot such as proximity of houses, being able to see into each other's yard, blocking of driveway and emergency vehicles cannot find the back lot many times.

Mr. Janish stated where they could run into potential issues on the code enforcement side is being able to see things from the roadway.

Councilmember Knight thought if the City had these before and stopped allowing them why would they want to start allowing them again and create possible issues.

Mayor Trude asked if the City could consider variance on this other than changing the code. Councilmember Goodrich stated if there are not a lot of problems involved with doing a flag lot then he would be in favor of it. Mayor Trude stated she has seen this in other cities where the owners of the flag lots are relatives. She stated she could see this happening in Andover with relatives and parents trying to help the child out. She would be willing to look at this if it were in a rural area of Andover.

Mr. Dickinson stated he would not promote this going into any urban area and is not necessarily in favor of entertaining it in the rural area but if they were going to look further at this then he would suggest it be looked at only in the rural area of the City.

Commissioner Koehler asked if Fire Chief Streich could have input on this. Mr. Dickinson stated they have talked to the Fire Chief about this and he lives on a flag lot and loves it. He stated the key is to make sure that this is put in correctly and then long term what is the maintenance on the access.

Mr. Berkowitz stated this could kill future development in some areas in the rural area. He stated this could make it more difficult to try to develop it.

Commissioner Nemeth thought this should be decided on a case by case basis. Commissioner Koehler agreed but thought there needed to be guidelines in place. Commissioner Nemeth stated he would like to know what other cities do.

There was further discussion regarding issues with flag lots. Consensus was to not support flag lots in Andover at this time.

Mr. Dickinson stated the applicant will be advised they need to go through the variance process if they want to pursue.

d. Other Discussion

Commissioner Peterson thought for the Comprehensive Plan Amendment process he would like to have updates on the chapters before approval of them. Mayor Trude stated they did not have a schedule but can give the Planning and Zoning Commission updates.

Mr. Dickinson stated the onset of the Atlas 14 is really a game changer and if this impacts the Rural Reserve the potential densities and available acreage could be affected. He stated they are in a waiting pattern for the data before anything can be done. When the information comes in

the Planning and Zoning Commission will be integral in the process.

Commissioner Koehler stated he would like to see more touch points with the City Council moving forward because that helps the Planning and Zoning Commission. He thought they should meet quarterly or twice a year.

Commissioner Sims thought if there was a way to get good discussion from staff about what the Planning and Zoning Commission reviewed that would help the Council make their decision better.

Commissioner Nemeth stated the Planning and Zoning Commission wants to be on the same page as the City Council.

Commissioner Koehler asked if it would be beneficial to meet with the other Commissions and Boards during the year as well and have an open type meeting. Mayor Trude thought that may be too many meetings for everyone. Mr. Dickinson thought the Commissions could meet with each other if they wanted to.

Commissioner Nemeth stated in regard to the newsletter he would like to see some articles from department heads on what they are working on and why certain roads get picked for reconstruction or other information the residents might want to know.

The City Council thanked the Planning and Zoning Commission for coming to the workshop meeting.

DISCUSS AUTOMATIC METER READING (AMR) FOR COMMERCIAL PROPERTIES

Mr. Berkowitz stated the City Council is requested to discuss automatic meter reading for commercial properties. He reviewed the staff report with the Council.

Councilmember Bukkila asked if Mr. Dickinson received her questions regarding this item. Mr. Dickinson indicated the Council will receive the answers and additional information at the next City Council meeting. This is just a review of this item. The plan is to pilot the AMR project with commercial properties and then roll out to residential in a few years.

Councilmember Holthus asked how much this will save the City. Mr. Berkowitz stated they have to schedule time with each business to go in and read the meters so this would reduce staff time by ten hours per meter reading. This will provide more accurate and better service. Mr. Berkowitz stated with automatic meter reading the meter can be read from the road.

2018-2022 CIP DISCUSSION & 2017 CIP PROGRESS REPORT

Mr. Dickinson reviewed the staff report with the Council.

2018 BUDGET DEVELOPMENT DISCUSSION

Mr. Dickinson reviewed the staff report with the Council.

FEBRUARY 2017 BUDGET PROGRESS REPORT

Mr. Dickinson reviewed the staff report with the Council.

FEBRUARY 2017 CITY INVESTMENTS REVIEW

Mr. Dickinson reviewed the staff report with the Council.

OTHER TOPICS

Storage PODS

Mr. Dickinson stated the Park and Recreation Commission will be discussing PODS (portable on demand storage). He stated the Andover Baseball Association wanted to transfer from Andover High School one of their PODS to Andover Station North and was told no because Andover Station North ballfields fall under the Andover Station North design guidelines which does not allow outdoor storage. He stated the Andover Baseball Association will be going before the Park and Recreation Commission to see if they can place the POD at Sunshine Park.

Councilmember Holthus thought the park building should be cleaned out and then there could be plenty of room for equipment. Mr. Dickinson stated staff discussed this and they would like to deal with PODS similarly to temporary buildings and set a time limit of three years.

Councilmember Goodrich stated he is ok with this if they are temporary. Mr. Dickinson stated also with this process they are going to offer up the garage to the west of the ice rinks because that will also likely be removed within three years. Council consensus was this required more discussion.

City Code-Equine Council

Mr. Dickinson stated another business item has to do with their City Code for projects or lot related issues that have to do with horses. They have a reference to Equine Council overview of proposals related to horses within their community and they do not have an active Equine Council. He is recommending they amend the code to reflect dealing with these items at the building counter through the building official or zoning administrator and they would have the ability to consult an official if need be.

Councilmember Goodrich thought that was a great idea. Consensus of the Council was to amend the City Code to reflect the change.

ADJOURNMENT

Motion by Bukkila, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 9:17 p.m.

Respectfully Submitted,

Sue Osbeck, Recording Secretary
TimeSaver Off Site Secretarial, Inc.