

CITY OF HANOVER  
PLANNING COMMISSION MEETING  
JANUARY 10, 2011 APPROVED MINUTES

Acting Chairperson Schendel called the January 10, 2011 Planning Commission Meeting to order at approximately 7:00 p.m.

**Call to Order**

Members present: Karsten, Keefe, Pittman, Spraungel, Schendel, Smola, and Zanetti

Members absent: None.

Staff present included City Council Liaison Malewicki, City Planner Cindy Nash, City Administrator Daniel Buchholtz

Others present included Don Mahler, Mayor Martin Waters, Karl Kiphuth, Matt Lee, and Liz Young, all of Hanover, Paul Kortebein and Daniel Elias, both of Three Rivers Park District.

Buchholtz gave the Oath of Office to newly appointed members Smola and Keefe, and returning member Zanetti.

**Oath of Office**

**MOTION** by Spraungel, second by Zanetti, to approve the agenda.

**Approval of Agenda**

Voting aye: Karsten, Keefe, Pittman, Spraungel, Schendel, Smola, and Zanetti

Voting nay: none

Motion carried: 7:0

**MOTION** by Spraungel, second by Pittman, to approve the minutes from the December 13 Regular Meeting.

**Approval of Minutes**

Voting aye: Karsten, Keefe, Pittman, Spraungel, Schendel, Smola, and Zanetti

Voting nay: none

Motion carried: 7:0

**ELECTION OF OFFICERS**

**Election of Officers**

Schendel asked for nominations for Chair. Zanetti nominated Jim Schendel. Hearing no further nominations, Schendel closed nominations. Schendel called for a vote. The members voted unanimously for Schendel.

Schendel asked for nominations for Vice Chair. Karsten nominated Spraungel. Pittman nominated Zanetti. Hearing no further nominations, Schendel closed nominations. Schendel called for a vote. Four members voted in favor of Zanetti and three members voted in favor of Spraungel. Zanetti was declared elected.

**CITIZEN'S FORUM**

**Citizens Forum**

Mayor Waters thanked Keefe, Smola and Zanetti for their willingness to serve on the Planning Commission.

Mayor Waters

Matt Lee, 9840 Jasmine Avenue NE, commented on the sign ordinance. He asked that the Commission propose changes to the sign ordinance that does not allow signs on public property, further limits the duration development signs can remain advertising a particular subdivision, and requires all sign permits to be reviewed by the City Administrator.

Matt Lee

Martin Waters, 10268 Kalen Lane NE, noted that a majority of the City's tax base comes from residential development. He said that the City should not be too strict on development signage that would discourage additional community investment by builders and developers.

Martin Waters

No additional residents wished to be heard.

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**PUBLIC HEARINGS**

**Consideration of Conditional Use Permit for Three Rivers Park District to allow Metal Siding on an Addition to Existing Shop within the INS, Institutional, Zoning District**

Schendel recessed the Planning Commission meeting and opened the public hearing at 7:10pm to consider a request for a conditional use permit for Three Rivers Park District to allow metal siding on an addition to an existing shop building in the INS, Institutional, Zoning District.

Nash provided an overview of the request. She stated that metal siding on the exterior of a building may be approved as a conditional use. She said that the existing structure has metal siding and is situated within Crow Hassan Park Reserve. She said the shop is not in a prominent visual location within the community. She said that both the existing shop and the proposed addition are not visible from public rights-of-way. She stated that since the project is an expansion to an existing building within the Park Reserve, there is no defined architectural style that has been identified to achieve in the location. Nash stated that staff is recommending approval of the conditional use permit, subject to a condition that the use of brown metal siding on the expansion of the existing nursery shop be in substantial conformance with the plans prepared by Collaborative Design Group, dated December 29, 2010.

Paul Kortebein, Forestry Manager for Three Rivers Park District, stated that the shop, constructed in the early 1980's, was designed to support 12 seasonal employees. He said the Park District currently employs 48 seasonal employees to tend to its nursery operations. He said the addition will meet the current facility needs of the District.

Daniel Elias, Three Rivers Park District, stated that the new addition provides wash bays for the facility.

Spraungel inquired if the roof line would change. Kortebein stated that the new roof line will be approximately 2 feet higher than the existing roof line.

Waters noted that the vast majority of the plant materials used in the Three Rivers Park District parks was grown at the Crow Hassan Park Reserve nursery. Kortebein stated that the Mayor was correct.

Hearing no further public comment, Schendel closed the public hearing at 7:15pm and reconvened the Commission meeting.

**MOTION** by Spraugel, seconded by Smola, to recommend approval of the Three Rivers Park District's request for a conditional use permit subject to the following condition:

- The CUP allows the use of brown metal siding on the expansion of the existing nursery shop building in substantial conformance with the plans prepared by Collaborative Design Group dated December 29, 2010.

Voting aye: Karsten, Keefe, Pittman, Spraugel, Schendel, Smola, and Zanetti  
Voting nay: none  
Motion carried: 7:0

**Public Hearings**

Consideration of Conditional Use Permit for Three Rivers Park District to allow Metal Siding on an Addition to Existing Shop within the INS Zoning District

MOTION to recommend approval of the CUP subject to conditions

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**Consideration of Comprehensive Plan Text Amendment Relating to Density in Conservation Subdivisions**

Schendel recessed the meeting at 7:20pm and opened a public hearing to consider a text amendment to the Comprehensive Plan relating to density in conservation subdivisions.

Buchholtz stated that the City Council approved an amendment to Article 62 of the Zoning Code which increased the allowable density in the Conservation Design overlay district from 1.5 dwelling units per buildable acre to 1.6 dwelling units per buildable acre. He said that the ordinance change, stemming from review of the LEMAR properties concept plan, does not conform to the Comprehensive Plan. He said that a text amendment to two sections of the Comprehensive Plan were required to align the language of the Comprehensive Plan and Zoning Code.

Buchholtz stated that the first change was to the text on page 56, #8 and the second change was to the legend on Map 5 – Future Land Use.

Spraungel inquired if the square footage calculation for 1.6 dwelling units per buildable acre was correct. Nash performed the calculation and stated that the proposed language was correct.

Hearing no further public comment, Schendel closed the public hearing and reconvened the Commission meeting at 7:25pm.

**MOTION** by Karsten, second by Spraungel, to recommend an amendment to the text of the Comprehensive Plan changing the density limit from 1.5 dwelling units per buildable acre to 1.6 dwelling units per buildable acre.

Voting aye: Karsten, Keefe, Pittman, Spraungel, Schendel, Smola, and Zanetti  
Voting nay: none  
Motion carried: 7:0

**Consideration of Comprehensive Plan Future Land Use Map Amendment for Parcel Number 108-500-363226, Located on 5<sup>th</sup> Street NE**

Schendel recessed the meeting at 7:28pm and opened a public hearing to consider an amendment to the Comprehensive Future Land Use Map relating to the guidance of parcel number 108-500-363226, a 10 acre parcel located on 5<sup>th</sup> Street NE.

Buchholtz stated that the Economic Development Authority is seeking approval of a Comprehensive Plan amendment to re-guide a 10 acre parcel on 5<sup>th</sup> Street NE that the City owns from Institutional to Industrial. He stated that the property was initially purchased to house a new public works facility but that the City Council and EDA determined that the site would be better served as an industrial park. He said that an access to property located behind the fire station would be platted to provide the City access to that land. He said that land was suited for a new public works facility. He noted that the EDA had successfully applied for a DEED Business Infrastructure Development grant and was awarded a grant of \$250,000 for infrastructure expenses.

Buchholtz stated that the property was a former gravel pit that was backfilled with soil and preformed concrete. He said the City conducted a geotechnical investigation in 1999 and a Phase 1 environmental analysis in 2008 prior to

Consideration of Comprehensive Plan text amendment relating to density in conservation subdivisions

Motion to recommend amending text of the Comprehensive Plan raising the density limit from 1.5 to 1.6 dwelling units per buildable acre

Consideration of Comprehensive Plan Future Land Use Map amendment for Parcel Number 108-500-363226

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purchasing the site. He said the site does abut residential parcels but is over 25 feet lower than those parcels. He said the elevation change, in addition to the vegetation on the existing slope, will provide an adequate buffer to those residents. He said this property was previously guided as industrial in the 1981-82, 1991 and 1998 Comprehensive Plans. He said the guidance was changed to Commercial in the 2002 Comprehensive Plan and then Institutional in the current Comprehensive Plan.

Malewicki inquired as to how the surrounding properties were guided in the Comprehensive Plan. Buchholtz stated that the properties to the north, east and south were guided for Commercial and the properties to the west were a mix of commercial and institutional.

Donald Mahler, 424 River Road, stated that the City had the opportunity to purchase the 10 acre parcel for significantly less money than the City had paid for it. He questioned whether the City could break-even on the project considering that there will be cleanup costs. Buchholtz stated that the lots would be priced accordingly for the project to pay for itself. He stated that the DEED grant will be a significant help in making the project work.

Karl Kiphuth, 11227 Garnet Court, stated that a significant number of trucks dumped peat while hauling gravel out of the pit. He stated that the property was better suited for baseball fields. He stated that soils would make it difficult to construct a two story building right behind the Fire Hall.

Pittman asked if any soil borings were done. Buchholtz stated that a number of borings were done in 1999 and concrete debris was discovered. He said the concrete debris would be removed when the foundation locations were set. He said debris would also be removed where the road will be located to allow for the installation of sanitary sewer and water mains.

Keefe inquired when the dumping had occurred. Schendel stated that it was in the late 1980's.

Mahler inquired as to an estimate for cleanup costs. Buchholtz stated that the City has an estimate for removing construction debris where the road will be located. Mahler asked if there was land for sale in the existing industrial park. Buchholtz stated that there is one vacant lot available in the existing industrial park. He said that there are no plans to develop the former Ordorff gravel pit for industrial development at this time.

Karsten inquired about the impact Industrial would have on the surrounding properties. Buchholtz stated that the Zoning Code calls for screening between industrial and residential properties.

Malewicki noted that there is a property line dispute between the residential homeowners on Garnett Court and the adjoining property to the west. Schendel stated that the property to the west of the Garnett Court does not belong to the City and is not part of the application.

Hearing no further public comment, Schendel closed the public hearing and reconvened the Commission meeting at 7:40pm.

Spraungel inquired if this action would be considered as spot zoning. Nash stated that a zoning a 10-acre parcel that will be further subdivided as Industrial would not be considered spot zoning.

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Spraungel inquired as to the zoning of the Miller property. Buchholtz stated that the Miller Trucking property is zoned B-2, Highway Commercial. Zanetti asked if the property could be zoned commercial. Buchholtz stated that the grant must be used to create industrial property. Spraungel asked if there were any further conditions on the use of grant funds. Buchholtz stated that the funds must be used to construct infrastructure – sewer, water and streets – and the infrastructure must support industrial development. Waters asked if there were interested businesses for the site. Buchholtz stated that he has a lead on a business to locate in the new industrial park. He said the park would facilitate the relocation of Hanover European Auto Parts.

**MOTION** by Zanetti, second by Spraungel, to recommend amending the Comprehensive Plan Future Land Use Map to change the guidance of parcel number 108-500-363226 from Institutional to Industrial.

Voting aye: Karsten, Keefe, Pittman, Spraungel, Schendel, Smola, and Zanetti  
Voting nay: none  
Motion carried: 7:0

**Consideration of Amendment to Zoning Map for Parcel Number 108-500-363226, Located on 5<sup>th</sup> Street NE**

Schendel recessed the meeting at 7:46pm and opened a public hearing to consider an amendment to the Zoning Map relating to the zoning of parcel number 108-500-363226, a 10-acre parcel located on 5<sup>th</sup> Street NE.

Buchholtz stated that the EDA is requesting the property be zoned I-3, Industrial Park District. He said the I-3 zoning provides the most flexibility as it relates to outdoor storage and building standards. He said that he and Nash would be working to develop covenants that would be filed with the plat that would set aesthetic standards for the industrial park. He stated that he did not believe the market would support a “brick or better” industrial park at this time. Nash stated that the City is the developer on this project and that the City is able to establish and record covenants against the property that will provide the City greater control than what the zoning ordinance would provide.

Zanetti inquired how many lots would be platted. Buchholtz stated that 6 lots would be platted. He said that the City would utilize previously inaccessible land behind the Fire Hall for a future public works facility.

Schendel asked if there is a timeline within the grant. Buchholtz stated that time is of the essence in implementing the plan.

Karsten asked if residents located on Church Street would be able to view the industrial park from their homes. Buchholtz stated that the homes on Church Street are set forward to the street. He said that, with the existing vegetation, the homeowners on Church Street would only be able to see the industrial park from the rear lot line of their property. Karsten inquired about views of the park from the other commercial properties when those properties develop. Nash stated that there would be limited site lines to the industrial park property. Malewicki asked if the industrial park would create setback hardships on the adjoining properties. Nash stated that consideration would be given in developing the plat to creating any necessary buffers.

Zanetti suggested rezoning a portion of the property I-3 and a portion I-2. Nash stated that the Commission could not take that action at the present time as the public hearing was not advertised in that way. Buchholtz stated that he was

MOTION to Recommend Amending Comprehensive Plan FLU Map to Re-guide Parcel Number 108-500-363226 from Institutional to Industrial

Consideration of Amendment to Zoning Map for Parcel Number 108-500-363226

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hesitant to zone the property in such a way that would hurt the marketability of the lots.

Smola inquired about how infrastructure costs onsite would be paid for. Buchholtz stated that the costs would likely be paid for with the City's existing fund balances, as well as the grant. He said those funds would be reimbursed as lots in the park sold.

Spraungel expressed concern that by zoning the property I-3, the City would be ending one area of blight while creating six more blighted areas. Buchholtz stated that the City was not interested in creating blight. Buchholtz stated that the covenants would be a great help in preventing future blight in the industrial park. Pittman stated that the City could refuse to sell a lot that would be used in a way that was not acceptable to the City. Waters expressed his commitment to the aesthetics of the community, citing his initiative to create a Beautification Taskforce.

Hearing no further public comment, Schendel closed the public hearing and reconvened the Commission meeting at 8:05pm.

Karsten inquired when the covenants would be completed. Buchholtz stated that he anticipated submitting a draft covenants with the City's application for preliminary plat. Buchholtz stated that the covenants run with the land and will be in effect when the property is sold.

**MOTION** by Zanetti, second by Pittman, to recommend amending the Zoning Map to rezone parcel number 108-500-363226 from INS, Institutional, to I-3, Industrial Park District.

Voting aye: Karsten, Keefe, Pittman, Spraungel, Schendel, Smola, and Zanetti  
Voting nay: none  
Motion carried: 7:0

MOTION to recommend amending zoning map to rezone parcel number 108-500-363226 from INS to I-3

**UNFINISHED BUSINESS**

**Zoning Ordinance Recodification**

Schendel introduced the item. The Commission reviewed the draft zoning ordinance and made the following recommendations:

- Requested Nash to reorder language within Section 10.60 (Fences) to ensure a more logical progression and to ensure section does not conflict with other provisions within the Zoning Code.
- Remove words "or any natural hedge or closely planted vegetation" from Section 10.60F(3)a – pg. 174
- Change 10.60F(3)c opacity percentage from 50% to 75%.
- Requested Nash to rework Section 10.60F(4)b as it may be too restrictive.

No further action was taken on the item.

**NEW BUSINESS**

No new business was on the agenda.

**MISCELLANEOUS/OPEN FORUM**

No one wished to be heard.

**Unfinished Business**

Zoning Ordinance  
Recodification

**New Business**

**Miscellaneous/Open  
Forum**

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**REPORTS**

**Reports**

Karsten inquired about the purpose of Article 13. Nash stated that the purpose of Article 13 was to create development guidelines for the B-1 zoning district.

Karsten inquired if LEMAR properties could highlight the conservation design techniques used when they submit their preliminary plat application. She said it would help speed up review of the plat. Nash stated that she would communicate that request to Paul Otto, Otto Associates.

**MOTION** by Zanetti, second by Spraugel, to adjourn the January 10, 2011 Planning Commission meeting at 8:46 p.m.

**Adjournment**

Voting aye: Karsten, Keefe, Pittman, Spraugel, Schendel, Smola, and Zanetti  
Voting nay: none  
Motion carried: 7:0

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Daniel R. Buchholtz, City Administrator