

CITY OF HANOVER
PLANNING COMMISSION MEETING
JUNE 27, 2011 APPROVED MINUTES

Chairperson Schendel called the June 27, 2011 Special Planning Commission Meeting to order at approximately 7:00 p.m.

Call to Order

Members present: Karsten, Schendel, Spraungel, Smola, and Zanetti.

Members absent: None

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

Others present included Mark Miller, Martin Waters.

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

Approval of Agenda

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

Voting nay: none

Motion carried: 5:0

MOTION by Karsten, second by Smola, to approve the minutes from the May 9, 2011 Regular Meeting.

Approval of Minutes

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

Voting nay: none

Motion carried: 5:0

CITIZEN'S FORUM

Citizens Forum

No citizens wished to be heard.

PUBLIC HEARING

Public Hearing

Consideration of Site Plan for Commercial Structure on 5th Street NE – M. Miller Trucking

Site Plan for Commercial Structure on 5th Street – M. Miller Trucking

Schendel recessed the Planning Commission meeting and convened a public hearing at 7:05pm to consider the site plan for a commercial structure on 5th Street NE for M. Miller Trucking.

Nash provided an overview of the request. She stated that the property was recently regraded in the Comprehensive Plan to industrial guidance and was rezoned from B-2 to I-3. She stated that the property is currently used for truck storage. She said the property is not in compliance with some of the performance standards in the zoning ordinance. She said the applicant is proposing to construct an additional building on the site, measuring approximately 54 feet by 80 feet. She stated that section 20-35-03 (B)(2) provides that "a legal nonconforming use of a structure or parcel of land may be changed to lessen the non-conformity of use."

She said that the applicant will be constructing a new building that will be in conformance with the zoning ordinance, which would include a variation in building materials. She stated that Miller has agreed to upgrade the façade of the existing building to match the proposed building. She stated that the truck storage would be in eastern portion of the property, where trucks are currently stored. She said the trucks would be screened by a fence. She said that there are enough trees on site. She said that the applicant has agreed to plant three maple trees to meet the deciduous/coniferous mix as required under the ordinance. She said staff is not requiring irrigation to support the landscaping at this time. She said staff was proposing a condition that would allow the City to require irrigation should the landscaping not thrive. She said staff is requiring a

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portion of the yard to be paved to protect 5th Street from gravel being dragged onto 5th Street. She said all debris on the site is to be cleaned up.

Spraungel inquired why full architectural drawings were not included with the application. Nash stated that the cost is expensive and staff felt that the placement of conditions on the site plan approval would be a reasonable alternative until the applicant had certainty that the building would be allowed. Spraungel felt that the application was incomplete without the architectural drawings. Spraungel inquired about the outdoor storage in the front of the building. Nash stated that the site is a non-conforming lot and the existing non-conformities would be allowed to continue.

Spraungel stated that a 6 foot high fence would not be adequate to screen the trailers. Miller stated that the 6 foot high fence is the standard set forth in the ordinance. He said that a higher fence would actually look worse.

Spraungel inquired why staff's recommendation changed to recommend approval. Nash stated that most of the information that was included in the June 27 packet had previously not been submitted. She said that she now has enough information to make a recommendation.

Martin Waters, 10268 Kalen Lane, stated that Mark Miller is a business owner willing to invest in our community. He said that the City needs to rely on staff to make sure that the ordinances are complied with. He said that he felt that the proposed site plan is best for all involved – allowing Miller to move forward as well as the site to be bettered.

Karsten stated that she did not believe the application is complete due to the lack of architectural elevations. Buchholtz stated that Section 20-16-06(E) states that the architectural elevations are to be submitted as required by the Zoning Administration. He said that he had enough information with the rendering and the floor plan to recommend approval. He said that architectural elevations will be submitted as part of Miller's building permit application. Nash noted that the Zoning Administrator is able, under ordinance, to waive certain requirements if they are deemed not applicable to the application.

Zanetti stated that he wanted to see the architectural elevations to ensure that the building is in compliance with the ordinance.

Spraungel stated that she did not believe the ordinance allowed a garage door on the front of the building. Nash stated that the garage door is not a loading dock. She said the garage door would not be considered a loading berth.

Smola inquired about the ordinance for non-conformities. Nash referred Smola to Article 35. She noted that the ordinance states that "a legal non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity. Spraungel asked if the new building increased the non-conformity. Nash stated that the non-conformities are sub-uses of the property.

Karsten asked if rezoning the parcel forced Miller to comply with all ordinances. Nash stated that the existing uses are still classified as non-conforming and that the ordinance does not require complete compliance with current codes. She said that the ordinance only requires changes to lessen the non-conformity.

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Buchholtz stated that he was willing to require the architectural elevations if the Planning Commission would provide Miller with certainty on the other non-conformities. The members of the Planning Commission reviewed the following proposed conditions and raised no objections to them:

- Landscaping shall be installed as per the attached plan. The specific location of the three maple trees to be added may be adjusted in the field with installation, but they shall be located between the fence and the property line with 5th Street. [Spraungel asked that the applicant look at other native tree varieties to meet the deciduous mix requirement.]
- Irrigation is not required to be installed at this time. However, if in the City's sole judgment the landscaping fails to thrive, the City may require the irrigation system to be installed.
- A six foot high wood fence shall be installed in the location shown on the site plan.
- The driveway and new parking shall be paved with a bituminous surface in the locations shown on the attached site plan. Said bituminous surface shall be maintained in a condition that is in compliance with the zoning ordinance as amended from time to time.
- Outside storage is permitted for the storage of trailers and trucks. No additional items are to be stored outside of the buildings.

MOTION by Spraungel, second by Karsten, to table until the July 11 meeting.

MOTION to table

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

Voting nay: none

Motion carried: 5:0

UNFINISHED BUSINESS

Unfinished Business

No unfinished business was on the agenda.

NEW BUSINESS

New Business

No new business was on the agenda.

MISCELLANEOUS/OPEN FORUM

Miscellaneous/Open Forum

Spraungel asked that the public hearing notices be listed on the City's website. Buchholtz stated he would list future public hearing notices on the City's website.

MOTION by Karsten, second by Spraungel, to adjourn the May 9, 2011 Planning Commission meeting at 9:02 p.m.

Adjournment

Voting aye: Karsten, Schendel, Spraungel, Smola, and Zanetti
Voting nay: none

Motion carried: 5:0

Daniel R. Buchholtz, City Administrator