

CITY OF HANOVER
PLANNING COMMISSION MEETING
JULY 9, 2012 DRAFT MINUTES

Chairperson Zanetti called the July 9, 2012 Planning Commission Meeting to order at approximately 7:00 p.m.

Call to Order

Members present: Karsten (arrived at 7:15pm), Schendel, Smola (arrived at 7:20pm), Spraungel and Zanetti

Members absent: None

Staff present included City Planner Cindy Nash and City Administrator Buchholtz

Others present included: none.

Chairperson Zanetti introduced the agenda for the Planning Commission Meeting.

Approval of Agenda

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

Voting aye: Schendel, Spraungel, Zanetti

Voting nay: none

Motion carried: 3:0

Chairperson Zanetti introduced the minutes from the May 22 Planning Commission meeting. Karsten asked that page 2, 2nd paragraph from bottom, be amended to read as follows: "Karsten stated that she had researched Minnesota Statutes, the City's ordinances, and other resources for related to non-conforming uses and asked where it stated that an expansion was possible for clarification. Karsten asked that page 3, second paragraph, be amended as follows: "Karsten stated she wanted to make sure the City is complying with all the legal requirements. She asked if the City Attorney reviewed the variance requests and gave his approval. Nash responded affirmatively.

Approval of Minutes

MOTION by Schendel, second by Spraungel, to approve the minutes from the May 22, 2012 Planning Commission Meeting, as amended.

Voting aye: Karsten, Schendel, Spraungel and Zanetti

Voting nay: none

Motion carried: 4:0

CITIZEN'S FORUM

Citizens Forum

No citizens wished to be heard.

UNFINISHED BUSINESS

Unfinished Business

No unfinished business.

NEW BUSINESS

New Business

Non-Conforming Uses

Chairperson Zanetti introduced the item. Nash provided an overview of the non-conforming uses statute as it relates to the shoreland area. She said the City has a lot of non-conforming lots in Hanover. She said that while that is the case, these lots are not unbuildable. She stated that while the zoning code can be amended by the will of the City Council, the shoreland ordinance can only be changed with approval by the DNR. She stated that the DNR is not flexible in making blanket changes to the shoreland ordinance. She recommended that the City address these shoreland non-conformities on a case by case basis.

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Spraungel inquired how the City was able to allow an expansion of the nonconforming use. Buchholtz stated that one of the variance requests granted a variance from the language that prevented an expansion of a nonconformity. Nash agreed, stating that the nonconforming use statute allows the City to give additional rights to the property owner beyond the statute.

Discussion ensued on the shoreland variance process, which touched on the DNR's requirement to provide input within a certain period of time from the date they receive the public notice and the requirement that the City inform the DNR of its final decision on a variance request.

Discussion returned to the Pingree variance request approved in May 2012, outlining how the new variance law and nonconforming use ordinance and statute interacted with their request.

Karsten inquired about the Minnesota Supreme Court 2010 ruling on variances. Nash explained that the Minnesota Supreme Court overturned decades of case law and required cities to evaluate variances on the strict interpretation of the statute. She said this eliminated most variance requests. Buchholtz stated that a number of interests, both municipal and business, joined together to amend state law to allow cities to grant variances based on practical difficulties, which is a lesser standard. Nash stated that the new variance law was approved in May 2011. Karsten provided a number of news articles from May and June 2011 on the Supreme Court case, noting that the articles contradicted this timeline. Nash stated that she included information in the May 2012 packet that outlined the new practical difficulties. Karsten asked if the existing ordinance book required undue hardship. Nash responded affirmatively, but noted that the new state law supersedes the City's ordinance.

Discussion of LMC Training

Chairman Zanetti introduced the item. Spraungel stated that the training was very good. Karsten agreed, stating that the training was short, sweet and to the point. She felt it was a very important.

Zanetti asked if the training was still available. Buchholtz stated that the training was available.

REPORTS

Reports

Schendel

- No report.

Karsten

- Karsten requested that City staff refrain from providing a staff recommendation on zoning requests that come to the Commission. She stated that such requests make staff's research one sided. She asked that staff provide additional detail showing pros and cons of each application and let the Planning Commission make an unbiased decision. Nash stated that the staff recommendations are made to provide a starting point for discussion by the Commission. She stated that the additional information requested by Karsten would need to be balanced against the cost to provide it.
- Karsten asked that staff follow City Code by not initiating zoning applications. She said that City Code only allows the City Council and/or Planning Commission to initiate such applications. Buchholtz explained the many roles he plays in the City, including serving as the

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Executive Director of the EDA. He said that the City Council has empowered staff to take actions that address zoning issues that negatively impact economic development in an effort to make the community more business friendly. He said that he would present Karsten's concerns to the City Council for their feedback.

- Karsten requested that the Commission receive memorandums from the City Attorney on the legality of potential zoning actions.

Spraungel

- No report

Zanetti

- No report.

Smola

- Not present.

Malewicki

- No report.

Buchholtz

- Buchholtz reported that Hennepin County completed the County Road 19 resurfacing project.
- Buchholtz stated that Melissa Barker accepted a new position and that her last day will be July 12.
- Buchholtz provided an update on a potential senior housing project for the City of Hanover.

MOTION by Schendel, second by Spraungel, to adjourn the July 9, 2012 Planning Commission meeting at 8:16 p.m.

Adjournment

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

Voting nay: none

Motion carried: 5:0

Daniel Buchholtz, City Administrator