

**CITY OF HANOVER
PLANNING COMMISSION MEETING
JUNE 27, 2016
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the June 27, 2016, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present were Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Absent: City Engineer Justin Messner. Guests present: Dan Bowman, Clark Lee, David Phillips, Mike Straub, Robb Norling, Stephanie Gleason, Joe Kaul, Dr. Dave and Nancy Sibley, Tim Brown, and Bob Pink.

Approval of Agenda

MOTION by Armstrong to approve the agenda as presented, seconded by Schendel. **Motion carried unanimously.**

Approval of Minutes from the May 23, 2016, Joint Meeting of Council and Planning Commission

MOTION by Armstrong to approve the May 23, 2016, minutes as presented, seconded by Christenson. **Motion carried unanimously.**

Citizen's Forum

None.

Public Hearing

None

Unfinished Business

11103 River Road NE – Amendment to Conditional Use Permit for Outdoor Storage

Nash stated that this matter was tabled at the March meeting due to the request for further requirements. A survey needed to be done of the property as well as a more detailed site plan. An extension was also granted at that time in order to meet legal requirements.

Nash recommended approval of application with the following conditions: the previous Conditional Use Permit is revoked; no outside storage is permitted; the expanded parking is permitted in the location shown, but must be paved instead of gravel; vehicles parked outside must be operable and have current license plates; shall maintain compliance with all noise and nuisance related ordinances; shall be in compliance with any Federal, State, or County law or regulation; shall remain in substantial conformance with all performance standards (zoning and City Code); and the owner shall provide City staff and/or its agents with access to the property for inspection of compliance.

Armstrong asked if this addresses the number of vehicles that would be allowed on the property. Nash responded that it is not addressing the number of vehicles, but rather addresses whether or not the vehicles are operable versus non-operable.

Armstrong wanted clarification on having a fence screening the property as well as storing the forklift outside. Nash stated that the forklift would be considered outside storage as it is not licensed. Armstrong asked if there was a definition of a forklift and that it was considered to be a non-licensed vehicle. Nash

said that one could be added. Regarding the fence, the Planning Commission could recommend one, but that would prohibit a visual compliance check of the vehicles parked on the property.

Armstrong wanted to know if there was an option of leaving the existing CUP in place. Nash said that the existing CUP could remain in place. Typically, the previous CUP is revoked and a new one is put in place. The recommendation is to put a new CUP in place and gain the approved parking spaces. The Planning Commission can recommend changes if desired.

David Phillips, the architect of the submitted plans, stated that this recommendation is not acceptable to Mike Straub and Rhino Imported Auto Parts. Part of the understanding coming into this was the maximum number of vehicles allowed and we thought that number was six (6). Also, the forklift is a necessary tool for hauling away the cars and shouldn't be considered outdoor storage. Straub would like to modify the recommendations to allow for six cars and strike the operable versus non-operable section. Once a car is stripped of its parts, it goes away. The cars parked are waiting for disassembly. The flatbed truck and forklift are needed. They could be parked behind the building so as not to be seen from the road. The gravel could be freshened. They would prefer not to pave it and add to the impervious surface.

Phillips said that they would be withdrawing the request for a fence. Outdoor storage would not be needed after October of this year as Straub was able to rent more space in the current warehouse. Plans were being made to move parts stored outdoors to the warehouse.

Phillips stated again that the conditions as presented would not be workable. They would be willing to agree to six cars and removal of the existing storage.

Hammerseng asked if the original CUP designated the number of vehicles. Nash said that the application form and the minutes from the original Public Hearing reflect that the disassembling the vehicles was not taking place outside. Further, the Planning Commission at that time wouldn't have known if they should have asked that question based on the application.

Hammerseng also asked about fencing the property. Nash said that a fence would be too close to the river.

Hammerseng asked that the total of items outdoors would be six cars, the flatbed truck and the forklift. This was confirmed by Phillips.

Nash asked if the forklift could be stored inside the building. Phillips said no, there are two cars inside that would need to be moved.

Straub said the building size doesn't really allow for the forklift to be stored inside as it is too tall. He uses either the forklift or a winch on his truck to get the cars onto the flatbed truck. The forklift currently sits in the back corner of the property behind the property.

Nash said that the conditions could be worded to include the location of the forklift and where the cars could be located. Armstrong suggested that it would be helpful to designate an area or have a pad for the forklift or cars.

Armstrong asked Phillips and Straub what their feelings were for a fence in the front of the property. Phillips answered that they were fine either with or without a fence—whatever the City wanted.

Kuitunen asked Straub what is the current inventory. Straub replied that he has 12 cars right now. Hammerseng asked why the number of six cars was desired. Straub said that seems the right number and

that it regulates the number there and it prevents it from looking messy. He also said that he is slowing down and works differently from when he was younger.

Hammerseng asked where the new storage/warehouse was located. Straub said that he has always rented space in a warehouse in Somerset, WI, and when more space became available for this September, he rented it. He also said that he has figured out how to rerack the inside of the building to make it more efficient. Hammerseng asked if cars would be stored in the warehouse in Somerset. Straub replied no, that it would not be practical or cost effective.

Christenson asked if he could live with four (4) cars instead of six. Straub said he would really like to keep it at six. Hammerseng said that he was up to seven with the flatbed truck being there. Phillips said they want to have a finite number in order to know how to comply. Hammerseng said that he believes that the Board can be reasonable and acknowledged that Straub has agreed to remove the outdoor storage condition and has made plans to move the existing outdoor storage to Wisconsin.

Armstrong asked for clarification on the condition of the cars currently on the property. Phillips said that typically the vehicles may be licensed, but usually had been sitting somewhere for a period of time waiting for the owner to fix them up, so they may not be currently licensed. Generally, the outside cars are and would be complete cars, but sometimes would have a part like the hood or door missing.

Armstrong asked why the objection against paving the parking area. Phillips said that the gravel provides more of a filter for runoff and not as fast as pavement. Nash said that direction was needed from the Planning Commission as the current ordinance requires pavement of parking areas. She went on to say that if you asked a planner or an engineer, they would treat gravel like pavement. Phillips pointed out that they share the driveway with their neighbor and that the neighbor's half would not be paved. Kuitunen added that pavement would be soon broken up with all of the hauling taking place. Hammerseng asked about gravel being closer to the river. Nash said that the proposed area showing gravel meets the setbacks to the river. Armstrong asked if gravel had to be part of the conditions to the CUP. Nash stated that was correct and that change would need to be added. Kuitunen said that he didn't think the area should be paved, and that a good base of gravel would satisfy. Schendel concurred stating that gravel can be dug out and replaced when repairs are needed. Nash said that all of this needs to be clearly spelled out, and still recommends revoking the old CUP.

Phillips requested that if a new CUP is written to please allow them enough time to have their attorney review it. Nash replied that would be planned and it will still meet the timeframe. Nash then went on to recommend tabling the matter and drafting a new CUP and allowing time for Straub's attorney to review it.

Christenson said that he would like to have language added to the effect that the cars would be stored in an orderly fashion.

Nash said that the only thing she is not clear on is the other type of equipment allowed such as the trailer. Kuitunen asked how many trailers did Straub have and Straub replied that he only has one trailer and that it is not always on-site.

Nash also said that she would like to draft if so that if Council asks for a fence at a later date, that they may do so. Phillips said that they would like a time limit on that requirement.

MOTION by Schendel to table the matter until a new CUP can be drafted, seconded by Armstrong.
Motions carried unanimously.

Old Business continued

Consideration of Amendments to the Performance Standards for Construction of Single Family Dwellings

Biren started the consideration by giving a presentation of homes that were currently for sale in nearby cities. The homes were grouped in sets of four and showed the square footage, asking price, and location as stated on the realtor.com webpage. It also showed whether or not the house would be acceptable to build in Hanover based on the moratorium requirements. Half of the twenty homes would be able to be built in Hanover and the others would not be allowed.

As directed by Council, information was provided on lot standards and design standards for single family dwellings was provided by Biren. The cities being compared were Albertville, Corcoran, Medina-Hamel, Orono, Rockford, Rogers, and St. Michael. The information was provided as part of the agenda packet and gone through for each city.

Nash clarified that many developers would apply for a PUD, a Planned Unit Development, that would allow them to have different standards than those in the ordinances. The PUD would have to be approved by the Council in the city where it was occurring.

Lee wanted clarification on why the information was being provided. Biren explained that a moratorium dictates research and study be done in order to make an informed decision. The Planning Commission needed to have the information from each of the cities in order to be able to compare and contrast the requirements in each, as well as apply them to what is happening or could happen in Hanover.

Armstrong had collected information regarding two story homes for sale in Hanover. She explained that the price per square foot in new construction is going to be higher than the price per square foot in previously owned. The information included direct links to the homes as well as the square footage, price paid or the price being asked. All of the eight homes were either sold or pending with the exception of one. All of the homes would not be allowed to be built during the moratorium although they had been previously approved. She feels that the Planning Commission needs to reconsider the size of the foundations for the two story homes. Christenson said that he would be willing to consider reducing the size required for a two story home.

Armstrong inquired whether or not the Planning Commission wanted to use floor area/foundation size or the total finished square footage. She mentioned that many of the newly constructed homes still need to finish the basement.

Nash said that before defining all of the design standards, the Planning Commission first needs to define what the problem is. She said that most of the cities don't have a minimum size and they are doing fine with new construction.

Armstrong asked whether the standards are left as is or are changes needed. Nash asked if this was a design issue or a size issue.

Robb Norling, a builder for JP Brooks, said that a general rule, he does not find a minimum size standard in the cities in which he builds. He suggested thinking about what would be attractive to developers. He believes that restrictions such as this will scare people off.

Hammerseng asked Lee what he is trying to accomplish and Lee responded that a builder could come in and build a small house and a large garage with just a small portion of the front house façade showing. Lee also thinks that the minimum building size requirement was not dropped off. He said he heard Council say

they were concerned about housing sizes. He would also like the City Attorney to look into this. Nash responded that nothing dropped off the books during the recodification. Planning Commission and Council spent years doing the recodification and looked at each page of the City Code and Zoning. The City Attorney was involved in the entire process.

Dave and Nancy Sibley: They purchased land on Kadler Avenue, addressed as 500 and 520, that has wetlands located on it. Prior to purchase, they came in and talked with City staff about the retirement home they would like to build. Nancy Sibley passed out surveys about their properties. They are asking that the requirements not be put in place and expressed their hope that the restrictions would be eliminated.

Dan Boman, realtor for Drake Construction, had expressed his concerns regarding the moratorium in a letter addressed to Council and City staff that was included as part of the agenda packet. He explained that he has clients that do not understand why they are unable to build a home that had been previously built in Hanover. As a realtor, he does not believe that houses built differently than those in the past will decrease existing home values. The consumer and the market are demanding different things than in the past and the consumer should be allowed to have more choice. He reiterated Armstrong's comment about reconsidering the size of a two story home and said that 960 square feet is a good size for that style of home. He also said that the Planning Commission needs to look at the above ground finished size rather than the foundation size.

Christenson asked is there an option for a home to be granted a variance. Nash replied that in order for a variance to be granted, undue hardship must be proven. That would not be the case in this situation.

Armstrong stated that research has been done and the Planning Commission has seen a variety of houses, so the decision needs to be made whether to change the standards or recommend no changes. Christenson said he would like to add the design standards back and change the minimum sizes to something reasonable. Kuitunen said that having different minimum sizes per housing style is confusing and would like to see one minimum size for all styles. Armstrong reminded the Commission that not only does the new homeowner have the cost of building, but also the purchasing of the land. She went on to suggest Albertville's requirement of minimum size being above grade.

Norling said that it is the trend to build more space up because foundations are expensive. There are opportunities to do a lot with a similar foundation. He suggests keeping the minimums low.

Nash said that many cities use above ground square footage that is finished as their guideline. Kuitunen agreed that above grade made sense.

Norling said that standards are based on styles or number of bedrooms and are above grade. He would like to see the City lift the moratorium so homes under contract can move ahead.

Nash said the Planning Commission has these options to consider:

- Recommend that minimum sizes are not needed and lift the moratorium.
- Recommend that the Planning Commission believes that minimum sizes are needed but that more time is needed before what is specifically needed. After the research and draft is done within the next couple of months, the drafted ordinance will be brought to Council for action and then the moratorium will be lifted.
- Recommend that the Planning Commission thinks there is a need to do something, but that a moratorium is not needed while figuring what is needed regarding minimum sizes. Lift the moratorium while directing Planning Commission and staff to draft an ordinance addressing minimum sizes.

- Don't make a recommendation tonight and table it until the next meeting.

Kuitunen asked if the moratorium is really needed with the lots left in Hanover. He felt like the City was holding these people hostage and preventing them from building their home.

MOTION by Armstrong to recommend to Council that the moratorium be lifted at this point and direct Planning Commission and staff to further consider whether minimum building standards are needed and what they would be or leaving the standards as they were previous to the moratorium, seconded by Schendel.

Motion carried unanimously.

Nash cautioned that Planning Commission needs to commit to doing the working this issue through so that people are not held in limbo in the future. Also, this addresses single family dwellings and there are other types that may also need to be addressed. Armstrong agreed and wants the Commission to commit to resolving this at the next meeting. She inquired if a workshop could be put in place to discuss this issue. Staff answered that a workshop would be possible with a motion from the Commission.

MOTION by Schendel to have a workshop meeting on Thursday, July 14th, 2016, at 6 pm in City Hall, seconded by Christenson.

Motion carried unanimously.

New Business

None

Reports and Announcements

Biren informed the Commission that the groundbreaking for the GreenHouse Assisted Living and Memory Care facility will take place on Friday, July 1st, at 10 am. The members are welcome to attend and it is open to the public.

Grass letters have been sent to a few properties that are noncompliant. Results have been fifty-fifty.

Adjournment

MOTION by Schendel to adjourn, seconded by Armstrong. **Motion carried unanimously.**

Meeting adjourned at 9:31 pm.

ATTEST:

Amy L. Biren
Administrative Assistant