

**CITY OF HANOVER
PLANNING COMMISSION MEETING
AUGUST 22, 2016**

CHAIR

STAN KOLASA

COUNCIL LIAISON

DOUG HAMMERSENG

BOARD MEMBERS

JIM SCHENDEL

MICHELLE ARMSTRONG

DEAN KUITUNEN

MICHAEL CHRISTENSON

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from the July 25, 2016, Planning Commission Meeting**
- 4. Citizen's Forum**
- 5. Public Hearings**
 - a. 10723 Ginseng Lane – Conditional Use Permit for Outdoor Storage Located in the Side Yard**
 - b. Ordinance 2016-6 Amending Chapter 10, Relating to the Size of Single Family Home**
- 6. Unfinished Business**
 - a. Sign at Kadler Avenue and Beebe Lake Road**
- 7. New Business**
 - a. Orientation of Homes on Lots**
- 8. Reports and Announcements**
 - a. Planning Commission Reports**
 - b. Liaison Report**
 - c. Staff Reports**
- 9. Adjournment**

**CITY OF HANOVER
PLANNING COMMISSION MEETING
JULY 25, 2016
DRAFT MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the July 25, 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 Administrative Assistant Amy Biren. Also present: David Phillips, Mike Straub, Bob Pink, Dan Heinecke, and Tom Jones. Absent: City Planner Cindy Nash and Council Liaison Doug Hammerseng.

Approval of Agenda

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

Approval of Minutes from the June 27, 2016, Regular Meeting and July 14, 2016, Workshop

MOTION by Armstrong to approve the June 27, 2016, and July 14, 2016, minutes as presented, seconded by Schendel. **Motion carried unanimously.**

Citizen's Forum

Tom Jones, 540 Kadler Avenue NE: Thanked the Planning Commission for their work done over the past few months. Presented a letter (see attached) he has sent to Council and staff regarding the orientation of homes in Hanover. He asked the Planning Commission and Council to look into this as this issue has not come up in the past. He referred to the definitions in the zoning ordinance and interprets them as homes should be facing the street. Jones believes this is an opportunity for the City to be proactive so as not to cause future builders and home owners additional costs if plans need to be changed.

Dan Heinecke, 560 Kadler Avenue NE: Thanked the Planning Commission for their work and wanted them to be aware that there are other neighbors concerned about the orientation of future homes even though they may not attend the meetings. Heinecke believes that if the orientation of a home is turned that it would look out of place in the neighborhood.

Public Hearing

See New Business below.

Unfinished Business

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

Biren reviewed the memo from Nash and explained the changes that were a result of the previous meeting in June.

David Phillips and Mike Straub have worked with Nash regarding the changes and have reviewed the CUP. It is acceptable to them and would appreciate the Planning Commission's approval so that it would move on to Council. They also thanked the Planning Commission and staff for working with them.

Schendel asked if his neighbor was okay with this CUP. Bob Pink, 11107 River Road, stated that he is here to support his neighbor and understand the conditions of the CUP.

Hammerseng expressed via email his desire that the cars be limited to four (4) plus the forklift and flatbed.

Schendel says the CUP as written covers everything that the Planning Commission talked about.

MOTION by Armstrong to recommend approving Resolution No. XXX, Approving an Amendment to a Conditional Use Permit for the Sales and Warehousing of Automotive Parts as written, seconded by Schendel.

Motion carried unanimously.

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

Biren reviewed the proposed changes suggested by Nash and explained that the Public Hearing would not take place on this matter until the August meeting due to legal deadlines.

The members suggested a grammatical deletion, “contain above grade that”, in the definition of Floor Area and to include “crawl space” as an area not counted as part of the Floor Area.

New Business and Public Hearing

Ordinance 2016-5 Amending Chapter 10, Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593

Biren explained the newly formed law that would allow caregivers to have a temporary tiny home on the property of a landowner and the timeline in which cities needed to act on the new law. Nash had provided the law, the guidance by the League of Minnesota Cities, and the Building Code for the members.

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:26 pm. There were no members of the public present that wished to speak to this Amendment. Kuitunen said that he can see many problems with this law.

Kolasa closed the Public Hearing and reopened the Planning Commission meeting at 7:28 pm.

Motion by Armstrong to recommend Council approve Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593, seconded by Christenson.

Motion carried unanimously.

Reports and Announcements:

Planning Commission:

Armstrong asked about the sign advertising lots in the Crow River Heights development and suggested that it be removed by the owner since it is no longer viable. Biren said she would look into it.

Kuitunen asked about erosion after the heavy rains and if builders were conforming to erosion control measures. Biren said that Metro West was enforcing the City’s erosion control regulations and that she would remind the inspector the next day to remind builders to have everything in place as rain was expected later in the week. She also covered some of the erosion issues that occurred with the recent projects in the City and that they were being taken care of by the contractors.

Kolasa reminded everyone of the Hanover Harvest Festival and that volunteers are still needed.

Staff Reports:

The Green House has broken ground and Biren will be at a footings inspection the next morning to check setbacks as a resident had voice concern that it was too close to the road.

Adjournment

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

Meeting adjourned at 7:37 pm.

ATTEST:

Amy L. Biren
Administrative Assistant

Collaborative Planning, LLC

PO Box 251
Medina, MN 55340
763-473-0569

Memorandum

Meeting Date: August 22, 2016
To: Planning Commission
From: Cindy Nash, City Planner
RE: Conditional Use Permit for an Accessory Building
within a Side Yard – 10723 Ginseng

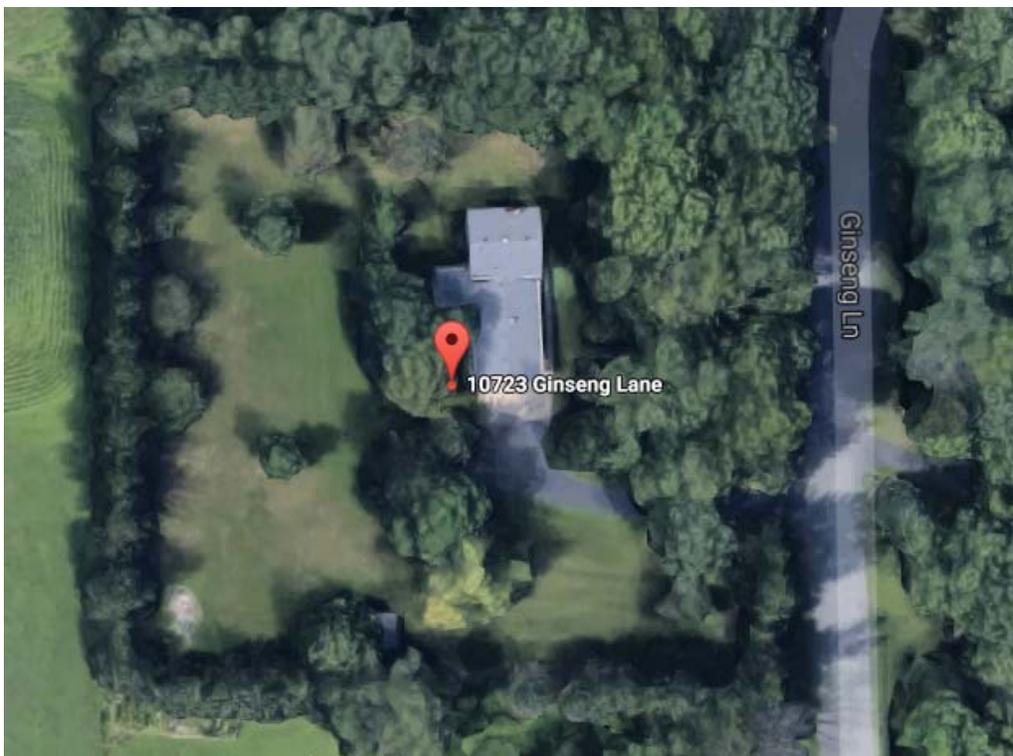
Overview of Request

The subject property is currently zoned R-A (Residential Agriculture District) and an application has been received for a Conditional Use Permit for to allow an accessory building in the side yard. The property is located at 10723 Ginseng.

The application is included in your packets and contains their proposed request.

Evaluation of Request

The applicant is seeking permission to construct garage in their side yard. The placement of an accessory building in the side yard is permitted only with the issuance of a Conditional Use Permit. The proposed garage is 36 feet by 32 feet. The property has a fair amount of screening from trees.



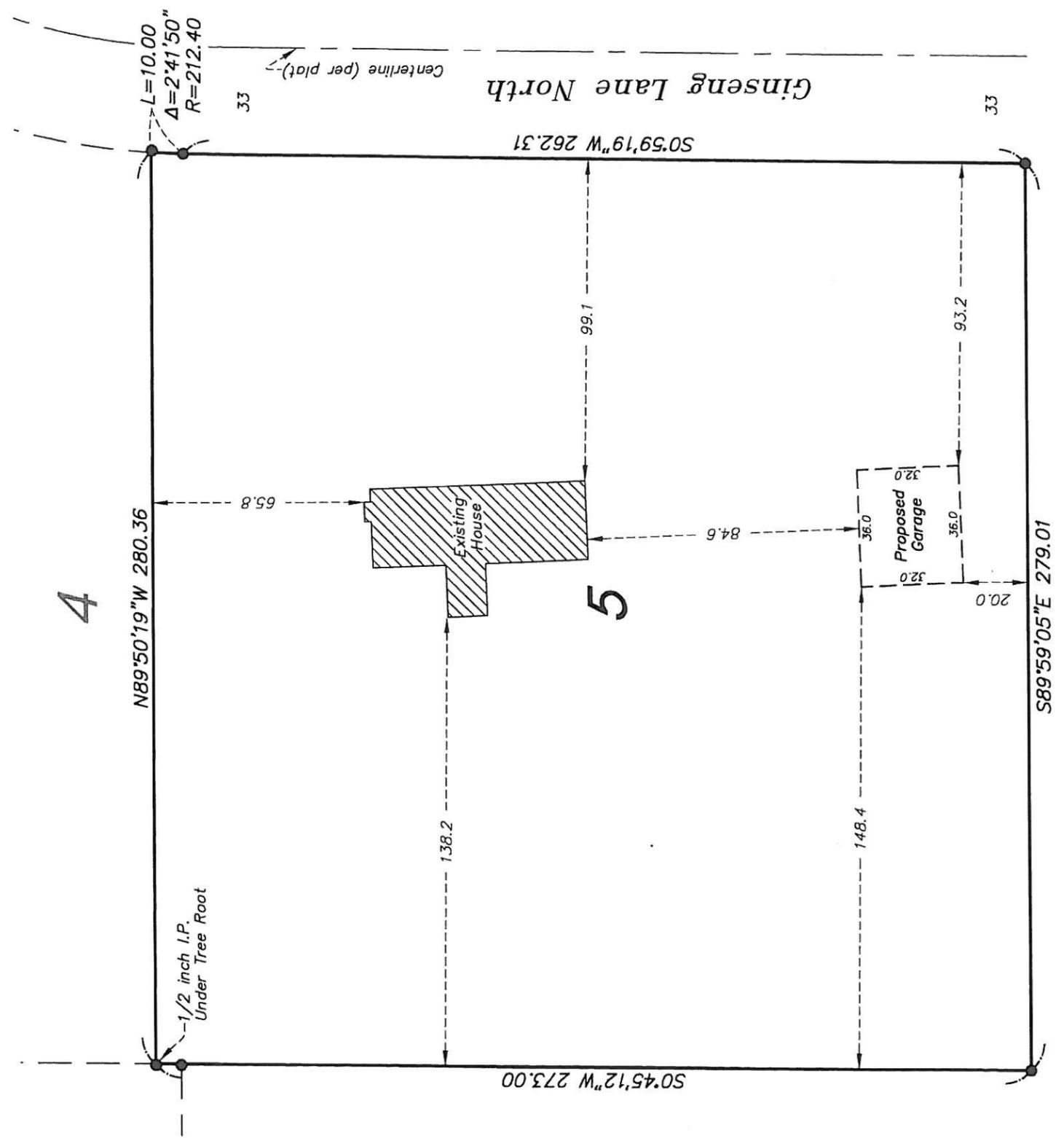
Recommendation

The City Planner recommends that the Conditional Use Permit be approved, subject to the following conditions:

1. The building shall be located in the location as shown on the survey dated August 3, 2016 and prepared by Schoborg Land Services, Inc.
2. The garage shall not be larger than 36 x 32 '.
3. The property shall remain in substantial conformance with all performance standards contained within the City Zoning Ordinance and City Code.

Building Permit Survey

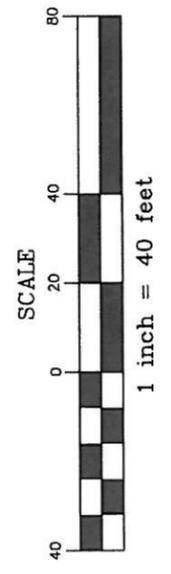
Prepared for:
Tom Bradley



Site Address:
10723 Ginseng Lane N.
Hanover, MN 44341

Boundary Description (supplied by client):
Lot 5, Block 1, CROW HASSAN ACRES, according to the recorded plat thereof,
Hennepin County, Minnesota. Subject to any and all easements of record.

Legend
● Found Iron Monument



Bearings based on assumed datum.

SCHOBORG
LAND SERVICES
INC.

763-972-3221
www.Schoborgland.com

8997 Co. Rd. 13 SE
Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Paul B. Schoborg
Paul B. Schoborg

Date: AUGUST 3, 2016 Registration No. 14700

Job Number:	8258
Book/Page:	LL
Survey Date:	7/29/16
Drawing Name:	bradley.dwg
Drawn by:	DMS
Revisions:	



Hanover, MN 55341-0278
 Phone: 763.497.3777 fax: 763.497.1873
www.hanovermn.org
cityhall@ci.hanover.mn.us

For Office Use Only	
Case Number:	
Fee Paid:	
Received by:	
Date Filed:	
Date Complete:	
Base Fee:	Escrow:

DEVELOPMENT APPLICATION

TYPE OF APPLICATION		
Annexation	Site Plan & Building Plan	Simple Land Division
Appeal	Sketch Plan	Subdivision Sketch Plan
Comprehensive Plan Amendment	Conditional Use Permit	Preliminary Plat
Ordinance Amendment (Text or Map)	Variance	Final Plat
Planned Unit Development (Concept/Gen)	Vacation	Other
PROPERTY INFORMATION		
Street Address: 10723 Ginseng LN. Hanover MN. 55341		
Property Identification Number (PIN#):		
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: Tom Bradler	Business Name:	
Address: 10723 Ginseng LN. n		
City: Hanover	State: MN,	Zip Code: 55341
Telephone: 763-202-6904	Fax:	E-mail: tr2b5@yahoo.com
Contact: Tom	Title:	
OWNER INFORMATION (if different from applicant)		
Name:	Business Name:	
Address:		
City	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: Home		
Nature of Proposed Use: New Garage		
Reason(s) to Approve Request: Location - side yard		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:	Date of Application:	
Nature of Request:		
NOTE: Applications only accepted with ALL required support documents. See Application Instructions and City Code		

APPLICATION FEES AND EXPENSES:

The City of Hanover required all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner:

E-mail tr265@yahoo.com Fax _____ USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Tom Bradley Date: 8-3-16

Owner: Same Date: 8-3-16

NOTE: Applications only accepted with ALL required support documents.
See Application Checklist and City Code



SUPPLEMENTAL APPLICATION - CONDITIONAL USE PERMIT

Name: Tom Bradley

Phone: 763-202-6904

Address: 10723 Ginseng Ln, N.

PID #: _____

1. Present zoning of above described property: Residential Agriculture

2. Application made for Conditional Use Permit to conduct: Shed located in the side yard.

3. Is the proposed use compatible with present and future land use(s) of the area? Please explain.
Yes - enhance property.

4. Will the proposed use depreciate the area in which it is proposed? Please explain.
No

5. Can the proposed use be accommodated with existing City services without overburdening the system? Please explain. Not applicable - private water & septic.

6. Are local streets capable of handling traffic which is generated by the proposed use? Please explain. Not applicable

7. Attach to this application a site plan illustrating curb cut locations, access to a public street, location of buildings and their square footage, location of easements, parking utilities and sidewalks.

8. Attach information specified in the "Required Material Submission Checklist" for CUP applications.

Applicant Signature: [Signature]
Owner Signature: [Signature]

Date: 8-3-16
Date: 8-3-16

Collaborative Planning, LLC

PO Box 251
Medina, MN 55340
763-473-0569

Memorandum

Date: August 12, 2016
To: Planning Commission
From: Cindy Nash, City Planner
RE: Ordinance Amendment related to Size of Single Family Homes

Attached please find an ordinance creating a standard for the minimum size of a single-family home. The content of this ordinance is consistent with past discussions on the topic at various Planning Commission meetings.

A public hearing must be held on this ordinance, which was published for the August 22nd Planning Commission meeting. Following the public hearing a recommendation on the ordinance should be made, which recommendation will be forwarded to the September 6th City Council meeting.

Attachments:

- 1) Ordinance

CITY OF HANOVER
COUNTIES OF WRIGHT AND HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING CHAPTER 10
RELATING TO THE SIZE OF SINGLE-FAMILY HOMES

THE CITY COUNCIL OF THE CITY OF HANOVER ORDAINS AS FOLLOWS:

Section 1. A new definition is added to Hanover City Code, Section 10.70 as follows:

Floor Area: The sum of the gross horizontal areas of several floors of the building or portion thereof devoted to a particular use, including accessory storage area located within selling or working space such as retailing activities, the production or processing of goods, or to business or professional offices. When measuring for single-family residences, floor area shall include only those portions above grade that are finished space and shall not include the garage, basement, crawl space or cellar. When measuring for non-residential uses, floor area shall not include the basement or cellar floor area other than areas devoted to retailing activities, the production or processing of goods, or to office spaces.

Section 2. A new performance standard is added to Hanover City Code, Section 10.26 as follows:

Performance Standard	R-A	R-1	R1-A	R-2
Minimum Single Family Detached Home Floor Area	1000	1000	1000	1000

Section 3. This Ordinance shall be in force and effect after adoption and publication in summary form in the official newspaper of the City of Hanover in accordance with applicable law. Staff is directed to prepare a summary form of the ordinance.

Adopted by the Hanover City Council this ____th day of _____, 2016.

CITY OF HANOVER

Chris Kauffman, Mayor

Attest:

Brian Hagen, City Administrator

C:\Users\Cynthia\Dropbox\Hanover\Ordinance Amendments\2016\Moratorium\Ordinance Single Family Home Size draft2.docx

August 15, 2016

August 17, 2016

(2 pages)

I wish to thank you as planning commission members for the opportunity to address you via this letter as I cannot personally be present at the August 22nd meeting

From a conversation I recently held with Brian, as well a discussion that took place at the 8-16-16 City Council meeting it is my understanding that Jay & Cindy are of the opinion that while Hanover City zoning ordinance speaks to lot orientation in relation to the street it does not speak to orientation of a single family residence on any given lot

While I respect their opinion I feel strongly that Hanover zoning ordinance needs to clearly define residence orientation on interior as well as corner lots in typical neighborhoods in Hanover. By typical neighborhoods I mean ones such as Crow River Heights, not acreage neighborhoods like Hanover Hills.

The subject matter of possible placement of a single family residence other than one that faces the street on an interior lot has obviously come about as a result of conversations/statements/informal staking by the owners of 520 Kadler Avenue . This lot as well as 5 or 6 other "problematic" lots in Crow River Heights were advertised by the seller as lots with "issues". The fact these lots are "problematic" should not allow orientation of a residence (even by variance) on these lots other than to face the street.

In my conversation with Brian 8-15-16 I stated that given the lack of residence orientation requirements in zoning ordinance that would mean for example that if someone had a nice pond in the back of their lot they could face their house to look at the pond with the back of their residence facing the street. Brian's answer was "yes, I guess they could, in fact they could put their house upside down if they wanted to". I'm certain Brian was joking about the upside down statement but the fact is someone could take advantage of the City of Hanover, the neighborhood and adjoining neighbors given the lack of definition in zoning ordinance

I ask that as you address this subject at the request of the City Council that your recommendation is to make it a requirement in the zoning ordinance that the front of a single family residence on an interior lot faces the street as that is logical

I asked Brian if this issue could be part of the public hearing at the Planning Commission meeting August 22nd. He stated he and Cindy had discussed that possibility but the posting of the public hearing purpose was so specific relating to size this issue could not be added.

That being the case, given the time frame of scheduled planning commission meetings, required public hearings etc the soonest this change could come to a Council vote would be October 4th at the regular Council meeting

It is my understanding that no single family residence building permits will be issued between now and the Council vote on the orientation issue unless the front of the residence faces the street

Thank you for your consideration

A handwritten signature in black ink that reads "Clark Lee". The signature is written in a cursive style with a large initial 'C' and a long, sweeping underline.

Clark Lee