

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

**Call to Order/Pledge of Allegiance**

Stan Kolasa called the August 22, 2016, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Michelle Armstrong, and Dean Kuitunen. Also present Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Also present: Tom Bradley, Lynnae Karsten, Mark Mischke, Dr. Dave and Nancy Sibley, Thomas Jones, David Bury, Suzanne and Dan Heinecke, Bill Hartman, and other guests. Absent: Mike Christenson.

**Approval of Agenda**

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

**Approval of Minutes from the July 25, 2016, Regular Meeting**

**MOTION** by Schendel to approve the July 25, 2016, minutes as presented, seconded by Armstrong. **Motion carried unanimously.**

**Citizen's Forum**

None

**Public Hearings**

**Conditional Use Permit for Outdoor Storage Located in the Side Yard at 10723 Ginseng Lane**

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:02 pm. Nash reviewed the application for building a 36 x 32 foot garage and explained that because of the desired location in the side yard, the Residential Agriculture zoning district required a conditional use permit (CUP). Hammerseng asked the property owner, Tom Bradley, the reason for building the garage. Bradley answered that it was to store his personal property. Armstrong inquired about the driveway connection to the proposed garage and whether or not it would be a separate entrance off of Ginseng Lane. Nash said that the driveway would be extended south towards the proposed garage and be considered part of the existing driveway. Bradley confirmed this. It was also asked if Bradley would be operating a home occupation business out of the garage. Bradley said no. Nash also informed the Board that both of these concerns could be included as conditions of the CUP. Kuitunen said he thought existing ordinances already covered these concerns. Hammerseng suggested it might be a good idea to include them. Via email, Christensen said he had no objection to the placement of the garage in the side yard. There were no members of the public present that wished to speak to this application.

Kolasa closed the Public Hearing and reopened the Planning Commission at 7:08 pm.

**Motion** by Armstrong to recommend approval of the Conditional Use Permit at 10723 Ginseng Lane for Outdoor Storage Located in the Side Yard with the following five conditions: The building shall be located in the location shown on the survey; the garage shall not be larger than 36 x 32 feet; the property shall remain in conformance with performance standards within the City Zoning Ordinance and City Code; the driveway shall be connected to the existing one with no connection to Ginseng Lane; and no home occupations will be allowed in the building, seconded by Kuitunen.

**Motion carried unanimously.**

**Ordinance 2016-6 Amending Chapter 10, Relating to the Size of Single Family Home**

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:10 pm. Kolasa asked if any members of the public would like to speak to the topic or add anything not covered over the previous months.

Clark Lee, 525 Kadler Avenue, sent an email thanking the Planning Commission for its hard work and his appreciation.

Mark Mischke, 10123 Kaitlin Avenue, asked if there was anything related to the size of the garage in comparison to the house size. Nash responded that there is a garage minimum in the ordinance and that the amendment was specific to a minimum size of 1,000 square feet, finished and above grade.

Thomas Jones, 540 Kadler Avenue, asked whether or not the basement was included as part of the square footage. Nash replied that it needs to be finished above grade, so the basement would not be included. Jones also thanked the Planning Commission for all of their hard work over the months.

Kolasa closed the Public Hearing and reopened the Planning Commission at 7:17 pm.

Armstrong thanked the residents who had given input over the past months and said that the Board had done a great job on working through the moratorium and proposed amendment.

**Motion** by Armstrong to recommend Council approve the Amendment to Chapter 10 Related to the Minimum Size of Single Family Homes, seconded by Schendel.

**Motion carried unanimously.**

#### **Unfinished Business**

##### **Sign at Kadler Avenue and Beebe Lake Road**

Biren said that the realtor has been contacted about removing the sign at the entrance of Crow River Heights and has until August 31, 2016, in order to do so. After that if the sign has not been removed, it will move to Council for further action and any costs incurred will be passed along to the realtor.

Mischke asked if a sign designating the neighborhood could be put up in its place. Biren said that since there is not an association in Crow River Heights, if individual residents wanted to appear before Council requesting it that would be the procedure to follow.

#### **New Business**

##### **Orientation of Homes on Lots**

Biren informed the Board members that Council had directed them to look at the ordinances in relation to how homes are oriented on lots. Residents had attended the August 16, 2016, Council meeting voicing their concerns.

Biren read an email from Clark Lee, 525 Kadler Avenue, voicing his concerns that a house not oriented facing the street would detract from the neighborhood. (See attached letter.)

Biren read an email from Christenson who was unable to attend tonight's meeting. Christenson said that he was not inclined to create an ordinance for this as the front of the house would be hard to define. He would be more inclined to require certain building features on the side of the home that faces the street. He went on to write that he has seen homes placed sideways on a typical neighborhood lot, and with the proper building features, they fit right in.

Bill Hartman, realtor advising Dave and Nancy Sibley, 500-520 Kadler Avenue, state that when people are looking at affordable housing, the price of the lot also needs to be considered. If lot prices are too high, it can push potential buyers or residents right out of the market.

Jones said that as a homeowner next to these lots, he is concerned if the house is perpendicular to the street and meets the side yard setback of the street, the "back" of the house would be ten feet off the property line and potentially 20 feet from the side of his house. He also asked Armstrong if this would affect his property value. Armstrong replied that having a house situated in this manner may impact the selling of his home, but

would not affect the value of it. It may be harder to sell or take a longer time to sell. Jones said that he is committed to the neighborhood and is concerned with what the neighborhood will look like if homes do not face the street.

Nancy Sibley, 6005 Goldenrod Lane, Plymouth, and 500-520 Kadler Avenue, Hanover, spoke to the process her husband, Dave, and she have followed during and since purchasing the lots on Kadler Avenue. When Bill Hartman came to the City to inquire about the lots, staff explained that the lots contained wetlands and that a delineation was required on the lots. Prior to purchasing the lots, the Sibleys had the wetland delineations completed by an independent firm and confirmed by Wright County Soil and Water. Hartman visited the City again to confirm that the type of house the Sibleys were interested in would be allowed by the City. The Sibleys also visited with staff and asked questions. They were assured that this would be allowed. The Sibleys then purchased the lots with the plan to combine them. Sibley went on to explain that in her current neighborhood there are houses with different orientation and showed pictures of them to the Board. She stated that these homes have not affected the value of her home. She also shared a plan similar to the house they would like to build in Hanover. She stated that they do not have specific plans as that has been placed on hold until the moratorium and amendment to the Performance Standards has been resolved. The lot consolidation has also been put on hold. Sibley said that they are looking forward to building their home and being part of the community.

Biren read a letter that had been written by Dave and Nancy Sibley prior to the meeting and in response to comments made previously (see attached).

David Bury, 703 Kalea Court, asked about wetlands and why people do not need to follow the ordinances related to them. Nash replied they are being followed and any owners of the lots currently not built upon would also have to follow the ordinances.

Suzanne Heinecke, 560 Kadler Avenue, asked about the comment made about building features. Biren responded that it had been in an email from Board member Mike Christenson who was unable to attend the meeting. Heinecke went on to say that having a solid wall of siding or a wall lacking features would not be desirable. She wondered if certain features could be required. Nash asked for clarification of why certain features would be problematic if the features were also ones on her own home. Heinecke clarified that she would like to see what features would be on this house that would not face the street.

Hammerseng asked Sibley if the plan she showed the Board was the exact plan. Sibley said no, it was just an idea and that it would be a mirror image and the inside would be laid out differently. She said that they would like windows facing the wetlands on the south and west sides of the home. Armstrong asked how it would sit on the land. Sibley said this plan shows a linear house which is what they want and that someone will be designing the home to fit the property.

Kuitunen said that the ordinances spell out the wetland delineation requirements and the requirements, so he does not feel the need for one regarding orientation of homes.

Nash said that the plan Sibley showed the Board is a very common floor plan. Nash is hesitant to put requirements into the code that are too specific. When the ordinances are too specific, then there is a possibility that plans would not be approved to be built. When restrictions are placed on building features, it either adds costs to builders or discourages people who want to do architectural upgrades. Restrictive building ordinances have far reaching effects.

Kuitunen said that the Board has spent time over the two month making Hanover less restrictive and more attractive to future builders, so to consider amending the ordinances regarding orientation of homes would be back tracking.

Armstrong said that the Sibley's plan looks interesting from a real estate point of view and that it should work.

Nash provided the Board with another alternative in which Council could grant a variance from the wetland in order to make it work.

Mischke asked whether or not the builder has to let a potential homeowner know if they can or cannot add to the house in the future as there has been an issue in the past where the wetland impacted how large a deck could be added. Nash said that there is no requirement for disclosure of something like that. Armstrong agreed saying that it is really hard because it falls into the use and enjoyment of the property. Nash also said that a city cannot turn down the permit even if there are features present in the plan that would suggest future building. She also stated that this is commonplace in all cities, not just Hanover.

Armstrong recommended that the neighbors to the lots owned by the Sibleys talk to the Sibleys and view the plans and ask questions about what they are planning. She thought they would be comfortable with the proposed plan and would be reassured after talking with the Sibleys. Armstrong also said she understood the neighbors' concerns.

Jones said that when talking with the Sibleys they have always been kind and good neighbors and thanked them for that.

Kuitunen said that the City only has a few lots left to build and the wetland restrictions are in place on some of the lots, so he does not believe that becoming more restrictive would be beneficial. Also, these restrictions would be placed on future lots as well. Nash agreed, stating that any restrictions put in place applies to everyone, not just the few lots left. In addition, the restrictions would not provide for variety and all of the neighborhoods would have homes that all looked alike.

Hammerseng added that one of the reasons Council directed this topic to Planning Commission was of the definitions in the Zoning Ordinance and the clarification of them. He also said that the size of the lots would come into play, and whether or not it would apply to everyone. He felt that it was not appropriate to change the rules for one lot.

Nash said that she researched communities that had building restrictions. She searched for key words such as "building orientation" and "building restrictions" and was only able to find Sioux City, IA, that had an ordinance related to how a home was oriented on a lot. The ordinance also provided alternatives to the orientation such as if the lot was one which was physically constrained.

**Motion** by Kuitunen recommending that there was not a need to add anything to the Ordinances related to home orientation on residential lots, seconded by Armstrong.

**Motion carried unanimously.**

### **Reports and Announcements:**

#### **Planning Commission:**

Kuitunen asked about the sign that was tipped over on River Road. Biren replied that the sign was advertising the land behind it, the Duinick Pit, was for sale. Schendel said that the sign was upright for one day and then was tipped over.

#### **Staff:**

Biren gave updates on the various projects happening within the City. The Green House, the assisted living project, is moving along. When asked when the projected completion date would be, Biren said according to what she has read, it will be early 2017. The Hanover Hills Road Improvement project is just waiting for final shouldering and grass restoration. The 5<sup>th</sup> Street Water Extension still needs some erosion work to be completed.

Nash informed the Board that at the next meeting, the members needed to review the new floodplain ordinance. New FEMA maps will be put into effect November 1<sup>st</sup> and those will tie into the new ordinance which the DNR approves. The changes in the maps will affect individual properties in Hanover and those individuals will be notified. Some properties that may not have been impacted previously may now be impacted and the

City has resources to help guide those individuals. Armstrong requested that this information could be sent to the Board earlier than the regular packet in order for members to review it. Nash said that was what she had planned in addition to a memo with explanations and recommendations.

**Council Liaison:**

Hammerseng informed the members that the Historic Bridge is almost complete, with bollards being on order. The bollards will be at the entrances of the Bridge and have a gate to allow access onto the Bridge. Also, the 125<sup>th</sup> Anniversary Celebration will be October 8<sup>th</sup> of this year and volunteers are needed.

**Adjournment**

**MOTION** by Armstrong to adjourn, seconded by Schendel. **Motion carried unanimously.**  
Meeting adjourned at 8:26 pm.

**ATTEST:**

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Amy L. Biren  
Administrative Assistant

August 22, 2016

**Re: Clark Lee comments to be read by Amy at 8-22-16 public hearing portion of planning commission meeting**

I am sorry I am unable to attend the public hearing tonight but I do have a few comments that I have asked Amy to read

I want to commend the Hanover Planning Commission for all their hard work in developing their recommendation that will be voted on at the September 6<sup>th</sup> Council meeting

I feel 1000 square foot minimum single family detached home floor area is a reasonable as well as responsible recommendation. I would have liked to have some type of language included that speaks to minimum foundation size but do understand the difficulty and complexity of doing so while at the same time keeping the minimums simple and straight forward for all to understand

I also feel the definition of floor area for single-family residences being recommended by Cindy and the Planning Commission is appropriate. In making this statement I assume the word "basement" is clearly synonymous with the words "lower level" as may be used in particular types of home construction. If this assumption is not correct then I would ask that further definition of the word "basement" be added

Thanks to all for a job well done !

Clark Lee

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 4<sup>th</sup> 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

Planning Commission

Hanover, Mn

8/22/16

Dear Members of the Planning Commission,

The purpose of this letter is to detail the steps Nancy and I took leading up to this point regarding the lots on Kadler. We began to look for a lot to build on in the spring of 2015. Hanover was a perfect location, being near our daughter. We worked first with the city to insure that what we envisioned would meet building guidelines. The city asked for a survey and a delineation report to show the lot boundaries and the setbacks for the wetlands. When both reports were completed, we approached the city and laid out the plan for our home. The city assured us that our plans met current zoning guidelines at which time we negotiated a purchase price with the bank that owned the lots and only then did we buy the land.. Since that time, we have visited the lots numerous times, to walk the lots and see how it will look when the home is built. It is a beautiful area and we can see why the residents love their community. Recently, we made plans to consolidate the two lots into one and get started on having plans drawn. Those two steps have been put on hold until the city tells us that our plans will once again be consistent with building guidelines

We believe that Hanover will be a wonderful place to build our retirement home and a great place to live for years to come. We have met some of our future neighbors and they seem like wonderful people. We are looking forward to joining their community.

Sincerely,

*Dave / Nancy Sibley*

Dave and Nancy Sibley