

**CITY OF HANOVER
PLANNING COMMISSION MEETING
JUNE 22, 2020
DRAFT MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the June 22, 2020, Planning Commission Meeting to order at 7:00 pm in City Hall. Members present were Stan Kolasa, Jim Schendel, Dean Kuitunen, Mike Christenson and Gretchen Barrett. Also present City Planner Cindy Nash, Council Liaison Doug Hammerseng and Administrative Assistant Amy Biren. Guests were present.

Approval of Agenda

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

Approval of Minutes from the May 21, 2020, Regular Meeting

MOTION by Kuitunen to approve the May 21, 2020, minutes, seconded by Schendel.
Motion carried unanimously.

Citizen's Forum

None

Public Hearings

Conditional Use Permit at 11000 Crow Hassan Park Road

Kolasa closed the Planning Commission meeting at 7:02 pm and opened the Public Hearing.

Nash reviewed the request for a conditional use permit for an accessory building larger than the square footage of the home at 11000 Crow Hassan Park Road. The building will be in the same general area of a barn that has mostly been removed.

Planning Commission members did not have any questions.

Joe Slavec, 11000 Crow Hassan Park Road, applicant, expressed his displeasure at the time it takes to pull a building permit in Hanover and the time and money spent. He gave an example of how little time it takes to pull a permit in Minneapolis, under one hour. His perception of the process is that it takes a ridiculous amount of time and expense.

There was no one in the audience that had comments.

Kolasa closed the Public Hearing and re-opened the Planning Commission meeting at 7:07 pm.

MOTION by Christenson to send the conditional use permit at 11000 Crow Hassan Park Road forward to Council for approval with the three conditions listed in the Planner's memo, seconded by Barrett.
Motion carried unanimously.

Conditional Use Permit at 11652 Crow Hassan Park Road

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

Nash explained that the applicant had recently purchased the property at 11652 Crow Hassan Park Road and is in the process of an extensive remodel of the existing house along with an addition. The applicant would also like to remove the current accessory building and replace it with a larger one. The proposed building would meet the setbacks, but would be larger than the square footage of the house, therefore needing a conditional use permit to be constructed.

There was no one in the audience that had comments.

Kolasa closed the Public Hearing and re-opened the Planning Commission meeting at 7:10 pm.

MOTION by Kuitunen to send the conditional use permit at 11652 Crow Hassan Park Road forward to Council for approval with the three conditions recommended by the City Planner, seconded by Schendel.

Motion carried unanimously.

Variance at 10111 Beebe Lake Road

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:11 pm.

Nash explained that the applicant, Bill Bolte, would like to construct a garden, or potting, shed in the front portion of the property near the garden that already exists. Nash showed the Planning Commission members the locations of the garden and the proposed garden shed. Since accessory buildings are not allowed in the front yard, a variance needs to be granted in order for it to be constructed.

Kuitunen acknowledged that Bolte has been to the Planning Commission before when the ordinances were being reviewed and that the Board was familiar with his request.

Hammerseng asked Bolte how far into the woods would the shed be located. Bolte answered that it would be right within the wood line, perhaps 10 feet into the woods. Hammerseng asked whether or not it would be visible from the road. Bolte said that it would be hard to see from the road.

Hammerseng stated that the Board and Council needs to be careful in setting a precedent about allowing what is located in the front yard.

Nash directed the Board to review the architecture of the proposed garden shed.

Christenson asked what will be the color of the shed. Bolte said that it would be gray to match the house and the woods, being made out of cedar.

No one from the audience had comment.

Kolasa closed the Public Hearing and re-opened the Planning Commission meeting at 7:15 pm.

MOTION by Schendel to send the variance at 10111 Beebe Lake Road forward to Council for approval with the three recommendations from Staff, seconded by Kuitunen.

Motion carried unanimously.

Variance at 775 Kadler Avenue NE

Kolasa closed the Planning Commission meeting at 7:16 pm and opened the Public Hearing.

Nash explained that applicants would like a variance from the rear yard setback in order to construct a screened porch and deck at the back of the house. The proposed structure would encroach on the rear yard setback of 30 feet. From the edge of the proposed structure to the rear property line would be 21.2 feet.

She continued to explain that the coving feature in the Crow River Heights neighborhoods doesn't necessarily impact this property, rather the builder set the garage and home farther back. The garage front is set at 30.5 feet and the front porch/entrance is approximately 64 feet from the front property line. The applicants purchased the home from the original owners. The builder did not leave much in the rear yard for a deck even though the features indicating a deck—sliders and ledger board—were part of the original build.

Nash reminded the Board when evaluating variance requests, the following questions should be considered:

- Is the request a reasonable use of the land?
- Is the plight of the landowner due to circumstance unique to the property not created by the landowner?
- Will the variance, if granted, alter the essential character of the locality?

Barrett commented that this is a good example of what could happen in future developments and suggested having decks or porches included with the new construction permit. Nash said that something like that cannot be made a requirement and that situation is not unique to Hanover. It happens in a variety of communities.

Kuitunen asked about the pond that is show on the aerial view of the property and if that would be impacted. Nash responded that it could be anticipated that the property behind 775 Kadler Avenue NE would be developed in the future. The pond could be deemed a wetland area and it is probable that nothing would be constructed in that area.

Nash also directed the Board to look at the property to the south of the applicant and that it shows something similar. She had the permit pulled and the deck was built in 2010 and was not flagged as encroaching on the rear yard setback.

Christenson asked if the side yard setbacks were an issue. Nash said that it was not and met the 10 foot side yard setback requirement. Only the rear yard setback is impacted.

Kuitunen asked if the applicant would be changing the door style to the porch and deck. Elyse Phillips, one of the applicants, said yes, that it would be changed from a sliding glass door to French doors.

Kuitunen commented that the original owners wanted a deeper garage. Phillips concurred.

Phillips explained that they had applied for the same project in 2017 and it had not been flagged for a rear yard encroachment. Due to a builder issue, the project was not started or completed. She reiterated that they purchased the home, essentially inheriting the setbacks. The proposed project is consistent with what is in the neighborhood and they would like to enjoy their backyard without all of the mosquitos from the pond. She said that they appreciated the Board's consideration.

Kolasa closed the Public Hearing and re-opened the Planning Commission meeting at 7:27 pm.

MOTION by Barrett to send the variance request at 775 Kadler Avenue NE forward to Council for approval with the information contained in the memo, seconded by Schendel.

Nash noted that Staff did not make any recommendations so the Planning Commission would need to do so and include it in the motion.

Barrett **amended her motion** to include the size of the proposed screen porch be 16 feet by 16 feet and the deck would be 16 feet by 10 feet. Schendel accepted the amendment.

Motion carried unanimously.

Unfinished Business

None

New Business

Discussion on a Solar Energy Ordinance

Nash reminded the Planning Commission that they had reviewed solar energy in 2016-2017 and that an ordinance was not created at that time.

The City received a request from a resident to add solar panels to his roof. The resident spoke at a City Council meeting after being informed that the City did not have a solar ordinance and that solar panels were not permitted at this time. The City Council directed the Planning Commission to discuss a solar ordinance.

Nash explained that the information provided in the packet is sample language for consideration and that Staff would like direction from Planning Commission on the ordinance.

Nash directed the Board to first look at the definitions provided. She explained the difference between a building-integrated solar energy system and a building-mounted system. The integrated system is incorporated into the building itself, while the mounted system is a panel system. She said that she included the definition of a solar garden for comparison purposes only and that solar gardens were not being considered at this time.

She explained that a building permit for either an integrated system or a mounted system would be an over-the-counter permit at City Hall.

She also explained a ground-mounted solar energy system to the Board along with a use chart showing where the different types of solar energy would be allowed in zoning districts.

Brian Allen, All Energy Solar, submitted comments related to the sample language as he could not be in attendance. A copy of the comments and photos were provided to the Board members and included in the official copy of the packet. Some of his comments include:

- The height of a ground mounted systems should be 15 feet, not 10 feet. Most of their systems are between 12-13 feet. It also depends on the ground elevation.
- The ground mounted systems should be allowed in smaller parcels than the 5 acres suggested or allow a conditional use permit.
- Glare should not be an issue as solar panels are designed to absorb light, not reflect it. There are manufacturer specs on the anti-glare coating.

Kuitunen asked Nash if the sample language was close to what had been discussed previously. She said that it is similar, but no since technology has changed since that discussion.

Kuitunen said that the members also need to think about what will be allowed under the ground mounted systems so that long grass, refuse and storage items are not under it. He also asked for confirmation that it was included as an accessory use. Nash confirmed that. She also said that ground mounted systems would only be allowed in limited zoning districts.

Barrett believes that abandonment is a key issue.

Schendel suggested talking with the Fire Department and mentioned that a house fire recently occurred that was struck by lightning and had solar panels on it. He suggested that Nash find out how the solar panels impacted fighting the fire.

Christenson has concerned about the solar energy systems following electrical code and being UL approved.

Hammerseng said that portions of the solar panels are considered hazardous waste and that they cannot be thrown in the garbage. He continued saying that this is more complex than a furnace or a shed and would like to receive materials to educate the members.

Christenson asked if Xcel Energy would be able to provide information.

Barrett asked what the neighboring cities had for solar ordinances. Nash replied that she did an extensive study about three years ago and about half of the cities in the study allowed solar energy without specific language. She will look at the neighboring cities.

Mat Meyer, 1027 Emerald Street NE, explained that he is the resident that brought the request before the City Council. He said that he could supply some answers to the Board member's questions:

- The system he would like to put on his house goes through Xcel Energy and one of their engineers reviews it.
- There is a fire code set up for these systems.
- There are standards associated with the panels he wants and he is only concerned with roof-mounted ones. He is looking at 28 panels that are 3 x 5 feet: 10 on the west part of the roof and 18 on the south roof. They are all black and it would look like a black roof.
- St. Michael does have a solar ordinance.
- It is important that this is reviewed as this is a future energy source.
- Companies are working on different ways to get rid of the panels after the life expectancy is met. The life expectancy of his panels is 25 years.

Christenson asked if the system he is looking at has adjustable panels. Meyer said no, the panels would be set in place and remain constant.

Meyers said that energy usage is reviewed and that determines the size system installed. Xcel Energy only allows sizes up to 120% usage to receive a rebate. If the system is larger than that percentage, the homeowner does not receive any rebates or incentives.

Nash asked for guidance from the Board for writing the ordinance and received these responses:

- Barrett suggested looking only at building mounted.
- Kolasa agreed with building mounted.
- Schendel said that solar gardens should not be considered since there was limited land available in Hanover. He would prefer roof units only.
- Christenson agreed with Schendel.
- Kuitunen said that angled panels should not be in residential districts.
- Christenson suggested that the products and installation meet electrical code.

Nash said that if solar panels were desired in the industrial district, since many of the buildings have a flat roof, angled panels would be necessary.

Nash said that she will bring the proposed ordinance to the July meeting and would advertise for a public hearing to take place.

Reports and Announcements

Schendel asked for an update on River Town Villas. Nash said that they had finished grading and the developer's agreement and final plat would be recorded in July. The construction of the road and utility installation would take place the second part of July.

Kuitunen asked for an update on 15th Street Reconstruction. Nash said that the City Engineer and St. Michael are reviewing the plans and then it will go to Council for approval. Since the Hanover Harvest Festival has been cancelled work can start once approval is given. However, the relocation of the utilities may not be able to be moved forward.

Christenson would like the sound ordinance updated because as it is written, it really is not enforceable. He suggested looking at the ordinances in St. Michael, Monticello and Waverly. He said that Hanover's ordinance is subjective. Nash said she would look into it. Christenson gave an example of a recent issue and that it has improved after the Wright County Sheriff's Department spoke with the parents.

Christenson said that solicitors have been coming around the neighborhoods and that he reminded them they needed a license from the City. Barret said she has experienced that as well.

Barrett asked about the Hilltop as she has seen engineers on the property. Nash said that the owners, who are in attendance, Joe and Ann Slavec (brother and sister) have been working with Hennepin County Transportation and will come forward with a site plan for July's meeting. Ann Slavec gave a quick update about the desire to have a drive-thru and accessibility to CSAH 19/109th Avenue North. They are also planning for an access to the south into the proposed Mercantile Pass. Joe Slavec said that having a drive thru is a necessity referencing the current pandemic and the restrictions that had been in place.

Barrett also asked about any updates on roundabouts in Hanover. Hammerseng said that Hennepin County had attended a Council meeting and there is nothing concrete.

Hammerseng said that the hall and shelter are now available for rental with restrictions on capacity. The cleaning company will do additional sanitization and this fee will be passed on to the renter.

Hammerseng also said that the City will need to submit its Covid 19 Preparedness Plan by June 29th.

Nash said that the River's Edge of Hanover revised concept plan will be brought to the July meeting. Staff is determining the best way to handle the meeting as attendance will be high. It will more than likely be via Zoom or another electronic means.

Biren said that there are three new construction permits for Crow River Heights West 4th Addition. One has been issued and the other two will go to Metro West for building code review.

Adjournment

MOTION by Schendel to adjourn, seconded by Christenson.

Motion carried unanimously.

Meeting adjourned at 8:16 pm.

ATTEST:

Amy L. Biren
Administrative Assistant