

**CITY OF HANOVER
PLANNING COMMISSION MEETING
NOVEMBER 28, 2016
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the November 28, 2016, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Dean Kuitunen, and Mike Christenson. Also present Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Absent: Michelle Armstrong. Guests present: Cindy Hiller, Kelsey Wilmes, and Joe Wolverton.

Approval of Agenda

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

Approval of Minutes from the October 24, 2016, Regular Meeting

MOTION by Christenson to approve the October 24, 2016, minutes as presented, seconded by Schendel. **Motion carried unanimously.**

Citizen's Forum

None

Public Hearings

a. Amendments to Zoning Ordinance Related to Accessory Uses and Structures

Kolasa closed the Planning Commission meeting at 7:01 pm and opened the Public Hearing.

Nash reviewed the amendments being brought before the Planning Commission:

- Accessory apartments are allowed in the RA district, but had no qualifying conditions. Since the City has opted out of the “granny pod”, qualifiers are needed.
- Outdoor dining is mentioned as an accessory use, but there are no details or qualifiers.
- The fence ordinance is vague and needs clarification so that it is easily understandable.
- As there have been some inquiries regarding solar panels/energy at the residential level, a section can be added outlining these regulations.

Since the guests present came to speak to the fence portion of the amendments, Nash suggested to the Board to start with that amendment. Kolasa and the Board members agreed. Nash stated that the fence ordinance was changed in 2013 in part due to the variety of fences in front yards and the Planning Commission at that time did not desire chain link fencing in the front yard. She said that the previous ordinance had more detail and provided information about decorative fences which the current ordinance does not.

Kelsey Wilmes, 11556 Erin Street: Kelsey contacted the City and spoke with staff about constructing a chain link fence on her property. The property is a corner lot on Erin Street and 11th Street. She was told since a corner lot has two “front” yards, that the fence would need to be decorative if it was located other than straight back from the back corner of the house. She stated that decorative fencing is not defined in the ordinance and the definition is subjective and can be interpreted many ways. She does not believe a corner lot should be treated differently than an interior lot.

Joe Wolverton, 1020 Mallard Street: Joe said that he had run into the same issue with his property being located at the corner of Mallard and 11th Streets. He felt that the interpretation was only one person's opinion. He considers a black-coated chain link fence to be decorative. He also asked why the ordinance was changed in the first place. He also said that he would consider a partially fenced property less appealing than having the fence go into the side “front” yard.

Kuitunen also asked why the ordinance changed. Schendel said that it was to prevent front yards from having a “compound” look.

Kuitunen asked Nash what was her vision for this ordinance. Nash said that the terminology for decorative does need to be addressed.

Christenson asked if corner lots had different requirements than interior lots. Nash replied that yes, the setbacks are different than for an interior lot. Kuitunen asked about the different types of corner lots and if there would be different right of ways that would affect the placement of the fences. Nash agreed that there were different types of corner lots and that would also need to be addressed.

Wolverton asked why some fences came off the back corner of the house and other fences came off the front corner.

Cindy Hiller, 1283 Irvine Drive: Cindy stated that having two types of fencing because it was required dependent on where the fence was located would make it harder to resell.

Kuitunen said he would be okay with having chain link in the side yard, but not in the front yard.

Schendel said that he would be okay with a fence coming off the front corner of the house.

Christenson said he didn’t have any issue with either the front or back corner of the house for the placement of the fence. He said that there are decorative fencing options available that are not too expensive and look nice. He wouldn’t want to have fences too close to the road and interfere with the right of way as in snowplowing and he wouldn’t want to have damage caused for the homeowner.

The Board agreed that there should not be any chain link allowed in the front yard and that a fence could come off the front corner of the house.

Nash advised the Board to table the amendments until the December meeting so they could see the language of the actual amendments.

Schendel reiterated to the guests that in the event that the City would need to access the manhole located within the fence, the fence would need to be rolled back and returned in place by the homeowner.

Hammerseng asked if diagrams could be included with the proper language so that it was easy to understand. Nash agreed. She also asked if the Board would like her to come up with the various scenarios pertinent to different lot types. The Board said yes.

Nash moved on from the fences and returned to the drafted changes given to the Board. She explained that modifications to the Use charts would need to be updated. A qualifier would need to be added regarding the Accessory Apartment section and outdoor dining changed to an accessory use in the industrial and commercial districts with qualifiers.

Nash explained that outdoor dining was included in the industrial and commercial districts on the chance that a brewery would come to Hanover. Christenson asked if the qualifiers would be too restrictive, but Nash said that they would not be as the qualifiers had the outdoor dining taking place on the property owner’s lot. Schendel asked about how it would affect the River Inn as there were two properties there owned by the same people. Nash said that she would review the properties. Christenson said that the industrial district should be left in just in case a brewery would come to town and want to be in that district.

Nash moved on to the qualifiers for Accessory Apartments explaining that it needed to be outlined in the section on Building Eligibilities so as not to take away an eligibility on a parcel of land. She gave an example of a parcel having two eligibilities and the accessory apartment would not count as one as it would be within the building footprint of one of the homes. Nash also explained that accessory apartments were not clearly defined in the current ordinance and gave standards in which one would need to be in compliance. Hammerseng said that some regulations would be nice to have. He also asked if the minimum size qualifier should meet the current minimum size standard of 1000 square feet since most of the summer had been spent deciding that. Nash replied that it should and would make the necessary changes.

Christenson asked if there would be any difference in having a family member living in an accessory apartment than a non-family member. Nash replied no, but that often times with a family member, there is more of an openness and not so many barriers such as a locked door between the two areas.

Solar energy systems were looked at next by the Board. At present, Hanover does not have an ordinance that deals with solar energy systems. Nash drafted an ordinance similar to what other cities in the area have adopted. She explained the definitions and pointed out that the type of system allowed in the residential districts would be flush-mounted panels which could not be angled or raised. To have solar panels on a house, a building permit application would be submitted and a conditional use permit would not be needed. Solar farms would not be allowed under this ordinance. This ordinance would limit solar energy systems to: 1) Residential properties where the system is mounted flush to the roof; and 2) commercial and industrial buildings having flat roofs, up on a frame, and usually not visible from the ground.

Hammerseng asked if there were other regulations in place regarding solar energy systems. Nash replied no, but that there is encouragement at the state level to incorporate solar.

Wolverton asked if adjustable panels would be allowed. Nash replied the panels need to be flush-mounted.

Christenson asked if there were homes in Hanover currently using them and if there would be any reason to prohibit them. Nash replied she did not know of any homes, but could check. Kuitunen said that aesthetics or falling into disrepair could be reasons for prohibition of solar panels.

The discussion then led to whether or not to include solar energy systems at all or to say they are not allowed. Schendel said it could be taken out and if anyone wanted to have a solar energy system they could appear before the Board and Council. Kuitunen said to take it out of residential. Christenson said he was flexible and could go either direction. The Board then decided to take it out of the amendments.

MOTION by Kuitunen to table the amendments to the zoning ordinance related to accessory uses and structures, seconded by Schendel.

Motion carried unanimously.

Reports:

Staff:

Biren informed the Board that the Crow River Regional Trail Master Plan was available for review and that formal comments could be submitted until January 6, 2017.

Adjournment

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

Meeting adjourned at 8:01pm.

ATTEST:

Amy L. Biren
Administrative Assistant