

**CITY OF HANOVER
PLANNING COMMISSION MEETING
JUNE 26, 2017
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the June 26, 2017, Planning Commission Meeting to order at 7:30 pm. Members present were Stan Kolasa, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present Council Liaison Doug Hammerseng, City Planner Cindy Nash, Administrative Assistant Amy Biren and City Administrator Brian Hagen. Absent: Jim Schendel. Guests present: Don Legatt, Thomas Jones, Jolene Nelson, Maxine Ladda, Todd McLouth, Dennis Backes, Jason Werlinger, Chuck Ylitalo, Kim Daniel, Clark Lee, Matt Lee, Phil Jean, and Josh Pomerleau.

Approval of Agenda

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

Approval of Minutes from the May 22, 2017, Regular Meeting

MOTION by Armstrong to approve the May 22, 2017, minutes as presented, seconded by Kuitunen.
Motion carried unanimously.

Citizen's Forum

None

Public Hearing

Variance to Construct an Accessory Building in the Side Yard and to Construct a Second Driveway on the Same Street Frontage

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:32 pm.

Nash reviewed the application from Don Legatt, 11045 10th Street NE, to build an accessory building in the side yard with an access drive to the building on the same road frontage as the house driveway.

Hammerseng inquired about the primary and secondary sites indicated on the survey. Nash responded that these were the septic locations. The location of these sites would make it difficult to put an accessory building or access drive in this area of the property.

Hammerseng also went on to ask about what hardship was being shown in order to grant a variance. Nash replied that there is a practical difficulty to meet the standards of the ordinance: it would be difficult to have access from Ladyslipper Lane.

Armstrong asked why this location was selected and its proximity to CSAH 19. Legatt responded that the location of the proposed building is at the top of a slope and that it was not desirable to locate an access drive in the middle of the yard. He also said that there is a row of trees that will screen it from the county road. Nash also stated that it does meet the setbacks from the county road.

Legatt was asked what the intended use of the building would be and he replied that it was going to be for storage and nothing else. The driveway was needed for access, but that it would be used infrequently.

Hammerseng asked about the style and color matching the house. Biren stated that the color details were included in the packet and referred to the color choices marked. Legatt confirmed this saying he had chosen colors that would coordinate with the colors of the house.

Kolasa closed the Public Hearing at 7:39 pm and reopened the Planning Commission meeting.

MOTION: Armstrong moved to recommend approval of the variance as presented with the two staff recommendations of the building conforming to required setbacks and being to the rear of the primary structure as well as the access drive conforming to plans prepared by Willis L. Gilliard, and send it to Council for final approval, seconded by Kuitunen.

Motion carried unanimously.

Comprehensive Plan Amendment, Planned Unit Development, and Preliminary and Final Plat Approval

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:40 pm.

Nash explained that typically a preliminary and final plat would not be done at the same time, but in this situation, the developer is using pre-existing components and it is fairly simple.

Nash reviewed the need for an amendment to the Comprehensive Plan related to density within Hanover. Currently, the Plan requires larger lots and the density figures do not match. Most of the developments that have been built in Hanover do not meet the density requirement, and are denser than what is allowed. By amending the Plan, it will make these and future developments more consistent. She also went on to say that this would have eventually been presented as a result of the Comprehensive Plan Review that is taking place, but since the opportunity arose with the new development, it is being presented earlier.

She went on to explain that calculations for density have to take into consideration items such as wetlands, etc. that are not buildable and will be subtracted from the total area to be developed. That will leave usable land which will need to include not only the homes, but also infrastructure, so the lots tend to be smaller and therefore have a higher density.

Nash explained that the stormwater ponds were also proposed to be handled differently than in previous Crow River Heights developments. The stormwater ponds are proposed to be in an outlot owned by the City rather than be part of personally owned property.

Hammerseng asked about the previous preliminary plat. Nash said that the developer is trying to use what has already been previously graded and this doesn't shrink the usable size of the lots as compared to homes already constructed.

Matt Lee, 9840 Jasmine Avenue NE, asked why this change needed to be done (Comprehensive Plan Amendment) and what will the City do with the ponds and if things would be stored on the outlot.

Hagen asked the chair if he may reply to the questions. Kolasa consented. Hagen explained the purpose of the stormwater ponds is to collect stormwater as well as act as a filter before the water makes its way into the Crow River. Long grasses are encouraged in the ponds to help with filtration of phosphorus. Ponds in outlots are more easily accessible for maintenance. Regular maintenance such as removing invasive species such as willows is done more often than dredging a pond to remove silt build up. The City does not plan on storing anything on outlots.

Clark Lee, 525 Kadler Avenue NE, commented on how well his neighbors work together to maintain the pond located in their rear yards. Hagen asked if it was a natural pond and Lee replied yes. Hagen went on to explain that natural ponds are part of the stormwater system, but are handled differently than manmade stormwater ponds.

Maxine Ladda, 9859 Beebe Lake Road, commented on how steep the ravine is behind her property and that it was dangerous for children. She wondered if that was going to be fixed during the development. This was answered later in the discussion when it was explained that not all of the work on the stormwater ponds had been completed and this was one area that had not been previously completed.

M. Lee said that people are dumping on the vacant property and using it as a compost site. He is concerned that when the City owns the outlot, this will continue and be unsightly. Nash responded that ponds are usually located behind lots and it is usually the residents around the pond that are the ones dumping grass and other items.

C. Lee asked if there would be liability to the City if someone was ice skating on the stormwater pond and fell through. Hagen responded that the City doesn't encourage residents to use stormwater ponds. Nash also responded that even if the pond is considered part of personally owned property, the City would still have a drainage and utility easement and a claim could still be made against the City.

Jolene Nelson, 1020 James Avenue NE, St. Michael, commented about the smaller lot sizes and really large homes being built on them.

Kuitunen and Armstrong both asked if the Comprehensive Plan Amendment will affect everyone. Nash confirmed this and said that it will also make the existing lots legally conforming. She went on to say that even if this is part of a development agreement, the lots still need to come into a future land use guidance that allows it.

Kuitunen commented that this also helps encourage developers to build in Hanover. Nash said yes it would and that this is a very common density size in surrounding areas. Kuitunen went on to say if the City did not change this, it would make Hanover unfriendly to builders. Nash replied yes. Kuitunen went to ask if there would be any problems if the change was made. Nash replied no.

Nash went on to explain that when an area is being developed, the cost of the land and infrastructure needs to be spread out amongst the number of lots in the development. If there are not enough lots, it is not feasible and makes the property difficult to develop.

Thomas Jones, 540 Kadler Avenue, referenced the 20,000 square foot lot size in the Comprehensive Plan and the lot size per the zoning ordinance in Crow River Heights being smaller. Nash replied that there is a disconnect between the zoning ordinances and the Comprehensive Plan. The Comprehensive Plan is the document that guides everything else and the zoning needs to be consistent with it. She went on to say that lots may seem to be larger, but there are parts that are not usable. The usable area of the lots is what needs to be considered.

Ladda said that she is the last resident in Hanover located on Beebe Lake Road and is at the end of the water line. She has constant problems with the water being stagnant and making everything black. The line needs to be looped in order for the water to flow and wondered if that was part of the planned development. Nash replied that she needs more information and would consult with the city engineer.

Ladda went on to say that some people purchased two lots and combined them in order to have more space and build the type of house they preferred.

Nelson commented on the lack of green space if the houses are built so close together.

C. Lee made a comment about bringing the size of the lots down to nothing in the Comprehensive Plan. Nash said that it is more common for a density rate to be included rather than a lot size.

Kuitunen said that we are not putting Hanover at risk by making this change and thinks it is a good idea.

M. Lee asked if the size could be put at 12,000 square feet so that it would match the densest zone. Nash responded that if the size would be reduced to that, it would preclude other types of housing that want to be developed such as cluster lots, villas, etc. It doesn't give the buildability for a developer to meet different market goals and population segments.

Nelson asked how many lots are being planned for the second phase of this development. Nash said that is not known at this time. All of that will be addressed in the near future with another preliminary plat and Environmental Assessment Worksheet (EAW).

C. Lee asked the following questions:

Was the 80 acres re-delineated for wetlands? McLouth answered that it was and the current 30 lots being discussed had a “No Wetland Determination”.

My understanding is that an EAW is not being required for the 30 lots, but that one will be done on the rest of the parcel. Nash replied that Council was leaning towards that decision.

Why are the side setbacks being changed from 10 feet to seven feet? Are there any changes to the front or rear yard setbacks? Nash replied that there will be a “build to” line for the front yard setback for the coving and that six lots have a change to the rear yard setback due to the pond being in an outlot. The build to line will guarantee there is a setback from the property line.

Nash said that since the questions have migrated into the Planned Unit Development (PUD) part of the Public Hearing, she would review that next.

In this PUD, Nash has called out where there are changes and made very specific conditions so as to avoid any misunderstandings in the future. She then went over the variances from the Zoning Ordinance that was included in the packet. She pointed out that three lots will be built as shown as they are at a slight angle and may not be considered to meet the current ordinance for building orientation.

C. Lee said that with the side yard setbacks down to seven feet, it appears to be encouraging the garage being the focus in the front of the house with a small section of house showing. He feels that this is taking advantage of the City.

Jones said that why would this need to be changed as it is beautiful as it currently stands.

Armstrong stated that we are dealing with building pads that are already in place. While it may not be her favorite scenario, Hanover needs a development.

Nash said that the plans are taken from the original PUD and it appears that there is a six-foot easement and a 10-foot setback on a typical lot. It is difficult to determine without more information if some lots had reduced setbacks.

C. Lee said that an EAW should be required for the 30 lots as well. He is afraid that if one isn't done, that when an Environmental Impact Statement (EIS) is required on the other part, the developer will back out.

Nash went on to the next item of business which was the approval of the preliminary and final plats. She reviewed the items outlined in the memo. She explained that the original preliminary plat was approved in 2000 and expired in 2010. The developer is trying to build it similarly with modifications due to the current standards.

Dennis Backes, developer and applicant, said that he developed the Esterly Oaks area so he is familiar with Hanover. He is taking the original plan and doing something similarly. The grading is in place as well as the building pads. If he had to start from scratch, it would not be economically feasible to develop.

Chuck Ylitalo, 9715 10th Street, St. Michael, asked about the area marked “stockpile”. McLouth responded that the ponds that were created do not meet today's standards and will need to be fixed. This will create a stockpile of dirt that will be used in the rest of the development. It is not a permanent item.

Hammerseng asked if this would help resolve the steep ravine that Ladda had mentioned. Nash responded yes.

Nash said that the developer is using the building pads that are currently existing. If the 10-foot side setback was enforced, this would create a smaller house that the residents have said they do not wish to have in their neighborhood.

McLouth said that when they looked at the previous preliminary plat, there were lots that would not be acceptable by today's standards, so in effect, Backes is not proposing any more lots than originally planned, but less lots.

Christenson asked what determines a building pad. Nash replied that if a developer is starting from scratch, then there are many options for what can be done. A building pad is compacted soil that meets the requirements for building a house. If the building pad is shifted, the soil is not compacted and may require soil corrections which would increase the cost of the house.

Christenson went on to say that living in the Esterly Oaks subdivision, he understands the residents' concerns about the side setback. Once landscaping is done it is sometimes hard to access the rear yard with only a small side setback.

Backes said that the homes built will be consistent with the neighborhood around them.

M. Lee said that tightly spaced houses will look out of place in Hanover.

Kolasa closed the Public Hearing at 9:07 pm and reopened the Planning Commission meeting.

Kuitunen said that he was worried about the seven-foot side setback, but that the building pads are already in place. If the side setback is taken away and change the house, it is not economical.

Christenson said that he will support it if it means getting a development and he is comfortable with it in the case of the 30 homes because it makes sense to use what is already there. In a bigger development, he would be opposed to such a small side setback.

Kolasa asked for clarification on the number of motions that would be needed. Nash replied that a total of four motions would be needed, one for each item discussed.

M. Lee asked to speak and Kolasa consented. Lee said the building pad should include a 10-foot side setback.

Armstrong responded by saying that such a side setback would cause a smaller house to be built. She said that you will prefer a larger, attractive house that is closer together than the reverse. This also gives flexibility to what can be built.

MOTION: Kuitunen moved to recommend approval of the Comprehensive Plan Amendment as stated, sending it to Council for final approval, seconded by Armstrong.

Motion carried unanimously.

Kuitunen asked about the 10 shrubs that would be required in the front yard. Armstrong agreed that 10 shrubs seemed to be a lot. Nash said that gives the homeowner some flexibility in choosing shrubs. She also stated that the developer had a specific list from which to choose, but that it was being recommended that the homeowner did not need to follow that specific list. Kuitunen said that many shrubs may be too many for someone to take care of and then the property would appear unkept.

MOTION: Armstrong moved to recommend approval of the Planned Unit Development of Crow River Heights West 3rd Addition with the eight recommendations by staff with the exception of Number Seven requiring only five shrubs in the front yard instead of 10, sending it forward to Council for final approval, seconded by Kuitunen.

Motion carried unanimously.

MOTION: Kuitunen moved to recommend the approval of the preliminary plat for Crow River Heights West 3rd Addition as shown and outlined with the 19 conditions, sending it forward to Council for final approval, seconded by Armstrong.

Motion carried unanimously.

MOTION: Christenson moved to recommend the approval of the final plat for Crow River Heights West 3rd Addition with the 19 conditions listed, sending it forward to Council for final approval, seconded by Kuitunen.

Motion carried unanimously.

Amendments to the Zoning Ordinance Related to Site Plan Amendments

Kolasa closed the Planning Commission meeting at 9:24 pm and opened the Public Hearing.

Nash reviewed the site plan ordinance. Staff is recommending minor changes to be approved by the city administrator as long as it met all of the ordinance requirements. This would make the process more efficient and timely.

There were no comments from the public. Board members had discussed this previously at the May meeting.

Kolasa closed the Public Hearing and reopened the Planning Commission meeting at 9:27 pm.

MOTION: Kuitunen moved to recommend approval of the amendment related to site plans as recommended by staff, sending it forward to Council for final approval, seconded by Armstrong.

Motion carried unanimously.

Amendments to the Subdivision Regulations Related to Administrative Subdivisions

Kolasa closed the Planning Commission meeting at 9:28 pm and opened the Public Hearing.

Nash explained that currently Planning Commission does not review administrative subdivisions, instead it goes directly to Council for action. The recommendation is for simple lot line adjustments, lot combinations, or splits, to be approved by staff rather than Council. The action desired must meet ordinance requirements. It would streamline the process, lessen the burden on the applicant, and make it less costly.

C. Lee asked if this would be also include variances and such. Nash replied no.

Board members had discussed this at the May meeting.

Kolasa closed the Public Hearing and reopened the Planning Commission meeting at 9:30 pm.

MOTION: Armstrong moved to recommend approval and send it forward to Council for final approval regarding amendments to the subdivision regulations related to administrative subdivisions, seconded by Christenson.

Motion carried unanimously.

Amendment to Zoning Ordinance Related to Design Review Guidelines

Kolasa closed the Planning Commission meeting at 9:31 pm and opened the Public Hearing.

Nash said that this amendment is proposed by staff upon reviewing the design guidelines. It was determined that the guidelines currently do not apply to the B-2 District and to multi-family dwellings. The amendment would ensure architecturally balanced appearances.

There were no comments from the public or Board members.

Kolasa closed the Public Hearing and reopened the Planning Commission meeting at 9:33 pm.

MOTION: Armstrong moved to recommend approval of the changes to the design guidelines to include the B-2 District and multi-family dwellings, sending it forward to Council for final approval, seconded by Kuitunen.

Motion carried unanimously.

Unfinished Business

None

New Business

None

Reports:

Liaison: Hammerseng said that Council had the bid openings for the public works facility and that went well. Also before Council is a proposal regarding the Methodist Church on River Road. The church will be closing and has approached the City about assuming responsibility of the cemetery. The Hanover Historical Society is interested in the building.

Staff: None

Board: None

Armstrong had a question about how a property was mowed. Biren explained the bank-owned property didn't realize that a portion of the property was actually theirs and needed to be mowed. As the bank has been notified about mowing the property, if it is not taken care of, the City may go in and take care of it.

Kolasa stated that the ballfield looks good.

Adjournment

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

Meeting adjourned at 9:37 pm.

ATTEST:

Amy L. Biren
Administrative Assistant