

**CITY OF HANOVER
PLANNING COMMISSION MEETING
SEPTEMBER 24, 2018
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the September 24, 2018, 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 Council Liaison Doug Hammerseng, City Planner Cindy Nash and Administrative Assistant Amy Biren. Guests present: Bernard Stueve, Elroy Grambart, Joel Grambart, Jason Ver Steeg, Heather and Craig Sandberg and son, Sara Williams, and Allan Roesler.

Approval of Agenda

MOTION by Christenson to approve the agenda, seconded by Schendel.

Motion carried unanimously.

Approval of Minutes from the June 25, 2018 Regular Meeting

MOTION by Kuitunen to approve the June 25, 2018, minutes, seconded by Armstrong.

Motion carried unanimously.

Citizen's Forum

None

Public Hearing

None

Unfinished Business

None

New Business

Allowing Home Occupations in Accessory Buildings

Nash reviewed the history of the home occupation ordinance as well as the current ordinance. In the past, the City permitted more extensive business use of a residential property under an Interim Use Permit (IUP). An IUP was required for some types of businesses and had conditions attached to the IUP. There are some businesses that have been grandfathered in and are still in effect. Currently, the ordinance allows limited home occupations that do not need a permit as in the past.

The City Administrator has been in contact with owners along Beebe Lake Road that are in violation of the home occupation ordinance. The owners addressed Council at the last meeting. Council members have requested that the Planning Commission review and discuss the ordinance and provide direction to staff.

Armstrong asked how many businesses are grandfathered in from the previous ordinance and are still operating. Nash replied that she did not have that information. Armstrong also asked that the locations of these businesses be determined.

Armstrong went on to say that when Planning Commission discussed this in the past and created the current ordinance, the traffic and disruption to residential neighborhoods was a key focus. Kuitunen agreed with her.

Kuitunen asked if a conditional use permit could be submitted allowing the business to continue. Nash explained that it was not possible and referred the members to the table in Chapter 10 (Section 10.25) that outlines allowable land uses within residential districts. This type of business, an auto repair shop, is not allowed even with a conditional use permit.

Nash continued to explain that under the previous ordinance, home occupations would have to come into City Hall and get a permit to operate. The home occupation was reviewed after a year, and if found satisfactory, it could be renewed for an additional three years. Some home occupations needed to obtain an IUP and the ordinance outlined those types.

Nash said that there had been some issues in the past that needed to be addressed.

Kuitunen added that the Planning Commission had looked at how a home occupation would affect the neighborhood, particularly the current developments where the houses are closer together than in the larger lot developments.

Armstrong asked if the owners of the property in violation had obtained a permit in the past under the old ordinance. Nash replied that they did not have a permit. Armstrong went on to ask that there are multiple vehicles waiting to be worked on, so it still would be noncompliant. Nash replied that was correct.

Nash went on to say that even under the old ordinance, the code states that this type of business would not have been permitted. She referenced page 14-4 of the old ordinance which outlines the special home occupations as well as the previous page that states that a repair service is not allowed that would require equipment outside of the dwelling (home). Nash also explained that some of the IUPs were lacking specifics on what could or could not be done or allowed, so it's difficult to come up with grounds for denial. She used the recently amended mining ordinance as an example of an IUP that has very specific conditions attached to it.

Elroy Grambart, 10467 Beebe Lake Road: I am the owner of the property in which the business is operating. My son, Joel, operates an auto repair shop out of the building on the property. He started the business 12 years ago after losing his job. The shop is clean and vehicles are kept behind the building while waiting to be repaired. Grambart asked if there was a variance or some permit that they could obtain in order to keep the business running.

Nash explained that in order to do that, changes would need to be made to the ordinance, amending it to allow the business to continue.

Christenson asked if the lot lines of the property abut a residential area. Nash pulled up an aerial of the property from the Wright County GIS system for the members to view. The property does abut the Crow River Heights neighborhood and the driveway is right along the property line.

Grambart explained that he constructed a privacy fence along the south side of the property and partially on the west side.

Hammerseng asked if the Planning Commission members could know from where the complaint was received. Nash and Biren replied that was private data and could not be shared.

Grambart showed where the building where the work was being done on the map. Nash showed the progression of the property through the photos on the GIS system where some buildings had been demolished and areas cleaned up. Grambart agreed and gave further information about the building being constructed in the 1960s.

Hammerseng said that this is where it becomes difficult and this is an example of what the Planning Commission was trying to avoid when amending the ordinance in 2014. He said there is a lot of emotion versus what is the law. He continued addressing the members and stated does the Commission change the ordinance for the whole city and risk possibly having more issues in the future or is there a way that the business in question can be helped.

Nash replied that under Minnesota State Statute there is no way to help them—that would be a use variance and is prohibited by the State. She replied that something could be crafted that would allow this, but that it would be applied to anyone within Hanover in a similar situation.

Christenson asked if there was a way to change the zoning of the parcel that would allow the business to continue. Nash replied it could be changed, but then the home would not be allowed to be occupied. In addition, the Comprehensive Plan would have to be amended and the rezoning would change it to a commercial zoning which in turn would allow any type of business from the commercial zone.

Armstrong asked about the privacy fence. Grambart said that it is a white privacy/security fence about six feet high and showed on the map its location.

Armstrong commented that there is a lot of silence from the Planning Commission members because of this dilemma. Members concurred.

Christenson asked how many employees worked at the business. Joel Grambart replied that it was just himself. Christenson asked if it was a legal business with the State. The reply was that he was a full-time mechanic. Nash questioned if Christenson was asking whether or not it was registered with the Secretary of State. Christenson said yes, and was there a possibility that this could be classified as a hobby. He went on to say he likes the ordinance as it is written and wondered if there was a level of activity or revenue which constitutes a business. Nash replied that there are not levels because a business could lose money and it is usually considered a business if someone pays for your service.

Armstrong asked for clarification on what exactly Council was requesting of the Planning Commission. Nash replied that Council would like the Commission's input on the ordinance and to give staff direction going forward.

Kuitunen reiterated that there is nothing that should be eliminated from the current ordinance based on past issues and the possibility of future issues. He wondered if there was anything that could be added to the ordinance that would be helpful.

Nash said that there is not an acreage size allowance listed in the ordinance. It may be worthwhile to look at allowing it on a certain sized property within an accessory building and if outside storage would be allowed.

Armstrong said that outside storage is usually the issue.

Kolasa asked what is the acreage of the property in violation. Nash replied that Wright County does not have the acreage listed. Grambart replied that is about 2.5 acres and that he was in the process of connecting to water and sewer.

Hammerseng commented that there are many properties that size with accessory buildings. Schendel commented that there were some right in the vicinity.

Kolasa asked if qualifiers could be added such as being on a highway. Nash replied that she is leery of doing that as there is a possibility that Wright County could change a highway into a city street.

Nash explained that any changes to the current ordinance is a multi-step process which includes a public hearing and final approval from Council.

Kuitunen said that the only thing they have going for them right now is being located on a highway and that if changes are made, there needs to be more than just the size of the property.

Nash said that she could draft some amendments for the Commission to review at the next meeting before proposing an actual amendment and holding a public hearing. She went on to say that she could have the City Engineer, Justin Messner, put together a map of all of the eligible properties. Armstrong said that would be helpful.

Kuitunen said that there would need to be something regarding outdoor storage.

Nash said that she would start on drafting ideas and have it ready for the October meeting.

Public Comment on the Environmental Assessment Worksheet for Hanover Cove

Nash reviewed the environmental assessment worksheet (EAW) process and reminded the Commission that its purpose was to determine whether or not enough information was provided to determine environmental impacts. She went on to explain that the public comment period started on September 3rd and will end on October 3rd. The purpose of this portion of the meeting was to accept public comment in addition to any comments already submitted.

Nash said that two comments had been submitted. The Army Corps of Engineers commented that a permit would be needed for the project as it is adjacent to the Crow River. Wright County also submitted comments as points of clarification on the traffic study.

Nash indicated that other permits and documents would need to be pulled or provided and that the EAW's outcome does not signify approval for the entire project. She and Messner have reviewed the preliminary plat was included in the EAW and deemed it incomplete. The preliminary plat is currently being revised to address the comments made by Nash and Messner. She also explained that the EAW was created by the City, in particular herself and Messner.

No one from the public addressed the Commission regarding the EAW.

Kuitunen commented on the amount of information provided, particularly in the traffic study. He was surprised at the queue lines. Nash said that this is a model and that in reality, traffic can be better or worse than what is portrayed in the study. The traffic study was a requirement from the City.

Jason Ver Steeg said that since the housing types are variable, the traffic will then be as well. When the City requested that more single family homes replace the other two types of homes that had been previously included, that increased the trip traffic and took the traffic study from being a City request to one that was a requirement. He added that they did monitor traffic as well as take data from other sources. The study is similar to a simulation.

Christenson asked if there would be any stoplight changes. Nash replied that there were not any planned at this time, but that Wright County addressed it in their comments stating that it would be determined by existing conditions and future needs.

Kolasa requested that all of the comments to the EAW be shared with the Planning Commission. Nash said that she would provide them once the comment period was closed.

Hammerseng said that it appears that most of the concerns expressed in the past have been about the increase in traffic and the item that affects traffic is density. He suggested that the traffic can be changed by increasing the lot sizes and in turn that would vary the look of the housing as well.

Nash replied that the Commission needs to keep in mind that other cities doing a project will impact the traffic in Hanover as well.

Armstrong stated she has concerns about the small size of some of the lots. Nash said that she requested more information on the type of housing because that does have an impact. It was also one of several items that were deemed incomplete on the preliminary plat application.

Allan Roesler responded to the lot size comments in that there are three sizes—40-50-60 foot lots—that meet different price points in order to meet the needs of a wider pool of people.

The discussion ended regarding the EAW for Hanover Cove. It will move forward to Council for determination.

Reports and Announcements:

Nash reported that the October meeting will be very full: the home occupation discussion, the Comprehensive Plan review and open comment, the park dedication study and the Hanover Cove preliminary plat if materials are submitted in time. Nash explained that by deeming the application incomplete, the clock stopped on how long the City had to act on it. Once deemed complete, the time will start again and the City will be under a deadline to act upon it.

Biren reported that JMS Custom Homes will no longer be building in Crow River Heights West Third Addition. There were some inconsistencies within the contract between the developer and builders that they did not like.

Christenson asked about the crushing that was going on at a business in town. Nash will be looking into it. He also asked when the dental office will be opening. Biren replied that they had not received their Certificate of Occupancy yet, but that the dentist was planning on opening mid-October.

Kuitunen asked about the hole in the trail along 109th Avenue. Biren said that Three Rivers Park District actually owns the trail and that they are aware of the situation. Public Works did put a cone out to warn trail goers of the hole.

Armstrong said that she had received comments from three separate people regarding the signs going up on the edges of Hanover. Biren explained that this is an Eagle Scout project and is still a work in progress. An article will be in the January newsletter once it is completed.

Schendel said that the public parking lot downtown is almost complete.

Adjournment

MOTION by Armstrong to adjourn, seconded by Christenson.

Motion carried unanimously.

Meeting adjourned at 8:35 pm.

ATTEST:

Amy L. Biren
Administrative Assistant