

# **City of Cottage Grove Planning Commission October 24, 2005**

Pursuant to due call and notice thereof, a regular meeting of the Planning Commission was duly held at City Hall, 7516 – 80th Street South, Cottage Grove, Minnesota on the 24th day of October 2005 in the Council Chambers and telecast on local Government Cable Channel 16.

## **Call to Order**

Chairperson Reese called the meeting to order at 7:00 p.m.

## **Roll Call**

Members Present: Shane Bauer, Ken Brittain, Rod Hale, Rebecca Kronlund, Shannon Nitsch, Chris Reese, Alberto Ricart, David Thiede

Members Absent: Bob Severson (unexcused)

Staff Present: Howard Blin, Community Development Director  
John McCool, Senior Planner  
Pat Rice, City Council Liaison

## **Approval of Agenda**

*Motion by Hale, seconded by Brittain to approve the agenda. Motion approved unanimously (8-0 vote).*

## **Open Forum**

Chairperson Reese asked if anyone wished to address the Planning Commission on any non-agenda item. No one appeared to address the Commission.

## **Chair's Explanation of the Public Hearing Process**

Chairperson Reese explained the purpose of the Planning Commission, which serves in an advisory capacity to the City Council, and the City Council makes all final decisions. In addition, he explained the process of conducting a public hearing and requested that any person wishing to speak should come to the microphone and state their full name and address for the public record.

## **Public Hearings**

### **6.1 Pine Coulee Lot Split – Case No. RS05-057**

**The City of Cottage Grove has applied for a simple lot division to subdivide a parcel of land in Pine Coulee Park located 11821 Lofton Avenue South.**

Blin summarized the staff report and recommended approval subject to the conditions listed in the staff report.

***Reese opened the public hearing. No one spoke. Reese closed the public hearing.***

***Hale made a motion to approve the applications subject to the conditions listed below. Thiede seconded.***

- 1. The applicant shall file with Washington County the appropriate document(s) required by their administration to combine the 30-foot by 170-foot severed parcel from property at 11821 Lofton Avenue South (Geocode No. 36-027-21-44-0006) with the parcel at 11827 Point Douglas Road South (Geocode 36-027-21-44-0007).***

***Motion passed unanimously.***

## **6.2 Stradtman Parking Pad – Case V05-058**

**David Stradtman, 6662 Highland Hills Lane South, has applied for a variance from City Code Title 11-3-9E(5)(b), Design and Maintenance of Off-Street Parking Areas, and Title 11-3-3, Accessory Structure Setbacks, to allow a parking/storage area for a snowmobile trailer on a gravel parking pad to be setback three feet from the side property line when six feet is required.**

McCool summarized the staff report and recommended denial based on the findings of fact listed in the staff report.

David Stradtman, 6662 Highland Hills Lane South, stated that the homeowners association drafted a letter in support of his application. He noted that the covenants within the homeowners association are very restrictive, and the trailer cannot be in public view, which is the purpose of the fence. His understanding after conversations with McCool is that the fence, gravel area, and retaining wall were within city ordinances until he put the trailer behind the fence. He stated that there are no drainage issues.

Hale asked if the homeowners association understood that there were three variances requested. McCool stated that property owners within 500 feet were notified and some of those property owners may serve on the homeowners association. In their letter to the city, the association primarily responded to the aesthetics but did not address the city ordinance requirements. Hale noted that Stradtman stated that the snowmobile trailer would not be visible and asked if the city could regulate that at no point in the future anything stored there cannot be in public view. Stradtman stated that the homeowners association requires that anything stored there be screened from public view. Hale asked how the city discovered the ordinance violation. Stradtman responded that a building inspector who was doing inspections in the neighborhood noticed the fence and parking pad. He apologized that he did not get a building permit prior to construction. Hale noted that the parking pad was three feet from the property line. Stradtman stated that already existed, so when he constructed the fence he was complying with what the homeowners association was telling him to do relative to his snowmobile trailer.

Thiede asked if the parking pad was on an easement. McCool responded that there is a five-foot side yard easement on the east side of the property. Thiede asked if retaining walls are allowed in easements. McCool stated that the city code does not allow for structures in easements but does allow fences. The retaining wall is not greater than four feet in height so it does not require a building permit. Thiede asked if the retaining was put up when the house was built. Stradtman responded that he put that in when he did his landscaping in 2004. His understanding is that but for the snowmobile trailer, if that area was a patio behind the fence, it would be in compliance.

Hale asked if there was any way of guaranteeing that the city could limit what is stored there and enforce that regardless of the homeowners association. Blin stated that if the variance was recommended for approval, a condition could be attached that nothing could be visible above the fence at any time. Nitsch stated that the homeowners association already has a covenant regarding that. Hale stated that city ordinances would supercede that. He then asked if Stradtman would have to hard surface up to the front plane of the house. McCool responded yes.

Thiede asked if other residents supported or opposed the applications. Stradtman stated that his next door neighbor believes that the fence looks fine, but he was not available to attend the meeting.

Ricart asked what about the next neighbor in that home. He also expressed concern about setting a precedent.

***Reese opened the public hearing. No one spoke. Reese closed the public hearing.***

***Nitsch made a motion to approve the application with conditions requiring the parking pad to be hard surfaced up to the front plane of the house and that nothing stored behind the fence can be higher than the fence. Bauer seconded.***

Reese asked if the city required hard surfacing, would there be any drainage problems. McCool responded no.

***Motion passed on a 5-to-3 vote (Ricart, Brittain, Kronlund).***

### **6.3 Industrial Open Storage Ordinance – Case TA05-045**

**The City of Cottage Grove has applied for a zoning text amendment to amend City Code Title 11-11, Industrial Districts, to add the I-5 zoning district, which would allow for open storage as a conditional use in the industrial park.**

Blin summarized the staff report and recommended approval.

Brittain asked why the city was not requiring screening from adjacent properties in the I-5 district. Blin responded that that the uses in the I-5 district would have open storage and the city would not require screening of open storage from open storage. Brittain believes that distinct types of open storage should be screened from other types of open storage.

Councilmember Rice asked if land on West Point Douglas Road would be part of the new zoning district. Blin displayed a map showing the area that the I-5 district would encompass, which would be on the south side of the railroad tracks west of Ideal. It would include the existing auto marshalling yard, the proposed site of Lyman Lumber, and some additional CP Rail land.

Brittain stated that he does not see any value or benefit to the city by allowing open storage uses in the industrial park.

Hale asked if the city could prohibit any applicant from applying for variances in this district, particularly regarding screening and setbacks. Blin responded that he does not believe a city can institute a blanket prohibition on variances.

Thiede asked what Lyman's alternatives would be if the city does not adopt the I-5 zoning district. Blin responded that there is an inconsistency in the current zoning ordinance that does not allow open storage as a design standard but does allow lumber yards with open storage as a use. He explained that the proposed ordinance would allow open storage uses only in the I-5 zoning district.

***Reese opened the public hearing.***

David Drach, Canadian Pacific Railway, 501 Marquette Avenue, Minneapolis, asked for approval of this zoning district. The railroad is an amenity in the industrial area. He stated that the Lyman proposal provides an orderly, clean activity that would be relatively low impact in terms of noise and traffic and would provide jobs and a spark to develop other land. The railroad wants more types of business in that area rather than just an auto marshalling yard.

Hale stated that the city should have flexibility on requiring screening of open storage areas from other open storage areas in the I-5 zoning district.

Dale Carlson, Lyman Lumber Company, Excelsior, displayed a diagram of the area they are interested in locating their business. He stated that area is very high and naturally screened. He then displayed a very preliminary site plan. The property slopes to the front, which is where they would locate their buildings. He then gave a brief synopsis on Lyman Lumber, noting that they currently employ over 300 people at their Chanhassen site and are planning to have an initial 50 employees at the Cottage Grove site with plans for future expansion. They also have plans to put in a component manufacturing facility.

Brittain asked for more information on the component manufacturing facility. Carlson stated that pre-built stairways, header packages, wall panels, and difficult framing processes for home construction would be manufactured there and then would be delivered to the construction site. Brittain asked what type of truck traffic would be generated by their business. Carlson stated that majority of the incoming product would be by rail. They have about 25 delivery trucks at their site in Chanhassen. Brittain stated that one of his concerns is increased truck traffic in the area. Carlson stated that they do not anticipate creating more truck traffic than the other industrial users generate.

Hale asked if there was a retail component to the business or is it primarily wholesale. Carlson stated that they are a wholesalers and sell to professional builders.

Thiede asked if Carlson had an aerial photo of the Chanhassen site. Carlson stated no but that Blin has visited the site. Blin stated that the property consists of about 30 acres on two sites, it is much more developed than is being proposed initially for the Cottage Grove site, and it was very well landscaped and screened.

Carlson stated that they are bringing in a number of jobs to the area and as the site gets developed the real estate taxes would go up. He explained that this was an expansion of an existing business, so they will be hiring employees rather than relocating them from their existing location.

Thiede asked if there was any concerns about the proximity of this business to Hamlet Park. Blin stated that the open storage can be adequately screened from Hamlet Park given the grade difference and landscaping requirements. Reese asked if this use would infringe on the walking paths in that area. Blin responded no.

Drach asked that language be added to allow flexibility for both sides regarding screening requirements.

***No one else spoke. Reese closed the public hearing.***

***Hale made a motion to approve the zoning text amendment to create the I-5 zoning district. Nitsch seconded.***

Hale asked if the city was going to require screening for outside storage. Blin stated that the intent of the language was that all outside storage in the I-5 district would be screened from all properties in other zoning districts.

Thiede asked about screening for the auto marshalling yard. Blin stated that their existing lack of screening is considered legally non-conforming. If they were to expand, then the city could require screening at that time.

Nitsch expressed concern that there would only be screening on two sides and the Lyman Lumber site would be visible from 95th Street through the auto marshalling yard. Blin stated that the intent was to have the site screened from all sides and staff would work on the language in the ordinance to reflect that. Nitsch stated that the screening could also be required through the conditional use permit. Blin agreed, noting that screening would be required through the zoning ordinance and the means of that screening would be determined through the conditional use permit.

***Motion passed on a 6-to-2 vote (Brittain, Ricart).***

Ricart explained that he voted nay because there are no design guidelines specified. Brittain stated that his concerns are having mass quantities of goods coming into the community without adding to some value to the product before it leaves the community and increased

truck traffic in the area. Carlson explained that they are planning to construct two assembly plants on the site.

#### **6.4 Temporary Sign Ordinance – Case TA05-054**

##### **The City of Cottage Grove has applied for a zoning text amendment to City Code Title 9-8-7, Temporary Signs.**

Blin summarized the staff report and recommended approval.

Nitsch asked if private, non-profit credit repair companies could have temporary signage. Blin suggested changing the wording to “community-based non-profits” or something that would tie it to community groups in Cottage Grove.

Hale asked about leasing signs. Blin stated that those would be allowed without a permit.

Reese asked if there was any way the city could put some teeth into the ordinance to discourage the proliferation of signs such as the patio show signs that were placed along the streets. Blin stated that one means is to pick them up, which results in forfeiture of the value of the sign. The city could also look at fines or penalty provisions. He stated that one benefit of this ordinance change is that it would lessen the uncertainty when a city staff member sees a portable sign, they would know that it is not allowed.

Brittain asked about election signs. Blin stated that election signs are specifically exempted in the ordinance.

Bauer asked about garage sale signs. Blin stated that those are also exempted from the temporary sign requirements.

Nitsch asked about real estate signs, such as for open houses. Blin stated that those are currently prohibited, but again it is an enforcement issue. Real estate signs are only allowed to be placed on the property that is for sale.

Reese asked about the portable signs at the church next to River Oaks and at the VFW. Blin stated that the city could look at language prohibiting those portable signs other than for specified periods.

***Reese opened the public hearing. No one spoke. Reese closed the public hearing.***

***Thiede made a motion to continue the public hearing on the proposed ordinance amendment. Ricart seconded. Motion passed unanimously (8-to-0).***

#### **6.5 Home Occupation Ordinance – Case TA05-059**

##### **The City of Cottage Grove has applied for a zoning text amendment to City Code Title 11-9A-3, Home Occupations.**

Blin summarized the staff report and recommended approval.

Brittain asked for more detail on the requirement of number of employees allowed, and does that mean they could employ five people but only one at a time or could they only hire one person outside the family. Blin stated that they could have only one additional employee at the residence at a time.

Kronlund asked if this came about due to concerns from neighbors. Blin responded just on the specific case of a massage therapist. Two neighbors at the public hearing on the massage therapy license brought this issue up and Council directed staff to amend the code to limit the amount of time home occupations could operate with customers. Kronlund asked if there were only those two complaints. Blin responded that it was not a complaint but a concern about the massage therapy business that had not yet started operating. Kronlund believes that this seems too strict to limit the hours of operation of home occupations based on two comments regarding one proposed home business.

Nitsch expressed concern about the number of vehicles allowed at a residence that has a home occupation permit.

Brittain asked if homes with businesses are assessed differently than a residential home. McCool responded that salons are required to have an area separated from the home for that business, so that may change how they are valued. Most of the home occupation permits issued are for office use, so there is probably no difference in how they are valued.

Bauer asked when a home occupation could begin its business day. Blin stated 6:00 a.m.

Thiede asked what the basis was for proposing 8:00 p.m. Blin stated that 9:00 was not much different than 10:00 and 7:00 would be too early to accommodate some customers. Brittain supported the 8:00 p.m. cut off.

Hale agreed. He does not believe it should be our intent to encourage home occupations because there are commercial districts in the city. He would support restrictions that would be more conservative for home occupations.

Thiede supported up to 9:00 p.m. but he also believes there should be some restriction on the number of customers at any one time.

Ricart stated that there are different kinds of home businesses, some that generate traffic and some that don't, particularly office work. Blin noted that there are cities that do not allow customer-based home occupations.

Reese asked if this would apply to party-type businesses where there may be 30 cars parked until after 10:00 p.m. Blin responded only if it was a regular affair. He then stated that city staff does not actively check on home occupations but would address complaints.

Thiede asked if there was any way to gauge if there would be hardships from this ordinance change. Ricart stated that this ordinance amendment is not enforcing when they work but to make sure they are not a nuisance.

Reese asked if the city has received any complaints about home occupations. Blin responded he is not aware of any complaints.

***Reese opened the public hearing. No one spoke. Reese closed the public hearing.***

***Nitsch made a motion to recommend approval of the proposed text amendment limiting customers at home occupations to no later than 8:00 p.m. Brittain seconded.***

***Motion passed on a 7-to-1 vote (Kronlund).***

## **Applications and Requests**

### **7.1 East Ravine Code Amendments – Discussion**

Blin stated that this was part of a series of discussions about zoning code amendments, subdivision ordinance amendments, and design standards for the East Ravine area. These amendments and standards would then be heard at a formal public hearing. McCool summarized the proposed ordinance amendments and gave a short presentation with photographs of some of the proposed design standards.

Brittain asked if the side of homes that face a street would be required to have bricking or to match the front façade. Blin stated that the city wants to see four-sided architecture where visible from public streets.

The Commission discussed the need for standards, variety of architecture, and guidelines, but expressed concern that those guidelines would not be too restrictive.

McCool suggested that a workshop be held with the Planning Commission and developers to discuss the proposed standards. The Planning Commission agreed to hold a workshop on November 14.

### **7.2 Discussion on Update of Comprehensive Plan**

Blin explained that the Comprehensive Plan needs to be updated and submitted to the Metropolitan Council by the end of 2008. Blin asked for feedback from the Commission on the process the city should use to update the comp plan. He stated that the options included having the Planning Commission do all the work, setting up a task force to work on the update, or augmenting the Planning Commission with members from the Public Works, Public Safety, and Human Rights Commissions. Hale suggested that the Planning Commission begin the process and then expand it to include the other commissions. Blin stated that staff would have an outline of the process for the Planning Commission at the November 28 meeting.

## **Approval of Planning Commission Minutes of September 26, 2005**

***Motion by Brittain, seconded by Thiede to approve the minutes from the Planning Commission meeting on September 26, 2005, with the addition of Rebecca Kronlund to the members present. Motion passed unanimously (8-to-0).***

## **Reports**

### **9.1 Recap of October City Council Meetings**

Blin reviewed the items discussed by the City Council at their meetings on October 5 and October 19, 2005.

### **9.2 Committee Reports**

None.

### **9.3 Planning Commission Requests**

Reese asked about the gas station at Almar Village. Blin stated that the building permit has been issued. Reese asked if there was a requirement to replace trees that were removed during construction of the sanitary sewer interceptor pipe along 90th Street. Blin responded that staff would check on that.

### **9.4 Response to Planning Commission Inquiries**

None.

## **Adjournment**

***Motion by Nitsch, seconded by Hale, to adjourn. Motion carried unanimously (8-to-0).  
The meeting adjourned at 8:58 p.m.***