

**City of Cottage Grove
Planning Commission
February 23, 2004**

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 23rd day of February 2004 in the Council Chambers and telecast on local Government Cable Channel 16.

Call to Order

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

Roll Call

Members Present: Myron Bailey, Tim Booth, Ken Brittain, Robert Hudnut, Chris Reese, Bob Severson, and Chris Willhite

Members Absent: Rod Hale (unexcused)

Staff Present: Howard Blin, Community Development Director
John McCool, Senior Planner
John M. Burbank, Senior Planner

Approval of Agenda

Hudnut made a motion to approve the agenda. Severson seconded. Motion carried unanimously.

Open Forum

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

Chair's Explanation of the Public Hearing Process

Chairperson Bailey 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 CASE ICUP04-004

Greenberg Farrow Architecture, on behalf of The Home Depot, has applied for an interim conditional use permit to allow an outdoor seasonal sales area at their store located at 7200 East Point Douglas Road South.

McCool summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Todd Mosher, Greenberg Farrow Architecture in Arlington Heights, Illinois, stated that they made adjustments to the seasonal sales area based on last year's seasonal sales event and comments from city staff. He requested that their interim conditional use permit be extended for several years as others in the city are. He explained that they reduced the amount of commodities, stockpiling, and staging of the product in the front of the store, shrunk the area in the front parking lot to have the tables with live plants, a small amount of the commodities, and the greenhouse for the more sun and wind sensitive plants. The total sales area last year was 7,000 square feet; this year the sales area would still consist of 7,000 square feet but it is smaller in front with more area along side the garden center. He explained that the area on the side would receive the shipments of inventory Monday through Thursday. The inventory would be stored there and used to restock the front sales area during their weekend sales.

Bailey asked the reason for the granting the interim conditional use permit for only one year. McCool stated that staff wants to see how the operation works this year.

Bailey opened the public hearing. Nobody spoke. Bailey closed the public hearing.

Hudnut made a motion to approve the application subject to the conditions listed below. Willhite seconded.

Reese asked if there was room for vehicle access in the temporary staging area. McCool responded that there is a 30-foot wide drive aisle between the temporary stock area and the fencing of the outdoor center; 20 feet is the minimum for fire emergency access.

- 1. The Interim Conditional Use Permit shall expire one year from the date approved by the City Council.***
- 2. A building permit for the temporary greenhouse shall be issued by the City before the temporary structure is erected.***
- 3. The temporary greenhouse and outdoor display and sale of nursery products and merchandise shall be allowed between April 1 and July 15. The area used for the temporary greenhouse and outdoor display and sales of landscaping materials must match the layout depicted in Exhibit A.***
- 4. No landscaped materials and fencing may encroach into the drive aisles of the parking lot outside of the designated area or any fire lane designated by the Fire Marshal.***
- 5. If the city determines that there is a parking shortage due to the temporary greenhouse, outdoor storage, or outdoor display of landscaping products, the city may make amendments to the Interim Conditional Use Permit to correct the situation.***
- 6. A five-pound ABC rated fire extinguisher shall be stored the Garden Center structure, and no smoking signs shall be posted.***

- 7. All electrical connections shall be in compliance with State electrical requirements.**
- 8. Overhead electrical service or electrical extension cords are prohibited from any power source within the parking lot to the greenhouse.**
- 9. The construction/use of the temporary greenhouse in conjunction with outdoor display and sales of nursery products or other garden related merchandise shall be allowed between the hours of 8:00 a.m. and 8:00 p.m. from March 15 through July 15. The sales area shall be located as detailed on Exhibit A of the staff report for Case ICUP02-012. Christmas tree sales are prohibited.**
- 10. The 30-foot wide access drive separating the existing outdoor garden center and the proposed staging area along the east property boundary line shall be designated as a fire lane and shall not remain unobstructed.**
- 11. Additional signage is prohibited.**

Motion to approve the application passed unanimously.

6.2 CASE V04-005

Marie Champion has applied for a variance to Title 11-9B-5, Development Standards for the R-2 Residential Estate District, to reduce the required rear yard setback from 50 feet to 34 feet to allow construction of a single-family home at 6250 Preserve Pass in the Homestead at Highland Hills subdivision.

McCool summarized the staff report and recommended approval of a 35-foot rear yard setback, subject to the conditions stipulated in the staff report.

Booth stated that it is important to note that the land to the north is city owned. McCool stated that Outlot F to the north is 50 feet wide with an existing trail along the north side of the property, which provides a buffer between the rural lot to the north and the lots to the south. Booth then asked how the property would be accessed. McCool responded that there is a private easement across private property to provide for individual access.

Willhite asked if there were houses on the lots where the private drive goes through. McCool responded not yet.

Severson asked if that private drive would be used to service those other lots as well. McCool responded that they would all share the same drive.

Brittain asked if it is envisioned that 6325 Preserve Pass would be two lots eventually or would there just be a drive going through it. McCool responded that it is one parcel with a private drive going right through the middle of it and he explained that because of the slopes on the west side of that drive, it does not allow for a building pad.

Booth asked if there would be any problems with the drive along the pipeline utility easement. McCool responded that the drive would not be allowed to be built on the pipeline easement.

Bailey asked if there would be sufficient space on those lots to build a house without requiring setback variances. McCool responded that there would be and explained that the parcels are at least one and a half acres in size and are not as constrained as the applicant's property, which is triangularly shaped.

Ronald Riemann, 6120 Hadley Avenue South, is representing the applicant, Marie Campion, and he noted that he owns the property to the north. He stated that he endorses the application noting that the setbacks are to protect adjacent property owners and that his property is 16 acres so there is plenty of buffer between his home and the applicant's proposed home.

Bailey opened the public hearing. No one spoke. Bailey closed the public hearing.

Willhite made a motion to approve the variance to allow a 35-foot rear yard setback subject to the conditions listed below. Reese seconded.

- 1. Erosion control measures shall be utilized during construction.***
- 2. A revised certificate of survey shall be submitted to the city prior to a building permit being issued by the City. The revised survey must not show any part of any drainfield below the 876.3 foot high-water elevation.***
- 3. The property owner shall dedicate to the City a public drainage and utility easement along the southwesterly property line that is below the 876.3 elevation.***

Motion to approve the application passed unanimously.

6.3 CASE CUP04-006

Nextel Communications, Inc. has applied for a conditional use permit to allow the addition of nine new and three future antennas on the existing monopole located at 10475 Kimbro Avenue South and to construct a new equipment shelter.

McCool summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Mark Holm, American Tower Corporation, which is working on a project with Nextel across the northern and southern suburbs of the metropolitan area to expand Nextel's coverage, stated that this project is unique as they are going to be adding antennas on existing towers that American Tower owns. He stated that Nextel is looking to improve their coverage along the highway and the collocation on the existing Sprint tower makes sense.

Booth asked if the antennas only receive signals but don't transmit. Holm responded the antennas both send and transmit signals. He explained that each carrier has a specific frequency that it is licensed to operate on.

Bailey opened the public hearing. No one spoke. Bailey closed the public hearing.

Brittain made a motion to approve the application subject to the conditions listed below. Severson seconded.

- 1. The applicant must complete a building permit application for the equipment building and the City must issue the building permit before any construction can begin.**
- 2. All applicable electrical and building permits must be obtained prior to commencement of construction.**
- 3. No advertising shall be displayed on the monopole, antenna panels, equipment building, or fence.**
- 4. The antennas must be painted the same color as the tower.**
- 5. If the property is rezoned and the new zoning classification does not permit an EMCF within the new zoning district, then the existing non-compliant structure(s) shall be removed within a time period established by the City.**

Motion passed unanimously.

6.4 CASES ZA04-007 and SP04-008

Eugene Stoltz has applied for a zoning amendment to change the zoning from R-2, Residential Estate, to B-2, Retail Business, for property located on the northwest corner of Hardwood Avenue and Harkness Avenue, and for a site plan review of a proposed retail center to be located on that property.

Burbank summarized the staff report and recommended approval subject to the conditions stipulated in the staff report.

Willhite asked about the size of the ingress/egress drive to the parking area. Burbank responded 32 feet with internal drive aisles of 24 feet. Willhite asked if any turns in or out would be restricted. Burbank answered no.

Hudnut asked if there was a variance needed to allow the removal of 72 percent of the trees on the site. Burbank explained that the ordinance allows for up to 50 percent before the tree mitigation kicks in. He stated that during the development process staff works with the applicant to find other options such as retaining walls, changing the grade, narrowing roadways to help reduce tree loss. For sites that cannot meet the ordinance criteria, the tree mitigation formula is used. He explained that a tree mitigation plan is required for this project due to the grades that needed for the access drives to meet the roadway.

Bailey asked if semi-trucks would be able to access the back of the building for deliveries. Burbank stated that semi-trucks would be able to get into the site but they would not be able to turn around and would have to back out. Smaller trucks would be able to turn around.

Burbank explained that one of the conditions would require a traffic study if a restaurant use, which typically generates more traffic, was proposed.

Bailey asked if irrigation was required on the whole site. Burbank responded yes. Bailey also asked about berming and buffering behind the center and for clarification on which trees would not be removed. Burbank stated that the majority of the trees that are staying are ash

trees and one choke cherry tree along the eastern side. He explained that coniferous trees are proposed to be planted along the property line for screening with a mixture of deciduous trees to supplement the screening. He stated that staff will ensure that there is sufficient buffering on the final landscape plan. Bailey stated that he would like to ensure that the homeowners in the area cannot see the backside of the building. Burbank stated that staff is requiring additional architectural amenities on the back side of the building, including accent bands and wainscoting to make it look more like the front of the building instead of a solid block wall. Bailey asked if the elevation would be the same as the lot next to it. Burbank stated that the center of the site is at 860, the parking lot is at 848, and the elevation of the first floor would be at 850. Burbank then noted that the lighting plan ensures that the wall pack on the rear of the building does not impact the residential area.

Severson asked about signage. Burbank stated that signage is proposed on the building and on a monument sign located on the southeast corner. He stated that the sign package would ensure that signage for this project is similar and consistent with the Gateway area.

Dick Krumm, RVK Architects, stated that he would answer any questions from the Commission.

Bailey asked about the timing of the construction. Krumm stated that they are planning to construct the building this year. Bailey asked if there are any tenants lined up. Gene Stoltz stated that they have been working with Welsh Companies and other leasing agents but no leases have been signed yet. Bailey then asked if they would build the building without tenants lined up or are they looking for a certain percentage to be leased before they break ground. Stoltz stated that they would hopefully have the anchor tenants in place before construction begins.

Hudnut asked how large the restaurant would be. Stoltz stated that no restaurants have signed a lease in the building yet but tenants would have the option of taking several of the units for a single use. Burbank stated that the amount of seating in a restaurant would be limited based on the amount of parking spaces.

Bailey asked if a drive-through bank would be allowed. Burbank responded that all drive-throughs would be prohibited.

Reese asked how many storefronts could be available. Stoltz replied 12 bays. Krumm stated that 12 are depicted but some tenants may take more than one. The bays vary from 1,200 square feet to 1,600 square feet. Reese then asked if there would be a maximum that an individual tenant can lease. Krumm stated that the design they are working toward is geared toward the new life style centers.

Bailey opened the public hearing.

Richard Mann, 7571 Harkness Avenue South, stated that his only concern was bringing the driveways out onto Harkness Avenue. He stated that Harkness Avenue is in bad condition and drivers would probably use Harkness to go northbound out of the area or use it to go southbound to the center. He asked if there was any way to get the driveways onto Hardwood Avenue.

Burbank stated that during the planning process for the Hardwood corridor, staff had discussed the access for that parcel, but due to its location on the curve and the elevation differences, the only viable option was to have those accesses come off Harkness Avenue. He stated that the city wants to limit the amount of traffic on Harkness Avenue and some options could be adding signage or necking down of the commercial portion into the residential area. He stated that this would be the only commercial development in that area.

Willhite asked if the property to the west of the project is also zoned B-2. Burbank replied that parcel, which is about 50,000 square feet, is owned by Stoltz and several other former residents of the area and would have an access onto Hardwood Avenue. He stated that during the design process, staff looked at internal access between the two parcels but the terrain changes too much to accommodate that.

Hudnut asked if Harkness would be improved. Burbank responded that once the final grading is done in the area, Public Works has plans to resurface Harkness Avenue. Hudnut asked if the resurfacing would occur on the whole of Harkness. Burbank responded he did not know.

Bailey stated that when Hardwood Avenue was put in, he thought the plan was not to have Harkness be a through street. McCool explained that preliminary plans had a cul-de-sac at the south end, but it was ultimately decided that Harkness would be a through connection.

Brittain asked if there would be any benefit to putting in curbing so Harkness Avenue would not necessarily look like it goes straight through as a deterrent for traffic. Burbank stated that some suggestions for resolving this issue included roadway treatments, traffic calming measures, and signage. He stated some of the concerns were for the need for additional right-of-way and terrain issues.

Severson asked if the property at 7851 Hardwood would be developed. Burbank stated that the southern portion would contain a restaurant use that has access onto Hardwood Court with a through connection to the neighboring parcel and a common connection north at the park entrance. Severson clarified that most of the traffic for the restaurant would move down onto Hardwood court and traffic for the other parcel would move toward the park and come out back onto Harkness. Burbank stated that there would be common entrances. Severson asked if the traffic from 7420 – 80th Street would primarily come out onto Hardwood Court. McCool stated that was the Oak Park Commons development and the accesses are onto Hardwood Court and 80th Street. Severson stated that as he looks at the whole area, he is concerned about traffic movement based on the chopped up way of moving vehicles in and out. He asked if the traffic study was only based on the Kohls development or if it included other retail uses in the area. McCool responded that the traffic study was based on more development than just Kohls. Severson reiterated his concern about traffic flow. He believes that it is going to be a heavily congested area.

Bailey stated that there are future plans to install a traffic signal at the Kohls entrance and asked if there are plans install signals in other areas of the development. McCool stated that nothing is planned for those other areas.

No one else spoke. Bailey closed the public hearing.

Burbank stated that prior to going to the City Council, staff would contact Public Works to get some answers about the transition area on Harkness Avenue as well as the resurfacing.

Booth stated that condition #12 talks about not exceeding one footcandle at the property lines, but he pointed out that the one footcandle would be at the commercial property line and at the property line with the residential area it should be a half footcandle. Burbank stated that he noted that in the staff report but not in the conditions of approval, so that should be changed.

Booth made a motion to approve the application subject to the conditions listed below, with the change to condition #12 regarding a half footcandle at the residential property line. Hudnut seconded.

- 1. All applicable permits (i.e., building, electrical, grading, mechanical) and a commercial plan review packet shall be completed, submitted, and approved by the City prior to the commencement of any construction activities. Detailed construction plans shall be reviewed and approved by the Building Official and Fire Marshal.***
- 2. The site plan shall be modified to reflect the additional required sidewalks and other performance standards identified in the staff report prior to the issuance of a building permit.***
- 3. Final exterior construction materials and colors shall be reviewed and approved by the Planning Department prior to the issuance of a building permit.***
- 4. The grading and erosion control plan for the site shall comply with NPDES II Permit requirements. Erosion control devices shall be installed prior to commencement of any grading activity. Erosion control shall be performed in accordance with the recommended practices of the "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" and the conditions stipulated in Title 10-5-8, Erosion Control During Construction, of the City's Subdivision Ordinance.***
- 5. The addition of a restaurant/café space shall require the completion of a traffic study. A drive-through restaurant is prohibited.***
- 6. All curbing for the project shall be B618.***
- 7. The applicant shall provide the City with an as-built survey of all private utilities.***
- 8. The applicant shall be responsible for the placement of a stop sign at the ingress/egress points along Harkness Avenue.***
- 9. The applicant shall pay an off-site surface water management mitigation payment to the City in the amount of \$20,041.77 prior to the issuance of a building permit.***
- 10. Prior to the issuance of a building permit, the applicant shall pay a tree mitigation payment to the City in an amount equivalent to the acquisition and planting of the 7 category A, 92 Category B and 26 Category C trees. Portions of this requirement can be planted on site by the applicant to supplement the landscaping plan.***

- 11. Prior to the issuance of a building permit, the applicant shall submit a comprehensive sign package to the City for review and approval.**
- 12. Prior to the issuance of a building permit, the applicant shall submit a comprehensive lighting package consistent with the city redevelopment plan to the City for review and approval. All outdoor lighting shall be directed downward and away from residential property and public streets, and shall not exceed one footcandle at the property lines. Said lighting plan shall be consistent with the Gateway redevelopment standards.**
- 13. The landscaping plan shall be revised to address the items identified in the staff report. Said plan shall be reviewed and approved by the Planning Department prior to the issuance of a building permit.**
- 14. A bona fide cost estimate of the landscaping improvements shall be submitted in conjunction with a letter of credit approved by the City in the amount of 150 percent of such estimate. Upon completion of the landscaping requirements, the applicant shall in writing inform the City that said improvements have been completed. The City shall retain the financial guarantee for a period of one year from the date of notice to insure the survival of the plantings. No building permit shall be issued until the required financial guarantee has been received and accepted by the City.**
- 15. Ornamental wrought iron/aluminum fencing that is consistent with the Gateway redevelopment standards shall be installed along the top of all modular masonry retaining walls that are over 18 inches in height.**
- 16. Outdoor speaker systems (e.g. paging, intercom, etc.) are prohibited.**

Motion passed unanimously.

Applications and Requests

7.1 Currency Exchange Ordinance

McCool summarized the staff report and asked for the Commission's feedback on the proposed draft ordinance for currency exchange businesses.

Brittain asked if the requirement in Brooklyn Park that these businesses have an entrance visible from public streets and concourses was for security purposes. McCool responded that it was. Brittain stated that requirement makes sense and asked if it could be included in our ordinance. McCool stated that the City of Cottage Grove does not impose that on any other business. Brittain stated that he would like input from the Public Safety Commission on requiring the entrance to be located in the front of the building. He then asked if there were security devices that may not affect the aesthetics of the businesses next to them as bars, chains, and other items would.

Severson stated that he does not believe that these types of businesses have any greater security issues than most other businesses, and he does not believe that this a negative business. Booth agreed with Severson that extra security measures would not be needed for this type of business in Cottage Grove. Reese also agreed. Bailey stated that he looked at other currency exchange businesses in the metro area and with the exception of some inner city areas, he did not see bars on the windows. He then asked if pawn shops would be allowed under this ordinance. McCool responded no. Severson stated that the owners of those businesses could install security systems that would not be visible on the outside of the building.

Hudnut stated that the "which is greater" in the second sentence of Title 11-1-3, Definitions, should be "whichever is greater."

McCool asked if the public hearing on this ordinance should be scheduled for the March 22, 2004, Planning Commission meeting. The Commission concurred.

Approval of Planning Commission Minutes of January 26, 2004

Severson made a motion to approve the minutes of the January 26, 2004, Planning Commission meeting. Hudnut seconded. Motion passed unanimously.

Reports

9.1 Recap of February City Council Meetings

Blin reported that at the February 4, 2004, City Council meeting, the Council approved the variance for the Clear Channel Outdoor billboards on Highway 61 and the purchase agreement for the property that Clear Channel owned. He stated that the Council passed an ordinance regarding licensing for fireworks sales operation. He explained that the city wanted to prohibit sales of fireworks from tents, but the Legislature preempted any city from restricting those types of sales unless all sales from tents were banned, such as for landscaping materials, but the city can require that those businesses comply with the fire code, which may help limit the number of tents that will be up during the Fourth of July period. He stated that the Council also authorized the hiring of a city engineer, who would report to the Public Works Director.

Blin reported that at the February 18, 2004 meeting, the Council reappointed Planning Commissioners Hale and Hudnut for three-year terms and accepted the resignation of Commissioner Lassen.

9.2 Committee Reports – East Ravine Study Area Update

Blin reported that an open house was held on January 8 to look at various concepts for the East Ravine project. He stated that about 140 citizens attended the open house. The consultants presented three concepts and asked for input. From the comments made by the open house attendees, a fourth concept was created. He displayed a drawing of that concept, pointing out that most of the land use would be low density single family residential, and he described other aspects of the concept. He noted that it will be discussed by the Citi-

zens Advisory Team at their meeting on February 24 and by the Planning Commission and City Council at their joint meeting on March 10.

Severson asked what the green-shaded area on the upper left of the map signified. McCool responded that is the Shepard Woods, which is in a conservation district.

Reese asked if there have been any discussions about increasing County Road 19 to four lanes. Blin responded that he assumes it will be and it has been taken into account during the planning process. In addition, as a part of the East Ravine planning process, the consultant will be doing a traffic forecast of the area.

Hudnut asked about the sewer installation on County Road 19. Blin responded that the sanitary sewer interceptor line has been installed on the east side of County Road 19. He stated that the sewer easement gives the city some of the green corridor on the east side of the roadway.

Willhite asked if the development will affect the size of the Ravine Park. Blin stated that if that corner of the park was developed with public buildings, it would diminish the size of the park, however, that area is currently open fields and crop land. He does not believe there are any plans to develop any other portion of the Ravine Park.

Severson asked how many acres were part of the East Ravine planning area. Blin stated that there are approximately 3,800 acres. Severson then asked how many acres are included in the dark green-shaded areas, which equates back to non-tax revenue bearing land. Burbank stated that there are constraints on those areas, such as pipelines, transmission lines, and topography, but the amount of green space may fluctuate. Severson stated that it appears that the 20 percent of the East Ravine area is green space. Burbank stated that the Ravine Park consists of 550 acres, which is a good share of the green space. Blin stated that open space adds value to the surrounding area and if one of the objectives of this area is to get higher value development, those amenity features need to be created.

Bailey asked if there are any areas planned for additional schools. Blin stated that there has been some discussion with the School District, but that is something the city does want to look at. He stated our goal is to have school sites identified at the end of the project.

9.3 Planning Commission Requests

Booth asked if 90th Street would be improved as part of the redevelopment in the East Ravine area and if there would be a left turn lane on Keats at 90th Street. McCool responded that 90th Street will be upgraded when additional urban development occurs on both sides of the road. Booth asked what the timing was on developing the East Ravine area. Blin stated that development of some areas in Neighborhood 1 could begin as early as next year. He explained that the city would need to work with Washington County on the timing for any improvements to County Road 19. Reese asked if there could be a passing lane added on northbound County Road 19 at 90th Street to allow vehicles to pass left-turning traffic. Burbank stated that is a county road and the city would need to discuss that with the County. McCool stated that the shoulder at 90th Street is not paved, which would not allow a passing lane. Reese stated that consideration should be given to ensuring that there are designated turn lanes or other safety devices added to County Road 19 when it is reconstructed.

Booth asked about the stormwater retention pond on the south side of Hillside Trail noting that they brought in heavy equipment and are removing trees. Burbank explained that due to lack of maintenance over the years, there has been a build-up of silt, so the pond is being dredged. He then stated that the Parks Commission is also looking at installing a trailway around that pond, which may necessitate the removal of more trees.

Reese asked if the two "Ott" signs on either end of Highway 61 would be removed as part of the Clear Channel billboard agreement. Burbank responded that the only signs that will be on Highway 61 are the three billboards by Clear Channel.

Bailey stated that the Planning Commission portion of the city's web site needs to be updated. He reported that Commissioner Lassen resigned from the Commission for work-related issues. He stated that Lassen was an asset to the Commission and thanked him for his service. Bailey then stated that this is Vice Chair Willhite's last night on the Planning Commission, as her terms have expired. He thanked her for her years of service to the city.

9.4 Response to Planning Commission Inquiries

None.

Adjournment

Willhite made a motion to adjourn the meeting. Hudnut seconded. Motion passed unanimously and the regular meeting adjourned at 9:00 p.m.