

**City of Cottage Grove
Planning Commission
April 28, 2003**

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 28th day of April, 2003, in the Council Chambers.

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, David Lassen, Chris Reese, Bob Severson, Chris Willhite

Members Absent: Rod Hale (unexcused)

Staff Present: Kim Lindquist, Community Development Director
John McCool, Senior Planner

Approval of Agenda

Severson made a motion to approve the agenda. Hudnut 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 Cases RS03-012, V03-013, and CUP03-016 (continued from 3/24/03 meeting)

John Angell and Tina Ott-Angell have applied for a simple lot division to subdivide a 10-acre parcel of land at 7682 – 110th Street South into an 8-acre parcel and a 2-acre parcel;

a variance to Title 11-3-3E(2), Miscellaneous Requirements for Accessory Structures, to allow an existing outbuilding to remain on the 8-acre parcel for agricultural use; and a conditional use permit to allow an oversized accessory structure.

McCool summarized the staff report and recommended approval subject to the conditions stipulated in the staff report and suggested a modification to condition #4 to add language that allowed some other means of providing access to the eight-acre piece of land from 110th Street that is acceptable to the city.

Severson asked if future development meant that development would have to occur on both parcels. McCool explained that each parcel created must be compliant of all development standards independently. Future development on one parcel would not affect compliance of city code requirements on the other parcel. McCool stated that the two-acre parcel is not foreseen to future develop unless city water and sanitary sewer systems are available.

Hudnut asked McCool for more information on the easement. McCool explained that the proposed lot split will occur to the north of the existing single family home, and that staff required as a condition of approval that the westerly 30 feet along the two-acre parcel provide an easement that would allow access from 110th Street to the eight-acre parcel. He then explained that the applicant had suggested that he would be willing to provide a 30-foot wide ingress/egress easement on the 20-acre parcel to the west, which they currently own, for access to the eight-acre parcel, but that would only happen if combining the 20-acre and 8-acre parcels did not occur.

Booth asked if the accessory structure located on the proposed two-acre parcel, which was built with a 12-foot setback, was in compliance with city requirements in 1987. McCool was unable to answer that question, and it would be necessary to research city code requirements in 1987.

John Angell, 4300 Tower Drive, Woodbury, and Rebecca Heath, 7682 – 110th Street South, Cottage Grove, stated that they reviewed the staff report and agreed with the recommendations. Angell stated that the stormwater charges were a surprise to them, but are accepting of them. He also stated that the Angells and Heaths had come to an agreement regarding the proposed easement on the two-acre parcel of land, as McCool explained earlier. He asked that the Commission approve the applications with the recommended conditions.

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

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

Variance

1. The building is used for agricultural related uses. Commercial or industrial uses of any accessory structure on either parcel is prohibited.
2. The eight-acre parcel shall be combined with the abutting property to the west (PIN 29-027-21-43-0002).

3. The accessory building on each parcel shall be removed or brought into compliance of City Codes at the time that particular parcel further develops in the future.

Conditional Use Permit

1. The conditional use permit shall expire and become void if the allowed accessory structure is removed from the two-acre parcel.
2. The use of the accessory structure is limited to residential uses.
3. If further development occurs on the property, the landowner shall bring the accessory structure or structures into compliance with Zoning Ordinance requirements.

Rural Subdivision

1. The applicant dedicates the southern 33 feet of the two-acre parcel to the City for right-of-way purposes.
2. The applicant shall pay stormwater area charges of \$6,772.00 for the two-acre parcel and \$5,417.60 for the one equivalent unit on the remaining eight acres for a total of \$12,189.60. Payment shall be made to the City before the City releases the deed for recording.
3. A park fee in lieu of land dedication and a recreation fee totaling \$1,150.00 shall be paid to the City before the City releases the deed for recording. This payment is related to the applicant's ability to construct a single-family home on the combined 20-acre and 8-acre parcels.
4. The applicant prepare and record a private access easement 30 feet in width along the west side of the two-acre parcel, between 110th Street and the south boundary line for the eight-acre parcel.
5. A public drainage and utility easement 10 feet in width shall be granted to the City, without cost to the City, along the front property line (as established 33 feet north of the south section line of Section 29) and along the north property line for the southern two-acre parcel.
6. A public drainage and utility easement five feet in width shall be granted to the City without cost to the City along the east and west property lines for the southern two-acre parcel.
7. The applicant shall file with Washington County the appropriate document(s) required by their administration to combine the northern eight-acre parcel with the 20-acre parcel (Geocode 29-027-21-43-0002) the applicant currently owns west of the proposed eight-acre parcel.

Severson stated that McCool had recommended that condition #4 regarding the lot split be changed by adding language to allow the ingress/egress easement to be placed on the 20-acre parcel to the west or on the two-acre parcel. He then asked if there would be a 30-foot

easement on both the 20-acre parcel and the 2-acre parcel. McCool responded that it was staff's recommendation that it would be one or the other, not both.

Severson offered a friendly amendment to allow the city to modify condition #4 to allow the easement to be put on the 20-acre parcel to the west or on the two-acre parcel. Hudnut suggested leaving the language up to staff's discretion. Lassen asked if it would be dependent on the combining of the 20-acre parcel and the 8-acre parcel. Lindquist stated that the only parcel the city has control over is the 10-acre parcel, which is why the language should reflect that the easement could go on the 20-acre parcel only if the 20-acre parcel and the 8-acre parcel were combined, otherwise it would have to be on the 2-acre parcel. Severson stated that he would like to modify his amendment to keep the original language but add that the easement could be located on the 20-acre parcel if it was combined with the 8-acre parcel. Hudnut and Willhite agreed with the amendment.

Booth stated that he is concerned about creating a non-conforming situation because the proposed conditional use permit does not meet the criteria established by the city for the approval of a conditional use permit. He stated that by doing that the city is creating a non-conforming parcel. He stated that that shed would probably be in its existing location for the duration because the two-acre parcel would probably never be developed.

Motion to approve the applications passed on a 7-to-1 vote (Booth).

6.2 CASE RS03-015

Robert R. Eddy, 11275 – 77th Street South, applied for a simple lot division with variance to subdivide a 4.01-acre parcel of land into two parcels of .84 acres and 3.17 acres. This subdivision would adjust the property line between two existing lots of record, 11275 – 77th Street South and 11313 – 77th Street South.

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

Severson asked if the conditions to allow a new house to be built before the existing house is demolished would be a part of the motion. McCool responded that staff wanted to identify the situation.

Booth asked if the proposed accessory structure was part of the approval. McCool responded that the 30-foot by 50-foot structure has been constructed on the westerly parcel, but it is not part of this discussion for approval.

Robert Eddy, 11275 – 77th Street South, stated that he has a 40-foot by 60-foot accessory building. He explained that the original survey showed a smaller building, but it was not built because the proposed location was too close to the property line. Instead, he changed the location and built a 40-foot by 60-foot building. He then stated that he would not build any more buildings on the property. Eddy explained that the reason for his application is to move the property line to allow a new house to be built at 11313 – 77th Street. He stated that the new owners want to live in the existing house until they get the new house built. He then

stated that in reference to the historical value of the existing house, the house consists of two houses attached to each other.

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

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

- 1. The applicant dedicates to the City that area of land that is within 33 feet of the center line of 77th Street for public right-of-way purposes.***
- 2. The applicant shall pay to the City of Cottage Grove stormwater area charges amounting to \$1,227.85.00. This amount is equivalent to one single-family residential unit for property at 11313 – 77th Street. Stormwater area charges for the remaining equivalent units/acreage at 11313 – 77th Street and all of the property at 11275 – 77th Street shall be paid to the City if further development of either parcel occurs.***
- 3. If future zoning or other site development renders any accessory structure non-conforming for either parcel, the landowner shall bring the accessory structure or structures into compliance with zoning ordinance requirements.***
- 4. A public drainage and utility easement 10 feet in width shall be granted to the City without cost to the City along the front property line (as established 33 feet south of the center line of 77th Street) and along the south property line for both parcels (11275 and 11313 – 77th Street).***
- 5. A public drainage and utility easement five feet in width shall be granted to the City without cost to the City along the east and west property lines for each parcel (11275 and 11313 – 77th Street).***
- 6. The applicant shall file with Washington County the appropriate document(s) required by their administration to combine the 0.84 acre severed parcel from property at 11313 – 77th Street (Geocode No. 12-027-21-34-0006) with the one-acre parcel at 11275 – 77th Street (Geocode 12-027-21-34-0008) owned by the applicant.***
- 7. The applicant shall provide the city with a revised boundary survey for both properties. The revised survey shall accurately identify the location of all existing structures and the property boundary line adjustment between the two parcels as approved by the City of Cottage Grove.***

Motion passed unanimously.

6.3 CASE TA02-065

The City of Cottage Grove has applied for a zoning text amendment to add a neighborhood business district to the zoning ordinance.

Bailey reported that the reason this is back before the Commission is that the Highlands neighborhood was inadvertently not notified of the public hearing on March 24, 2003.

Lindquist summarized the staff report noting that the ordinance has not changed from that approved in March, and she recommended approval of the ordinance.

Bailey noted that Paul Kotnour, 9770 Military Road, had sent an e-mail to the Planning Commission members regarding hours of operation for neighborhood commercial districts.

Bailey opened the public hearing.

Gary Wilkinson, 6907 Homestead Avenue South, asked for the rationale for reducing the size of neighborhood convenience centers to five acres rather than four acres. He stated that he thought the consensus at the meeting in November was to have the maximum size be the same as the Seasons Market in Woodbury. Bailey stated that the Commission had lengthy discussions on sizes for neighborhood commercial and felt that five acres was appropriate because they were concerned that four acres could be too small. Wilkinson reiterated that he felt that neighborhood commercial districts should be no larger than the Seasons Market, which is only four acres. He then asked why liquor stores were included as an allowable use in these districts, when it seemed that nobody wanted them included during discussions on the Almar Village and the Rygh project on 70th and Hinton. Bailey explained that the Commission looked at more than just the Seasons Market; they reviewed many other cities' ordinances and came to the consensus that the majority of cities limit these types of developments to five acres. He then explained that the Commission discussed what types of businesses would be considered for a convenience center, and liquor stores would be one of those, but they dropped the allowable size from 5,000 square feet to 3,000 square feet to limit the size. Lindquist stated that many of the concerns expressed about liquor stores seem to be related to perceived safety and security issues. She stated that the Police Department provided a report on the calls associated with liquor stores and noted that they are significantly lower than other types of convenience uses like convenience stores, gas stations, fast food, etc. She explained that the police have not experienced the types of issues raised by residents, such as loitering and congregating, at liquor stores in this city. Wilkinson stated that that may be true but he was concerned about their proximity to schools. He also stated that he does not want to see liquor stores every mile or so in the city. He would like to have liquor stores listed as an exclusion in the neighborhood convenience center ordinance.

Willhite stated that the city is not allowed to manage uses in that way, and the city has to allow any business the ordinance. She stated that if the city can only limit the number to zero in the city. Wilkinson stated that the city should limit the number of liquor stores to none.

Mary Marty, 9905 Military Road, stated that she agreed with Wilkinson. She asked if there was a limit on the number of liquor licenses available in the city due to liquor license requirements. Lindquist responded yes. McCool stated that he would look up that information.

Marty asked Bailey to read the e-mail from Kotnour. Bailey read the e-mail, which requested that hours of operation for gas station/convenience stores to 6:00 a.m. to 10:00 p.m., rather than the proposed 5:00 a.m. to 11:00 p.m. Marty stated that these businesses would be located in residential areas and 24-hour gas stations are not reasonable hours of operation nor

are 5:00 a.m. to closing at 11:00 p.m. She asked if the Commission had discussed this. Bailey responded that the Commission had discussed the hours of operation. He stated that gas stations/convenience stores would not be able to open 24 hours under the neighborhood convenience district ordinance, and that the hours of operation cannot exceed 5:00 a.m. to 11:00 p.m. and the car wash, if applicable, shall not exceed 6:00 a.m. to 10:00 p.m. Marty stated that she does not feel those hours are reasonable and suggested 7:00 a.m. to 9:00 p.m. She then asked if there is another area targeted for a neighborhood convenience center. Lindquist responded that the city has designated four areas for neighborhood convenience areas in the comp plan, two of which have already been approved (Almar Village and the Rygh Project), one at 100th Street and Hadley Avenue, and one on the southeast corner of 70th and Military Road. She explained that the location at 70th and Military may change depending on the outcome of the East Ravine study. Marty reiterated her concern about that area being too close to Almar Village. Bailey stated that the Commission agrees that that may not be the best location for a neighborhood convenience center due to its proximity to Almar Village and would recommend that it be relocated further south on Keats.

McCool reported that off-sale licenses shall be issued only to exclusive liquor stores, and one license may be issued for every 7,500 population or a fraction thereof as determined by the most recent Metropolitan Council population estimates. Marty asked if the city was at its maximum for liquor stores. McCool responded that there are four licenses currently issued in the city.

No one else spoke. Bailey closed the public hearing.

Willhite made a motion to approve the ordinance. Severson seconded.

Hudnut suggested an amendment to balance the commercial and residential interests by changing the hours of operation for gas stations/convenience stores to 6:00 a.m. to 10:00 p.m.

Severson stated that he could support opening at 6:00 a.m. but not closing at 10:00 p.m. Bailey stated that he would support the opposite of Severson, 5:00 a.m. to 10:00 p.m., because there are a lot of people who have to be at work at 6:00 a.m. He stated that that was part of the reason for the proposed hours. Willhite clarified that the ordinance doesn't require the business to open at 5:00 a.m. or close at 11:00 p.m.; those hours are the maximum that they could be open. Booth stated that he agrees with Bailey on the 5:00 a.m. opening. He explained that the Commission limited the hours for the car wash to help mitigate the noise from the car wash, which is the loudest part of the operation. He supports the proposed hours of 5:00 a.m. to 11:00 p.m. He then stated that the gas station operators may find those hours are not viable and could change their hours accordingly. Willhite agreed.

Lindquist stated that both of the approved centers have the proposed hours, and it would be better administratively to have the hours consistent. She explained that there was a lot of discussion about the hours of operation. She also pointed out that gas stations generally are going to be in a primary location along the main road, and would probably be further removed from residences than other types of businesses.

Lassen stated that one thing that came up this week in regard to Almar Village is exterior lighting. He stated that the city did a good job regarding recessed canopy lighting for gas stations. He asked if language could be put in this ordinance regarding exterior lighting. Lindquist responded that the lighting ordinance is universal so she does not think that needs to be addressed in the neighborhood convenience ordinance.

Severson called the question.

Motion passed unanimously.

6.4 CASE CUP03-018

The SouthEast Metro Amateur Radio Club (SEMARC) applied for a conditional use permit to allow two antennas to be placed on the West Draw Water Tower, 6950 Meadowgrass Avenue South.

Lindquist summarized the staff report, noting that it also pertains to the next agenda item, and recommended approval subject to the conditions stipulated in the staff report.

Vern Reiter, President of the SouthEast Metro Amateur Radio Club, stated that they are currently completing further details of these projects and are requesting that actions on these two items be continued to the next Planning Commission meeting.

Hudnut moved to continue the public hearing to the May 2003 Planning Commission meeting. Booth seconded. Motion passed unanimously.

6.5 CASE CUP03-019

The SouthEast Metro Amateur Radio Club (SEMARC) applied for a conditional use permit to allow two antennas to be placed on the Inwood Avenue Water Tower, 6700 Inwood Avenue South.

Willhite moved to continue the public hearing to the May 19, 2003, meeting. Brittain seconded.

Booth asked if ham radio antennas could cause interference with television broadcasts, cell phones, etc. Reiter explained that the repeater would operate at a frequency outside the range of other devices, and there would be filters on them to prevent any interference in those other frequencies. He stated that typically, there has not been any problem with the use of these repeaters in other cities. Brittain asked what type of frequency band does the antennas operate in. Reiter responded the two meter frequency band, which is 144 megahertz to 148 megahertz. Brittain then asked if it was an omni-directional pattern. Reiter responded yes, because it gives them the broadest coverage.

Motion passed unanimously.

6.6 CASE CUP03-021

The City of Cottage Grove requested a conditional use permit to allow a repeater to be placed on the West Draw Water Tower, 6950 Meadowgrass Avenue South, for the Public Safety Department.

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

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

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

- 1. All grass areas disturbed by construction must be repaired and sodded within 30 days after all construction has been completed.***
- 2. All applicable electrical and building permits must be obtained prior to commencement of construction.***
- 3. The antennas must be painted the same color as the tower.***

Motion passed unanimously.

Applications and Requests

None.

Approval of Planning Commission Minutes of March 24, 2003

Bailey made a correction to that the minutes, noting that the attendance roster should have listed Chris Reese as present rather than Herb Japs.

Brittain made a motion to approve the minutes of the March 24, 2003, Planning Commission meeting, with the above-noted correction. Reese seconded. Motion passed unanimously.

Reports

9.1 Recap of April City Council Meetings

Lindquist reported that at the April 2, 2003, City Council meeting, staff presented to the Council a site plan modification for the roof line for the proposed Oak Park Commons, which originally had more of a residential look but is now proposed with a flat roof line to more resemble Gateway Center. She stated that the Council agreed with the modifications. She then reported that the Council approved the final plat for Timber Ridge 4th Addition; and approved

the plans and specifications and subdivision agreements for Homestead at Highland Hills, Hidden Valley 11th Addition, Pine Arbor 1st Addition, and Timber Ridge 5th Addition.

Lindquist stated that at the April 16, 2003, City Council meeting, the Council approved an amendment to the sign ordinance as a housekeeping measure regarding off-premise signs, to now exclude a few types signs, such as developer's sign in the right-of-way. The Council also voted to require permits for bus benches in the right-of-way, but they did not discuss removing them completely. She then stated that the Council approved a change order that would provide for installation of a parallel sanitary sewer pipe and water main through the Hardwood corridor that will allow for additional capacity in the West Draw area, which was triggered by interest from many of the residents in the area. The Council also approved the final plat for the first phase of Mississippi Dunes Estates, which consists of 46 single-family lots and the entire multi-family portion of the project. She reported that the Council approved the site plan for the gas station/convenience store at Almar Village. She explained that since the Planning Commission meeting, staff had requested other modifications to the architecture for the building, such as increasing the brick on the front and proposing a peaked roof on the gas canopy. The Council approved the additional bricking for the front of the building and all the way up the front pillars, but not the peaked roof on the gas canopy.

9.2 Committee Reports

Lindquist announced that Historic Preservation Week is May 5 to 12, 2003. She stated that the Advisory Committee on Historic Preservation (ACHP) has planned some events, which will be listed in the *Bulletin*, and that they are planning something for the Great Grove Get Together. She also stated that the Committee is putting together some self-walking tours that would be combined around certain themes. She then stated that the next meeting of the ACHP will consist of tours of the two historic properties on East Point Douglas Road, the Gibson Home and Munger home, that are potentially slated for future development., to determine if the houses should be saved. She explained that one of the options would be to document portions of the homes and preserve segments of the home, and use Camel's Hump Park as a place where the city can showcase some of its historic features. Willhite asked when that meeting was scheduled for. Lindquist responded the third Tuesday of June. She then reported that the Council approved an increase from five members to seven members for the ACHP, due to increased interest.

Lindquist reported that at the Parks Commission meeting, they discussed the Peter Thompson Family Park in Highland Hills, which the developer is hoping to start construction this summer and turn it over to the City this fall. She explained that the amenities would include a hockey rink, a half-court basketball court, a combined ballfield/soccer field, and a park building. She stated that she would give the Planning Commission a copy of the plans for this park.

9.3 Planning Commission Requests

Severson stated that the city's volunteer dinner was an excellent affair. He reported that Herb Japs, a former Planning Commission member, was recognized as the Outstanding Citizen of the Year. The Commission congratulated Mr. Japs on his award.

Bailey stated that the East Ravine Pre-Design Preliminary Project Schedule was included in the Commission's packets. He reported that a member of the Planning Commission is needed to serve on the Task Force for this project, and the meetings would be held in the afternoons. He stated that Hale has expressed interest. Lindquist stated that there would be larger public meetings for periodic updates, and a work group consisting of tech people from the DNR, County Transportation, County Parks Division, Met Council, and citizen representation from within the project area as well as the overall city, and from the city's commissions.

Hudnut made a motion to appoint Hale to serve as the Planning Commission liaison to the East Ravine Task Force. Reese seconded. Motion passed unanimously.

Lassen asked if the Commission could get a progress summary on the East Ravine project. Bailey stated that Hale could give updates at Planning Commission meetings. Lindquist stated that several public meetings will be scheduled and invited Commission members to attend these meetings. She also stated that newsletters regarding the project would be posted on the city's web site. She then reported that one of the first tasks is meeting with property owners in the area and staff is currently in the process of setting up these "kitchen table" meetings. Booth asked if subsequent to the final plan production in July 2004, the Planning Commission would hold public hearings on comprehensive plan amendments. Lindquist stated that the public hearings on the comp plan amendments would be held prior to July 2004, so when the project is complete it would be ready to go the Met Council for their approval.

Bailey stated that the next meeting is scheduled for May 26, 2003, which is Memorial Day and asked the Commission if the May meeting could be changed to Monday, May 19. Several Commission members stated that they may have conflicts on May 19. Lindquist stated that the meeting could also be rescheduled to Tuesday, May 27. It was the consensus of the Commission that the meeting be held on Monday, May 19, 2003.

Hudnut asked about the plans for the building between Home Depot and Rainbow Foods. Lindquist responded that the Council accepted some plans, but there were structural issues because the proposed façade was so much higher than the roof line. She stated that staff and the property owner have been working out the details, and McCool drew up something that was acceptable to both the property owner and the Council. It is her understanding that they were going out for bids, but the city has not received a building permit application yet.

9.4 Response to Planning Commission Inquiries

Bailey reported that included in the Planning Commission packet was a memo updating the project on the corner of Keats Avenue and Highway 61.

Adjournment

Severson made a motion to adjourn the meeting. Booth seconded. Motion passed unanimously and meeting adjourned at 8:40 p.m.