

City of Cottage Grove Planning Commission May 23, 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 23rd day of May 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, Shannon Nitsch, Chris Reese, Alberto Ricart, Bob Severson, and David Thiede

Members Absent: Dawn Anderson (unexcused)

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

Approval of Agenda

Motion by Hale, seconded by Brittain to approve the agenda. Motion approved unanimously (7-0 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 CASE V05-029

Justin Jones, 9178 Janero Avenue South, has applied for a variance to Title 11-3-4D, Visibility to allow construction of an elevated deck 10 feet from the corner side property line when 20 feet is required.

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

Hale asked how far out the deck would be from the fence and how far the fence is from the house. McCool displayed a photograph of the property and noted that while he did not measure the distance, he believes that the chain link fence was built in 10-foot sections, so the deck would extend about two feet beyond the first post of the fence.

Brittain asked if there would be steps on the deck. McCool stated that the steps would be located on the west side of the deck, accessing the rear yard.

Justin Jones, 9178 Janero Avenue South pointed out on the photograph where the deck would extend and reiterated that the stairs would come off the back of the deck, so there would be no obstruction from the stairs.

Thiede asked about the size of the deck. Jones responded that it would extend 16 feet along the side of the house and 12 feet out from the house.

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

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

- 1. The property owner obtains a building permit from the city.***
- 2. A wall or vertical partition, except for a railing not higher than 36 inches, cannot be erected on the deck structure.***

Motion passed unanimously (7-0 vote).

6.2 CASE V05-030

Jim Neuenfeldt has applied for a variance to Titles 11-3-3C and 11-3-3E(3), Accessory Structure Setbacks, to allow construction of a garage in front of the principal structure at 6330 Lamar Avenue South.

Blin presented the staff report, noting that a letter from the adjacent property owner supporting the project was included in the packet.

Jim Neuenfeldt, 6330 Lamar Avenue South, stated that he had nothing to add to the staff report.

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

Hale made a motion to approve the application. Thiede seconded.

Motion carried 7-0.

6.3 CASE V05-031

Douglas Zellmer, 9278 – 70th Street South, has applied for a variance to Title 11-8A-2(6)A, Lot Dimensions and Setbacks in the Agricultural Preservation District, to allow an attached garage to be setback 10 feet from the side property line when 25 feet is required.

McCool summarized the staff report and recommended approval subject to the conditions stipulated in the staff report and that the applicant provides a survey of the property.

Hale asked about the recommendation for 10 feet versus the 16 feet noted in the staff report. McCool responded that since the writing of the staff report, the proposed attached garage width has been reduced from an original 28-foot width to 26-feet because there is only 10.8 feet between the west property line and the west side of the proposed new attached garage. He stated that item C in the findings of fact can be eliminated. Hale asked if the property owner would be required to hook up to city sewer and water when the East Ravine development occurs since the property does not meet the standard size for on-site septic systems. McCool responded yes.

Thiede asked if the west side of the structure would be six feet further from where the existing garage is. McCool stated it would be about one foot closer to the west property line.

Reese asked if the condition to require a survey would be sufficient so the public hearing would not have to be continued until the June meeting. McCool stated yes, because if the setback is 10 feet or greater it would be consistent with the development standards that the city is anticipating to impose on the rezoned areas in the East Ravine.

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

Ricart made a motion to approve the application subject to the conditions listed below, removing item C from the findings of fact and adding a condition to require a registered survey that shows the west setback is a minimum of 10 feet. Hale seconded.

- 1. The property owner completes a building permit application, submits detailed construction plans to the City, and obtains a building permit from the city.***
- 2. A property boundary survey prepared by a registered land surveyor verifies that the side yard setback along the west property line is a minimum of 10 feet is given to the City before a building permit is issued.***

Motion passed unanimously (7-0 vote).

6.4 CASE ICUP05-032

Greg Swiler, B.J. Alan Company, has applied for an interim conditional use permit to allow temporary outdoor sales of fireworks from a tent to be located at the Jamaica BP Amoco Station at 8490 East Point Douglas Road South.

Howard Blin reported that the fee owner of this property (BP Amoco) has given written notice that they are not consenting to this application. For this reason, the public hearing cannot be held.

Hale asked if this is the only application the city has received for temporary firework sales. Blin said yes. Ricart asked if the city had allowed temporary firework sales in previous years. Blin said that the same company was granted an interim conditional use permit at this same site last year.

There no further discussion.

6.5 CASE TA05-033

The City of Cottage Grove has applied for a text amendment to amend Title 11-3-1, Non-conforming Uses and Structures, to bring the ordinance language into compliance with State of Minnesota Statute Section 462-357.

McCool summarized the staff report and recommended approval of this proposed text amendment. He explained that state law now allows non-conforming structures to be rebuilt if damaged more than 50 percent of their market value. The property owner must still apply for a building permit. If they apply within 180 days of the catastrophe, the city must issue the building permit.

Hale asked if this applied to any structure or nonconformity. McCool responded yes. Hale asked if they could enlarge the nonconformity if it was reconstructed. McCool reported that the nonconformity could not be enlarged.

Brittain asked, as an example, if a home was damaged in the Mississippi River Critical area that was too close to a bluff line, would the property owner be allowed to rebuild. McCool responded yes. Hale stated that the city has granted this in the past by variance.

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

Ricart made a motion to approve the zoning text amendment as presented. Thiede seconded.

Motion passed unanimously (7-0 vote).

6.6 CASE TA05-034

The City of Cottage Grove has applied for a text amendment to amend Titles 11-10A-2, Permitted Uses, and 11-10B-4, Conditional Uses, relating to health and physical fitness clubs.

McCool summarized the staff report and recommended approval of this proposed text amendment.

Thiede asked how the 3,500 square foot size was determined. McCool reported that the floor area of other health and fitness facilities previously approved by the city were slightly less

than 3,500 square feet. To allow these existing fitness businesses to remain compliant with city ordinances, the 3,500 square foot limitation is proposed.

Nitsch asked if any of these facilities provided locker rooms, would a conditional use permit be required. McCool responded yes.

Reese asked how large the Cottage Grove Fitness Center is. McCool did not know, but it is larger than 3,500 square feet.

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

Thiede made a motion to approve the zoning text amendment as written. Ricart seconded.

Motion passed unanimously (7-0 vote).

Commission member Severson arrived at 7:31 PM.

Applications and Requests

7.1 Myhre Lot Split

Reconsider park dedication requirement for the approved rural subdivision at 9016 Kimbro Avenue South.

Blin explained that this application for a lot division had been reviewed by the Planning Commission at its January 24, 2005, meeting. At that meeting, the Commission had recommended that an easement be dedicated along the northerly 75 feet of the property for a future trail connection to the Cottage Grove Ravine Regional Park. This easement was intended to satisfy park dedication requirements for the lot division. After visiting the site with the applicant, staff learned that a drainageway runs through this 75-foot area, making it difficult to construct a trail. As an alternative, a trail connection could be constructed along the power line easement to the north of the property. At this time it is recommended that the resolution approving the lot division be amended to delete the requirement for an easement dedication, replacing it with a cash payment for park dedication.

Motion by Hale, seconded by Brittain, to recommend amending the resolution to require a cash payment in lieu of park dedication.

Motion passed unanimously (8-0 vote).

7.2 Posavad Property Concept Plan

Blin explained that when a developer initiates discussions about a proposed residential subdivision, the city asks developers to provide a concept plan for presentation to the Planning Commission. This concept plan should provide enough detail to give the Commission information to gather first impressions about the project and to provide informal feedback. This feedback is beneficial to the developer before they begin to prepare detailed plans.

Blin reported that the developer notified him today that they wish to withdraw from this agenda and may return in a month or two so they could finish more details of their project.

7.3 Biscoe Property Concept Plan

Blin described a proposed subdivision to be located east of Lehigh Avenue, west of Manning Avenue (State Trunk Highway 95), and south of 100th Street, consisting of approximately 100 acres. Currently the parcel is guided for rural residential development, but is zoned AG-1, Agricultural Preservation. The subdivision would consist of 39 clustered lots arranged around a loop road that would come through the site from Lehigh Avenue and the remainder of the property would be held in a common open easement, which would be owned by the homeowners association. He explained that the lots would range from 1.5 to 2 acres. Blin noted that the intersection of Lehigh and Manning Avenue is an angled intersection with very poor sight distances, and the city is proposing that the applicant dedicate land along the south side of the property in order to realign Lehigh to Manning Avenue. He explained that all the homes would be on private septic systems but there would be a community water system owned and maintained by the homeowners association.

John Mathews, 1349 Wolf Circle, Lino Lakes, asked the Commission for any suggestions they may have on the project. He stated that the houses would start at \$600,000. He described the trails, landscaping, and ponding plans for the development.

Hale stated that the city needs to develop rural estate type areas in our rural areas for those who want more acreage. He stated that the concept plan looks like a typical development that would be found within a development located in the MUSA. Mathews responded that this is only a concept plan and as they move through the process, they will add estate-type amenities to the development, including architectural standards for the homes. He explained that there were some constraints due to the roadways and a pipeline running through the property.

Nitsch asked what the minimum foundation size would be for the East Ravine. Blin replied that it is 1,600 square feet for a rambler and 1,400 square feet for everything else.

Thiede asked if there was any way to incorporate the four lots on the cul-de-sac into the rest of the neighborhood. He expressed concern about the additional access onto Lehigh Avenue.

Brittain asked if there would be any trails or sidewalks along Lehigh. Mathews responded that they could put them there but they are not designed into the current plan. Brittain asked if a trail system was planned along that road. Blin stated not currently because the area is all rural, but the city could look at that in the future.

Bauer asked if the applicant would be the only builder for that development. Mathews stated that there would probably be three other builders.

Thiede asked if Lehigh would be redone. Mathews stated yes.

Nitsch suggested that the houses be staggered and the garages built back from the front of the house.

Severson stated that he agrees with Hale that this project looks too much like what is being built in the urban part of Cottage Grove and does not feel like an rural estate area.

Hale stated that the city should provide rural estate building opportunities. He agrees with the community well system.

Thiede noted that most of the property consists of farm land with very few trees. Mathews stated that there is one large area of trees, and the developers will plant quite a few trees and require the homeowners to plant at least six trees as part of their landscaping.

Hale suggested that they look at some of the development standards that the city is considering for the future of our city.

Reese asked if the applicant's other developments have homeowners associations and what kind of building standards they have. Mathews stated that their last development was Pheasant Hills in Lino Lakes, which has an association and building standards.

Thiede asked when houses would actually be built in this proposed subdivision. Mathews responded probably next spring. Thiede asked if they did a market study. Mathews stated that they have not done any formal studies, but they foresee that with the redevelopment of Highway 61, the project should be viable.

Approval of the Planning Commission Minutes of April 25, 2005

Motion by Severson, seconded by Ricart, to approve the minutes of the April 25, 2005, meeting with a change from Thiede regarding the Home Depot interim conditional use permit application. Motion passed unanimously.

Reports

9.1 East Ravine Update

Blin stated that the next steps in the East Ravine process include a meeting with the Citizens Advisory Team on May 31, a joint meeting between the Planning Commission and City Council on June 8 to go over the AUAR, a series of open houses to be held in June, and a public hearing at the June 27 Planning Commission meeting.

The Commission discussed local street widths. The Commission wanted further information on this issue. Blin stated that he would provide more information, including street width standards from other developing cities.

Hale asked what the public hearing on June 27 would cover. Blin stated that it would be the public hearing on the comprehensive plan amendment, which guides land uses.

9.2 Committee Reports

None.

9.3 Recap of March City Council Meetings

Blin reviewed the items discussed by the City Council at their meetings on May 4 and May 18, 2005.

9.4 Response to Planning Commission Inquiries

Blin noted that information was included in the packets regarding the Red Rock Corridor.

9.5 Planning Commission Requests

McCool stated that Brittain had asked for a copy of the city ordinances relating to visibility at corners of intersections. He summarized the memo he included with the Planning Commission packet regarding this request. Brittain wanted to discuss whether the city could have an additional requirement when there is a sidewalk or trail due to safety issues. McCool suggested that the requirement could be changed so the property line measurement is used rather than measuring along the curb.

Brittain made a motion to have staff draft an ordinance amendment regarding corner visibility. Hale seconded. Motion passed unanimously.

Adjournment

Motion by Nitsch, seconded by Hale to adjourn. Motion carried unanimously. The meeting adjourned at 8:40 p.m.