

**City of Cottage Grove
Planning Commission
May 24, 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 24th day of May 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, Rod Hale, Robert Hudnut, Shannon Nitsch, Chris Reese, Alberto Ricart, Bob Severson

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

Approval of Agenda

Motion by Severson, seconded by Hudnut to approve the agenda. Motion approved 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 V04-023

Delano Nelson has applied for a variance to Title 11-3-3C, Accessory Structure Setbacks, to allow construction of a garden shed in front of his principal structure at 11801 Lockridge Avenue South.

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

Severson asked if there is a fence between the properties. McCool stated that there is. Delano Nelson, 11801 Lockridge Avenue South, stated that there is an 80-foot long fence that runs between the two property lines, and the shed would not be visible from the adjacent property because of the fence. Severson asked Nelson what the exact location of the shed would be. Nelson stated that it would be between the two large trees, off the driveway loop.

Hudnut noted that while the shed would be 1,250 feet from the river and would not be visible because of the trees, it is conceivable that the trees could die or be removed. Nelson stated that there would have to be a tremendous disaster before the shed would be visible from the river due to the topography and the large number of trees on the property.

Hale asked about the exterior material of the house. Nelson stated that it is partly stucco with brick facing and wood trim on the front and a split cedar roof. Hale asked if he has any problem with the recommendation requiring the exterior of the building to be the same as the home. Nelson stated that the exterior would be the same color with the same color trim, and the shingles would be split cedar. Hale asked if the city requires outbuildings to be the same materials as the main structure. McCool stated that the ordinance requires that the exterior materials be similar in texture and color.

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

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

- 1. Erosion control measures must be utilized during construction.***
- 2. The 20-foot minimum side yard setback must be complied with.***
- 3. The exterior materials and color for the 12-foot by 16-foot accessory structure must be similar to the principal structure.***
- 4. The property owner must complete a building permit application and be issued a building permit before any construction begins.***

Motion passed unanimously.

6.2 CASE V04-024

Ryan and Kathryn Maloney have applied for a variance to Title 11-15-8C(1), Structure Setbacks from Bluff Line in the Mississippi River Corridor Critical Area Overlay District, to allow construction of a new home 20 feet from the bluff line when 100 feet is required and a variance to Title 11-9A-5A, Development Standards in R-1 Zoning District, to reduce the side yard setback from the required 25 feet to 10 feet. This new home will be located on Lot 1 of Hale's River Bluff Acres.

Blin summarized the staff report and recommended approval of the variance to the bluff line setback, subject to the conditions stipulated in the staff report, and denial of the side yard setback variance based on the findings listed in the staff report.

Ryan Maloney, 689 Greene Avenue, Oakdale, noted out that that they do not yet have a survey of the lot with the house positioned on it. He explained that they requested a variance for the side yard setback in the event that the design of the house would cause mature trees to have to be removed, they wanted the option of moving the house away from the trees.

Brittain asked if the house was shifted to the side yard setback, would it be closer to the bluff. Maloney stated that it would probably be a little closer to the bluff. Brittain stated that in past requests for bluff line setbacks, it was a condition that the setback from the bluff line would be no closer than the height of the home, and he would like that to be condition of approval. Blin stated that condition could be added.

Maloney explained that there is a privately owned island about 650 feet from the bluff line that acts a buffer eight months out of the year.

Severson stated that it appears that there is room on the site to move the house forward away from the bluff line and asked why they have put the house so far back. Maloney stated that the bluff line is at about a 45 degree angle to the property line, so meeting the 100-foot setback would cause the house to be setback about 200 feet. He referenced the site plan to show possible locations for the house.

Bailey asked if the house was setback that far, where would the drainfield for septic system be located. Maloney stated that the lot is very heavily wooded and there would have to be a complete excavation to move the house and septic system that far back. With the proposed location, very little tree removal would be required.

Bailey opened the public hearing.

Bill Christofferson, 11971 Grey Cloud Trail, stated that he is the neighbor where they want the 25-foot variance. He stated that it is a pretty heavily wooded area and he would like to have the house as far from his house as possible. He noted that if the septic system was located 150 feet off the bluff there would be a fairly substantial number of trees would have to be removed. He stated that he worked on the setback ordinance and believes that the ordinance should be followed for new construction. The older homes in the area were built prior to the ordinance.

Jean Kulvich, 11523 Grey Cloud Trail, stated that her house was built in 1950 before any of the ordinances came into effect. She expressed concern about erosion of the bluff line, which she says is a problem on her property. She also stated that the report called that area of the river non-navigable, however, there are always small boats using that portion of the river.

Hale requested to be excused at 7:30 p.m.

Hudnut asked if the city received a response from the DNR. Blin stated that the DNR was notified of this variance request, but they have not yet responded.

Brittain asked if there were any long-term solutions to the erosion problems. Blin stated that long-term erosion control measures primarily include plantings to stabilize the banks. Brittain stated that the city should ensure that they are planted. Blin stated that it would be in the interest of the applicant to control erosion.

Rod Hale, 11701 Grey Cloud Trail South, stated that he chose to speak from the podium as opposed to as a Commissioner and that would abstain from voting on the applications. He stated that he would be the neighbor to the north. He explained that he built his home on the bluff in 1980, and has not experienced any erosion on his property. He stated that the city has allowed other developments throughout the city to build on slopes and the erosion is controlled. He then stated that the City Council has granted other bluff line setback variances over the years. He explained that the Mississippi is a working river where oil refineries, treatment plants, etc. are visible from the river; most of the traffic on the river is not pleasure boats but barges; the area in question does not sit on the main channel of the river but in the back waters and is separated from that back water by an island; and even if the new residence was built at a zero setback from the bluff line, it would be almost a thousand feet from the water. He then explained that the water is termed non-navigable in that area because of the depth, which is four feet or less. Hale stated that he served on Critical Area Committee, and explained that the reason for the setback was so that homes would not be visible from the other side of the river.

No one else spoke. Bailey closed the public hearing.

Motion by Hudnut to approve the application per staff's recommendation. Bailey asked for clarification on which of the three staff recommendations. Hudnut withdrew his motion.

Reese made a motion to deny the side yard setback variance and to approve a 33-foot minimum bluff line setback for the principal structure with a 20-foot minimum for any secondary structure such as a deck that is built onto the house, subject to the conditions stipulated in the staff report. Severson seconded for discussion purposes.

Severson asked what the concerns were for not approving the side yard setback variance. Blin stated that there was space to move the house north and south on the property to meet the required setback, and if the house was shifted south within the 25-foot setback, it would actually be further away from the bluff line. Severson asked if there was a deck going around three sides of the house. Maloney responded yes. Severson asked if the setback measurement was from the deck or the house. Blin responded from the deck line. Severson asked how far the foundation of the house was from the side property line. Maloney stated that the deck was eight feet from the property line and the foundation would be 25 feet from the property line. Severson noted that the house meets the setback requirements but the deck does not, and that he was more concerned that the house foundation meets the setback requirements.

Brittain stated that for consistency purposes, he would like to add a condition that the house would be setback from the bluff line at least its maximum height, in the event that the property owners change from the current proposal to a taller home.

Bailey asked Reese and Severson if they agreed to add the amendment to their motion. Reese stated that he would like to withdraw his motion because if the reason for the variance is the deck rather than the home, that changes his perspective on the application. Severson stated that he did not want to withdraw his second. Bailey called for a vote on the motion to deny the side yard setback variance and approve the bluff line setback variance.

Motion failed on an 0-8 vote (Hale abstaining).

Bailey stated that the options for a motion include denying both variance applications, denying the bluff line setback and approving the side yard setback, or approving both the side yard and the bluff line setback variances. Brittain reiterated that he would like to add a condition limiting the setback to the height of the house. Bailey stated that could be added as a condition, but he is looking for a motion to deny both variances, approve one and deny one, or to approve both. Brittain stated that he does not see the point of approving the variance to the side yard setback. Severson stated if we both variances were recommended for approval with the added condition, that would protect us. Blin stated that the condition could read that the foundation of the house could be no closer than 33 feet and the deck may encroach the 20 feet. Severson agreed and stated that the side yard variance could be done the same way, which would set minimum standards but allow some flexibility in the location of the house.

Booth stated that he sees no justification for the side yard setback variance and that he has always had a problem with not complying with the 100-foot setback from the bluff line but he agrees that the precedent has been set.

Booth made a motion to deny the side yard setback and to approve the variance for the bluff line setback subject to the conditions listed below with a condition added that the setback for the house, including the deck, would be setback from the bluff line a distance at least equivalent to the height of the house. Ricart seconded.

- 1. All detached accessory buildings, patios, decks, play structure equipment, swimming pools, gazebos, etc. must be a minimum of 20 feet from the bluffline (725 contour) and the principal structure setback from the bluffline is a minimum distance equivalent to its height. (33 feet). The height measurement shall be calculated from the grade along the river side of the structure to the roof peak.***
- 2. Erosion control measures shall be utilized during construction.***
- 3. Construction of a home on the parcel prior to the availability of public utilities will require the installation of a private on-site sewage disposal system and well. An alternative drainfield location is required to be detailed in the design information for the individual sanitary treatment system application. The septic and drainfield systems shall comply with the 150-foot minimum setback requirement in City Code Title 11-15-8(F), On-site Sewage Disposal Systems.***
- 4. Prior to the City issuing a building permit, the percolation test and grade information for the septic systems shall be reviewed and approved by the Washington County Public Health Department.***

- 5. The property owner shall not permit or cause any trees, shrubs, or other vegetation to be cut, trimmed, or removed, or otherwise disturbed within 10 feet of the southerly of the 725 foot elevation contour line which lies closest to the designated bluff line. The provision of this condition does not apply to the removal of prohibited noxious weeds or restricted noxious weeds as defined by state law or local ordinance or to the removal of diseased trees. If the property owner cuts, trims, removes, or disturbs vegetation and fails to restore or replace the vegetation within 10 days of the City's written notice to do so (or such longer period as the City's notice may specify), the City may enter upon the property for the purpose of restoring or replacing the vegetation cut, trimmed, removed or disturbed. The owner further covenants and agrees to reimburse the City for costs incurred. If the property owner defaults in such payment to the City, the City may, at its option, assess the cost against the property. In addition to and not in lieu of any other remedies provided in the Declaration of Restrictive Covenants, the property owner agrees to pay to the City a \$500.00 penalty for each violation.**

- 6. A property boundary survey prepared and signed by a registered land surveyor shall be submitted to the City before a building permit is issued. The property boundary survey shall show the exact location of the proposed residential home, all property boundary and building setback measurements, and accurately depict existing and proposed grading contours.**

Brittain asked if the motion meant that if the house was 31 feet in height, the deck could not be within 31 feet of the bluff line. He stated that his main concern is that no part of the structure would be visible from the water. Booth explained that the reason for his motion is that there is a 100-foot setback requirement, but he would like to be a little more flexible because of what has occurred in the past. He stated that he is concerned that if the variance only covered the foundation of the house and not the deck, an extra large deck extending even as far as the bluff line could be built. He believes the intent of the 100-foot setback meant the entire structure, so he is proposing a compromise that allows some flexibility.

Severson called for the question. Bailey summarized the motion as denying the side yard setback and requiring a setback from the bluff line not less than the height of the house including any decks or structures attached to the house.

Motion passed on a unanimous vote with one abstention (Hale).

6.3 CASE V04-025

Kenneth J. Trunnell, Jr., 8450 Jody Court South, has applied for a variance to Title 11-3-3C, Accessory Structure Setbacks, to allow a sport court to be setback 3 feet from the rear property line when a 10-foot setback is required, and a variance to Title 11-3-4E, Encroachment Over Easements, to allow the sport court to encroach within a 10-foot drainage and utility easement.

McCool summarized the staff report.

Ken Trunnell, 8450 Jody Court South, stated that the sport court is being used by his children for a recreational area. He explained that when Sport Court installed the court, they

contacted the city and were told that a permit was not required and the proposed location was in compliance with ordinance setbacks. He stated that there is one directional light to light the sport court at night, which is downward directed only spills out into the yard about five feet beyond the court. He also stated that with the exception of the next door neighbor who filed the complaint, the other neighbors have had no complaints or issues with the sport court. Trunnell stated that the sport court is 25 feet by 33 feet and takes up approximately 50 percent of his back yard. He then explained that the sport court disperses water over a larger area and creates a drier backyard for the neighbors to the north.

Hale asked if there was only one light on the sport court. Trunnell stated yes. Hale asked how much overshadow there was off the court. Trunnell responded that light is hooded and downward directed and light only splashes into the yard about five to seven feet. Hale asked where the neighbor lived who registered a complaint about the lighting. Trunnell responded to the east of his home. Hale then asked what the base of the court consisted of. Trunnell stated that there is six inches of concrete with rebar and underneath is aggregate. Hale asked McCool if the city requires permits for slabs in the back yard. McCool responded not at that time.

Hudnut asked about noise. Trunnell responded that they don't use the sport court after 10:00 p.m., and he has never received a noise complaint from any of the neighbors.

Hale asked if there was any way to redirect the light so it was less intrusive for the neighbor. Trunnell stated that the light is pointed down, and it was designed specifically to light up the sport court and to minimize intrusion on neighboring properties. He stated that it does not shine into the windows of any of the neighbors. Hale stated that a neighbor claims that the light does shine directly into the northwest corner of their home.

Severson asked if there was any surface bounce from the light. Trunnell stated that the court has the reflective quality of carpet.

Bailey opened the public hearing.

Lee Pavelka, 8436 Jody Lane South, stated that he owns the property to the north and his side yard abuts Trunnell's backyard. He stated he has not noticed any problems with water drainage or the lights. His only concern is if approval of this variance would affect the setbacks for any future structure on his property. McCool told him the location of structures on his property would not be affected by the sport court variances.

Steven Erickson, 8429 Jody Lane South, stated that their backyard looks into Trunnell's backyard. He stated that they cannot see the sport court at night. He stated that he has been in the neighborhood since 1994 and there have never been any issues with the sport court or the Trunnells.

Bailey referenced the letter from the next door neighbor in opposition to the variance, noting concerns about the easement and the lighting.

No one else spoke. Bailey closed the public hearing.

Bailey stated that he and Brittain went to the property last night. He noted that the property is sloped and wooded, so unless trees were removed, there are no other locations on the lot for the sport court. He explained that they had the light turned on and noted that the light does not spill out much past the sport court itself. He asked staff if there was a certain wattage requirement in the lighting ordinance. McCool responded no. Trunnell stated that the light is 1500-watt halogen light.

Nitsch asked if there were any utilities running through the easement. McCool responded that there are no city utilities such as water, sewer or storm sewer in that easement. The city did notify the private utility companies, but have received no response. Typically there are no private utilities located in rear yard drainage and utility easements.

Brittain displayed a picture of the lot pointing out that the current location of the sport court is the only viable location on the lot due to its topography.

Severson asked about the maturity of the pine trees and if they offer any buffering. Trunnell stated that the trees are approximately 14 feet tall, and include five pine trees and two maple trees. Severson asked if the house on the side of the trees was a single-story house. Trunnell stated that it is a two-story home with a garden view lower level.

Hudnut made a motion to approve the variances subject to the condition listed below. Nitsch seconded.

- 1. In the event that any portion of the retaining wall or sport court that is located within the public drainage and utility easement prevents reasonable use of the easement by any public or private utility company, the homeowner agrees to remove that portion of retaining wall and/or sport court that encroaches into the easement without any question or hesitation and cannot replace that portion of retaining wall or sport court in the easement.***

Motion passed unanimously.

6.4 CASE RS04-026

Minnesota Pipeline Company has applied for a simple lot division to subdivide a 4.592-acre parcel into two parcels of 4.556 acres and .036 acre acres. The lot division is being done to adjust the lot line to include all pipeline equipment on the Minnesota Pipeline property. The parcel is located at 6483 – 85th Street South.

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

A representative of Minnesota Pipeline Company, which is operated by Koch Pipeline Company, stated that they wanted to adjust the lot line so they could give the pipeline property to Marathon Ashland, as it is actually their property.

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

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

- 1. The small parcel identified as Parcel B shall be combined with the taxing parcel to the south.***
- 2. Future site development, improvement, or subdivision will trigger review and potential required payments of area charges applicable at the time of application.***

Motion passed unanimously.

6.5 CASE ICUP04-027

Adam Paul Jaros 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.

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

Adam Jaros, 121 North Ninth Avenue East, Duluth, stated that he applied for a fireworks permit with the City Clerk's office. He explained that the fire code requires two fire extinguishers to be located at the tent, non-smoking signs must be posted, the tent must be 10 feet away from the lot, and the container must be 10 feet away from the tent.

Severson stated that his concern about a possible lack of parking spaces and that fireworks customers may utilize other businesses parking lots and he asked if the city could prevent that. McCool responded no.

Bailey asked if there is a curb cut on the .4-acre parcel that BP just purchased. McCool stated no, but there is a shared access drive with Auto Zone and the vacant parcel.

Severson asked if there were any concerns about security for the over-night storage. Jaros responded no because it is a very busy area.

Booth noted that it is an interim conditional use permit that is only good for this year and asked if it would need to be renewed every year. Blin stated yes. Booth stated that if there are any issues, they may not be approved for future permits.

Hale expressed his concern about a proliferation of temporary businesses being located in the parking lots of other businesses throughout the city. He stated that the city should look at crafting an ordinance addressing this issue, possibly limiting the number of certain types of temporary businesses. Blin asked if Hale's concern was that the city would get a proliferation of various types of uses. Hale responded yes. Severson concurred with Hale's concern. Hale asked if the current ordinance had any way to limit the number of these types of businesses until a new ordinance was approved. Booth stated that these types of uses require interim conditional uses, which must go through the Planning Commission. He also stated that he does not know how an ordinance could be written to limit these types of business. Blin stated that staff would look into it. He explained that for fireworks sales, the state passed a statute

limiting how cities can zone these businesses out of a community. He stated that if a city allows other types of temporary businesses, such as garden center, it has to allow for fireworks sales. Hale stated that the city could restrict the type of structure that temporary sales business are allowed to operate in, such as not allowing tents.

Jaros stated that they are making a substantial investment, so they are going to make sure that the operation is well run.

Hudnut asked about the safety of fireworks being sold at a service station. Jaros responded that the State only requires that the tent and storage container be 50 feet from the pumps.

Reese asked for details on the storage structure. Jaros responded that that it is an 8-foot by 20-foot steel storage container. Reese asked what type of advertising would be allowed on the tent. Jaros stated that the company provides three canvas banners to be placed on the tent structure.

Brittain stated that the storage structure will probably kill the grass. McCool responded that the tent and storage container would be located on a non-maintained green area, and the condition requiring re-sodding covers the area where customers traverse the maintained lawn.

Hudnut asked about the condition that requires a fire extinguisher noting that Jaros reported that they are required to have two, and suggested changing that language to reflect two. Booth stated that they have to comply with the state fire code. Jaros stated that his company sends the required number of fire extinguishers with the shipment.

Booth reiterated that this is an interim conditional use permit that is only good for this year and the city can evaluate how it worked this year if there are future applications.

Severson asked if staff foresees more applicants in the future for this type of use. McCool responded not this year but probably next year.

Reese asked where the station's refueling area is located. McCool responded on the north side, by Office Max.

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

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

- 1. The Interim Conditional Use Permit expires on July 6, 2004.***
- 2. A building permit for the 10-foot by 30-foot temporary sales tent must be issued by the City before the temporary structure is erected.***
- 3. The temporary sales tent, portable metal storage unit, and sale of fireworks is allowed between June 23, 2004 and July 6, 2004.***
- 4. No merchandise should be displayed outside the tent or portable storage unit.***

- 5. A portable fire extinguisher of a multipurpose dry chemical type must be provided if electric service is provided to the temporary tent. "NO SMOKING" signs must be posted as required by City's Fire Marshal.**
- 6. All electrical wiring and connections must comply with State electrical requirements.**
- 7. Overhead electrical service or electrical extension cords are prohibited from any power source that extends across the parking/paved area of the BP site.**
- 8. Advertising signage attached to the temporary tent is permitted. Free-standing signs or off-premise advertising is prohibited.**
- 9. The temporary consumer tent must be a minimum of 10 feet away from all parking areas and 20 feet from any building structure. The minimum separation between the temporary sales tent and portable storage unit must be 10 feet.**
- 10. All the requirements imposed by the National Fire Protection Association 1124, 2003 Edition for retail sales of consumer fireworks must be complied with.**
- 11. The minimum aisle width serving as a portion of the exit access in the temporary sales tent and all aisles accessible by the public must be a minimum of 48 inches wide. Dead-ended aisles are prohibited.**
- 12. Discharging fireworks within 300 feet of the temporary tent and portable storage unit is prohibited.**
- 13. If the mowed grass area west of the eight parking spaces is trampled to the extent that the grass does not grow back to its original condition, then that area of damaged grass must be replaced with sod. Restoring this grass area must be completed within one week after the temporary fireworks sales facility vacates the premise.**

Motion passed unanimously.

6.6 CASE TA04-029

The City of Cottage Grove has applied for a zoning text amendment to amend City Code Title 9-8, Sign Ordinance, to allow electronic changeable message signs.

Blin summarized the staff report and recommended approval of the ordinance amendment.

Severson asked how the Walgreen's electronic reader board come into existence. Blin stated that it was installed prior to clarification that such signs would not be allowed.

Brittain asked if a business could put up a reader board sign since it is not addressed in the ordinance. Blin stated at present the ordinance is silent on reader boards. The Commission could amend the ordinance to prohibit those types of signs. Booth expressed concern about traffic safety from drivers reading signs.

Severson asked if the two proposed signs for the Gateway area would have electronic reader panels on them. Blin stated that he did not believe so but would report back at the next meeting. Blin stated that it appears that the Commission does not support electronic reader board signs. The Commission concurred.

Ricart asked if the reader board signs could be attached to a building. Bailey stated that the sign ordinance limits sign size and area based on building size. Ricart expressed concern that these types of reader board signs could be installed in windows. Blin stated that this type of could be in the window as long as it is within the allowable percentage for window signage. McCool stated that 30 percent of the window area could have signage.

Blin asked for direction from the Planning Commission to tighten up the sign ordinance to address electronic and manual reader board signs.

Bailey stated that he does not have any objections to reader board signs for non-profit institutions, such as schools, churches, the city, but he is concerned that every business in the city could have reader board signs. Severson agreed with Bailey. He stated that there is a distinction between non-profit and commercial uses, but that the city does needs to be fair to commercial businesses. Ricart stated that if allowed, there should be design criteria.

Brittain stated that there is a difference between informational signs and signs that sell something, and he suggested limiting the sign content to informational usage only. Booth suggested adding language to the draft ordinance limiting reader board signs to non-profits only. Reese stated that non-profits could advertise product and pricing on these signs. He stated that both non-profit and commercial entities disseminate information and limiting reader board signs to only non-profits would regulate who could disseminate information.

Reese expressed concern about trying to bring businesses into the city and then overly restricting how they can advertise their business. He then asked about gas station signs. Blin responded that gas stations are required by state law to post price signs. He then stated that regarding non-profit versus commercial signage, the city attorney would advise that there should be no difference and the city can regulate the design of the sign but not the content.

Blin asked if it was the general consensus of the Commission that the city should not allow electronic reader board signs. Severson suggested that Commission members look at other communities in the metropolitan area to see what they allow. Hudnut suggested that staff get a model ordinance on this subject. Reese asked if staff could get photos from other cities that allow reader boards.

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

Nitsch made a motion to table the application. Severson seconded. Motion passed unanimously.

Approval of the Planning Commission Minutes of April 26, 2004

Motion by Hudnut, seconded by Reese, to approve the minutes. Motion passed unanimously.

9.1 Recap of May City Council Meetings

Blin reviewed the items discussed by the City Council during their meetings on May 5 and May 19, 2004.

Reports

9.2 Committee Reports

Bailey reported that the Strawberry Fest would run from June 11 to June 13, 2004, with most of the activities, including the parade and carnival, happening on Saturday, June 12.

9.3 Planning Commission Requests

Booth asked about the gas station on 70th Street and County Road 19. Blin stated that the owner, Kath Oil Company, is still planning to build this gas station after they finish retrofitting a number of new stations that they recently acquired.

Severson asked about the progress on Kohls. Blin stated that Kohls should be open in August and they are currently working on the inside of the building.

Hale asked about the deterioration of the bases on the street lights along 80th Street. Blin stated that the street light bases are scheduled to be repaired.

Severson asked about the road to the storage building for the antenna on the water tower off 81st Street. Blin stated that there is a way to get access to that area without a second cut.

Ricart asked about general landscaping of city-owned property along East Point Douglas Road and Jamaica Avenue. Blin responded that he would check with Public Works on that.

Severson asked for an update on the proposed billboards along Highway 61. Blin stated that he would respond next month. Nitsch asked about the new Cedarhurst sign. Blin stated that staff would look into it. Ricart asked about the garage door repair business sign on Jamaica Avenue. Blin stated that staff is in the process of enforcement action.

Bailey asked for an update on the Cottage Square project, noting that he heard there is some possible contamination on the site. Blin replied that a small level of contamination from a previous dry cleaning business was found. He stated that they are waiting for a PCA letter to give them the go ahead.

9.4 Response to Planning Commission Inquires

None.

Adjournment

Motion by Severson, seconded by Hudnut, to adjourn. Motion carried unanimously. The meeting adjourned at 9:20 p.m.