

**City of Cottage Grove
Planning Commission
June 25, 2007**

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 25th day of June 2007, in the Council Chambers and telecast on local Government Cable Channel 16.

Call to Order

Chairperson Thiede called the meeting to order at 7:03 p.m.

Roll Call

Members Present: Ken Brittain, Obid Hofland, Steve Messick, Tracy Poncin, David Thiede, Chris Willhite

Members Absent: Shane Bauer, Tina Folch-Freiermuth (excused), Chris Reese

Staff Present: Howard Blin, Community Development Director
John McCool, Senior Planner
Mark Grossklaus, City Council

Approval of Agenda

Motion by Brittain, second by Willhite, to approve the agenda. Motion approved unanimously (6-0 vote).

Open Forum

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

Chair's Explanation of the Public Hearing Process

Chairperson Thiede explained the purpose of the Planning Commission, which serves in an advisory capacity to the City Council, and that 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 and Application Reviews

6.1 Booth Shed – Case V07-032

Timothy Booth, 8597 Jewel Avenue South, has applied for a variance to allow a 12-foot by 14-foot accessory structure to be setback 10 feet from the side property line when the minimum setback is 30 feet on a corner lot.

McCool summarized the planning staff report and recommended approval based on the findings of fact and subject to the conditions listed in the staff report.

A question was asked about the height of the shrubs along Jewel Lane. Booth replied that the shrubs are about six feet in height and probably will not grow much higher.

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

Brittian made a motion to recommend approval of a variance to reduce the side yard setback on the street side of a corner lot from 30 feet to 10 feet, based on the findings of fact and subject to the conditions listed below. Hofland seconded the motion.

Findings of Fact:

- A. The northeast corner of this residential lot extends to a point where the street curves to the south, making the lot irregular in shape.***
- B. The applicant's home fronts the west property line and their driveway is along the north property line. The proposed accessory structure is farther away from Jewel Avenue than the principal structure.***
- C. The proposed accessory structure will not obscure any motorist's visibility at the Jewel Avenue and Jewel Lane intersection.***
- D. The home at 8622 Jewel Lane faces east. The applicant's proposed accessory structure will not adversely affect the neighbor's front yard appearance.***
- E. There is a windrow of shrubs along Jewel Lane that will partially screen neighboring resident's view of the proposed accessory structure.***

Conditions of Approval:

- 1. The property owner must obtain a building permit from the City.***
- 2. Exterior building materials are similar to the materials and color of the principal structure.***

Motion passed unanimously (6-to-0 vote).

6.2 Lindstrom/Ball Porch – Case V07-033

Julie Lindstrom, 9809 – 85th Street South, has applied for a variance to allow a porch to be setback 25 feet from the rear property line when the minimum setback is 35 feet.

Blin summarized the planning staff report and recommended approval based on the findings of fact listed in the staff report. Blin also reported that the applicant has made plans to plant three trees in the rear yard.

Julie Lindstrom explained that the deck is on the south side of the house, and heat from the sun and bugs from the pond limit the amount of time the deck can be used. The proposed three-season addition will allow them to enjoy their back yard.

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

Messick made a motion to recommend approval of a variance to the 35-foot minimum rear yard setback requirement to allow an addition on the back of the home to be 25-feet from the rear lot line, based on the findings of fact and conditions listed below. Hofland seconded.

Findings of Fact:

- A. The garage forward house is placed at the minimum rear yard setback prohibiting expansion options.***
- B. The addition will be constructed over an existing deck that already is 25 feet from the property line.***
- C. The distance of the proposed addition from adjacent residential structures along the side yard meets the ordinance criteria.***
- D. There is public open space directly behind the area where the variance is requested.***

Conditions of Approval:

- 1. The property owner must obtain a building permit from the City.***
- 2. Exterior building materials are similar to the materials and color of the principal structure.***

Motion passed unanimously (6-to-0 vote).

6.3 Michael's Pointe Subdivision – Cases ZA07-029 and PP07-037

WAI Continuum has applied for a zoning amendment to change the zoning of property west of Jamaica Avenue and north of The Preserve at Cottage Grove from AG-1, Agricultural Preservation, and R-1, Rural Residential, to R-2A, Residential District. WAI Continuum also applied for a preliminary plat to be called Michael's Pointe, which would consist of 13 lots for detached single family homes and 8 outlots. (Continued from 5/21/07 Planning Commission meeting)

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

Willhite asked who would maintain the green strip along Jamaica. McCool responded that maintenance would be the responsibility of the homeowners association.

Brittain asked if the area proposed to be dedicated for park would be useable. McCool stated that the area would be used for a trail corridor. Brittain asked why the cul-de-sacs would be

named the same as the adjacent street, 67th Street Court. McCool replied that the cul-de-sacs are relatively short and do not warrant separate names. As part of the technical review of the preliminary plat, Public Safety staff reviewed the street names and found them acceptable.

Poncin stated that she also lives on 67th Street Court, approximately two miles west of this site and asked how this area would be differentiated. McCool answered that the numbers in addresses get larger from west to east.

Thiede stated that it is his wish that this development be indistinguishable from the adjacent Preserve at Cottage Grove subdivision, which includes coordination of entrance monuments, landscaping, home styles, etc. He asked if there is any legal reason this could not be accomplished. McCool responded that it was possible.

Dave Wolterstorff, 9398 Erin Court, Woodbury, owner and developer of the project, stated that he has worked with the developers of The Preserve to coordinate efforts. He anticipates that the house styles will be the same as those in The Preserve. Michael's Point will also be the name used when that part of the property lying north of the pond is developed. This project is being proposed at this time to coordinate with the platting of the Preserve. This area and the area north of the pond will likely be developed at the same time, in a year or two.

Thiede asked if the areas north and south of the pond will be considered a single development since there is no roadway connection. Wolterstorff answered there will be trail connections.

Hofland asked if the future phases of Michael's Point would incorporate the pond. Wolterstorff answered that it would.

Brittain asked if there would be additional open space around the pond. Blin responded that the East Ravine plan shows additional open space on the north side of the pond.

Poncin asked if there would be uniform landscaping along Jamaica in Michael's Point and The Preserve. Wolterstorff responded that it would and that both projects are using the same engineering firm and landscape designer.

Thiede stated that he would like to see more coordination across property lines in items such as home styles, covenant requirements, homeowners associations, etc. Wolterstorff responded that although there will likely be two associations, he does not see a problem in coordinating requirements.

Brittain asked if there had been discussions about merging the homeowners associations for the two developments. Wolterstorff replied that the issue would be discussed with the developer of The Preserve prior to the final plat.

Willhite stated she has no issues with separate associations.

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

Willhite made a motion to recommend approval to rezone the property from R-1 and AG-1 to R-2A based on the rationale listed in the staff report. Brittain seconded. The motion passed unanimously (6-to-0 vote).

Willhite made a motion to recommend approval of the preliminary plat named Michael's Pointe, subject to the conditions listed below. Hofland seconded.

- 1. Based on the revisions recommended in this planning staff report, the final plat must conform to the preliminary plat as approved by the City Council.**
- 2. Approval of the preliminary plat application is contingent on the extension of city utilities that are necessary to serve this project.**
- 3. The revised grading and utility plan must be submitted to City staff for review and approval prior to the submission of the final plat plan applications to the City. All emergency overflow swales must be identified on the grading and erosion control plan.**
- 4. The developer must petition the City for public improvements and enter into a subdivision agreement with the City for the installation of and payment for all public improvements in the subdivision and adjacent public roadways, pursuant to City Code Title 10.**
- 5. The applicant receive appropriate building permits from the City, and permits or approvals from other regulatory agencies including, but not limited to, the South Washington Watershed District, DNR, and the Minnesota Pollution Control Agency.**
- 6. Prior to issuance of a grading permit, the applicant must submit for staff review and approval a final construction management plan that includes erosion control measures, project phasing for grading work, areas designated for preservation, a crushed-rock construction entrance, and construction-related vehicle parking.**
- 7. A pre-construction meeting with City staff and the contractor must be held before site work begins. The contractor will provide the City with a project schedule for the various phases of construction.**
- 8. Erosion control devices must 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.**
- 9. The developer is responsible for the cost of public land boundary markers to be placed at corners of private property abutting Outlots A, B, and H and the two residential lots that abut Outlots D and E in The Preserve at Cottage Grove.**
- 10. In addition to one yard tree for each lot having street frontage, an additional four yard trees and ten shrubs must be planted on Lot 1, Block 1; Lots 1 through 3, Block 2; Lot 6, Block 3; and each of the three future lots that will be created with Outlots C, D, and E. One of the four trees must be a conifer tree.**

- 11. The applicant must hire a city-approved arborist to assist with all facets of tree preservation on the site. The arborist will supervise installation and maintenance of tree preservation fencing and the tree and brush removal process. Mitigative measures to aid in preservation of trees slated to remain will occur based upon the recommendations of the arborist. Should trees designated for preservation be removed, the applicant will replace the trees in accordance with the ordinance criteria. Trees designated for preservation which is found to be harmed, diseased, or dying, or are not suited for location into the project may be removed based upon the recommendation of the arborist in agreement with the City and the applicant. Trees removed will be replaced as required by ordinance. The developer must install snow fencing or similar fencing material around all trees or groups of trees that are to be preserved prior to any grading activity on the site.**
- 12. All monument signs and entrance features must comply with the City's Sign Ordinance and only be placed on private property, but not within any drainage or utility easement. The Homeowners Association is responsible for the maintenance of all signs.**
- 13. The applicant must submit private covenants which details the following:**
 - The homeowners association is responsible for all ownership and maintenance of landscaping improvements and fencing within Outlots B, F, and G as depicted on the final plat.**
 - Monument signs and entrance features will be maintained by the homeowners association.**
 - Any fencing provided on the site will be constructed of materials that are uniform in design and color.**
 - All signs, mailboxes, and accessory lighting will be uniform in materials and design and be approved as part of the landscape plan.**
 - The homeowners association is responsible for the maintenance and irrigation of the boulevard along the west curb of Jamaica Avenue.**
 - Conformance to design standards included in Resolution No. 06-111.**
- 14. The developer must advise homebuyers that they are responsible to maintain the boulevard area abutting their property all the way to the curb of the street, and that the City is not responsible for costs related to installation, damage, or replacement of lawn irrigation systems placed in the boulevard areas.**
- 15. An approved secondary fire apparatus access must be constructed between the east cul-de-sac and Jamaica Avenue.**
- 16. The preliminary landscaping plan must be revised to provide additional trees, shrubs, and/or bushes within Outlots B, F, and G. The revised landscaping plan must be submitted to the Community Development for approval before the City Council approves the final plat.**
- 17. The two cul-de-sacs at the north end of 67th Street Bay South will also be named 67th Street Bay South.**

18. Outlots D and E within The Preserve at Cottage Grove is added to the Michael's Pointe final plat for purposes of completing the platting of two residential lots on each side of Lot 1, Block 1 of Michael's Pointe.

19. Outlot C is removed from the Michael's Pointe final plat since it would have been combined with The Preserve at Cottage Grove final plat.

20. A concrete sidewalk five feet in width is constructed along that portion of 67th Street Bay South that abuts the northwest property line of Lot 1, Block 1 and Outlot E.

The motion passed on a 5-to-1 vote with Thiede voting no.

Thiede explained that he voted against the proposal only because he believed the restrictive covenants for the Michael's Pointe and Preserve at Cottage Grove subdivisions should be the same and both subdivisions should develop as one neighborhood with similar home values and design.

6.4 Holiday at Summerhill – Cases ZA07-036 and CUP07-037

Linn Retail Centers, Inc., dba Cottage Grove Holiday North, has applied for a zoning amendment to amend the Planned Unit Development (PUD) ordinance and the conditional use permit to allow the gas station and convenience store at 6921 Pine Arbor Drive to be open 24 hours.

Blin summarized the planning staff report and recommended approval based on the findings of fact and the conditions listed in the staff report. Blin reported that the applicant held a neighborhood meeting on June 18. At the neighborhood meeting, one neighboring property owner attended. Discussion at the meeting focused on the outdoor speakers and bell for the car wash. The applicant submitted a petition, signed by customers, which supports the request.

Steve Linn explained that they are proposing to change their business hours by being open 24 hours a day, 7 days a week. Lind explained that their initial business plan proposed 24-hour business hours, but because this area was just starting to develop as a neighborhood commercial area, and neighboring property owners had expressed concerns and objections to commercial development at this location, business hours were restricted. Lind said that they have been open for business for approximately two years and many customers support their 24/7 business hours.

Linn stated that the volume for the outdoor speakers has been turned down during the day and is turned off at 10:00 p.m. The outdoor bell for the car wash has been also been turned off. Linn explained that they typically schedule a minimum of two employees during business hours. He requested that the City not adopt a condition requiring a minimum of two employees during business hours.

Thiede opened the public hearing.

Dick Hansen, 6918 Homestead Avenue, said that he was the only neighboring resident that attended the neighborhood meeting. His concerns for allowing the store to be open 24 hours

include that it may become an attractive nuisance in early mornings and safety issues. He questions the necessity to have this type of store open 24 hours next to residential properties. Hansen supported the requirement that the outdoor bell be turned off for the car wash and thought maybe the volume for the outdoor speakers has been turned down a little bit.

Thiede asked if there were anyone else that wanted to speak. No one else spoke. Thiede closed the public hearing.

Commission members discussed the idea of a one-year probation period for the 24 hour operation. The general consensus by Commission members was that a probation period was not necessary as other businesses in town operate 24 hours and the conditions of approval already address the outdoor speakers.

Brittain made a motion to recommend approval of the amendment to the Planned Unit Development (PUD) Ordinance No. 707 and an amendment to Resolution No. 04-205 that approved the conditional use permit for a motor fuel station and convenience store at 6921 Pine Arbor Drive, to allow 24-hour operation, subject to the conditions listed below. Motion seconded by Messick.

- 1. The car wash operation is limited to the hours between 5:00 a.m. and 11:00 p.m. Monday through Sunday.***
- 2. The use of outdoor public address systems is prohibited after 10:00 p.m. and before 7:00 a.m. Monday through Sunday.***
- 3. Use of the outdoor car wash bell shall be eliminated during all hours of operation of the facility.***
- 4. Loitering on the site is prohibited and will be enforced.***

Motion passed unanimously (6-to-0 vote).

6.5 South Service Center Preliminary Plat – Case PP07-021

The City of Cottage Grove has applied for a preliminary plat for the South Service Center property, located on Ravine Parkway and 90th Street.

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

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

Willhite made a motion to approve the application, subject to the condition listed below. Hofland seconded.

- 1. All drainage and utility easements recommended by the City Engineer are shown on the final plat.***

Motion passed unanimously (6-to-0 vote).

Discussion Items

7.1 Amendment to Landscape Ordinance

McCool introduced an ordinance amendment requiring a minimum landscaped area for non-residential types of development. He stated that the current code establishes minimum vegetation requirements for permeable and impervious surfaces for new development, but does not require minimum open space. The purpose of a minimum open space requirement is to ensure projects do not maximize building and parking coverage without providing adequate yard areas.

Poncin asked if existing businesses currently meet the proposed open space requirements. McCool reported that most new commercial and industrial developments probably meet these open space percentages. Willhite asked how the proposed open space requirements compare with the minimum setback requirements. McCool explained that a comparison has not been prepared, but the minimum open space requirement may provide more open space than just the setback requirements. Blin stated that the proposal is similar to standards in other communities. Messick stated that he supported adding the standards. Poncin asked if the existing Kohls site would conform to the standards. McCool responded that he thought it would. Willhite asked if the standards would apply to exiting developments. McCool answered that they would not. Commission members discussed the merits for this proposed ordinance amendment and agreed to proceed with initiating a formal public hearing process.

7.2 Amendment to East Ravine Standards

McCool introduced a proposal to amend certain East Ravine development standards to correct a few inconsistencies found since adopting the ordinance on June 21, 2006. The recommended changes pertain to requiring exterior materials on townhomes and multiple family structures to have a minimum of 30 and 60 percent respectively of brick or stone on all sides of the structure. Stucco should not be allowed as an exterior material to comply with the minimum exterior coverage calculation. Staff also recommends adding back into the City Code the 20-foot minimum building setback requirement for corner lots so as not to create nonconforming structures in existing developments. The Commission agreed that staff should prepare an ordinance amendment relating to the topics presented and conduct a public hearing on these matters at a future meeting.

Approval of Planning Commission Minutes of May 21, 2007

Being that there were no corrections to the May 21, 2007, minutes, they were accepted as distributed.

Reports

9.1 Recap of April City Council Meetings

Blin reviewed the items discussed by the City Council at their June 6, 2007, and June 20, 2007, meetings.

9.2 Response to Planning Commission Inquiries

Blin reported that Commissioner Reese had asked at the last Planning Commission for a report explaining the different standards for lot widths between the West Draw and East Ravine. This discussion would take place at the next Planning Commission meeting.

9.3 Planning Commission Requests

Willhite commented that some of the maps provided with the planning applications are difficult to read and requested larger maps or that they be printed more legibly. Brittain liked the "cut-outs" of certain maps in the text of the report because it makes it easier to reference, but the cut-outs need to be better quality.

Gary Thyren, 11328 Norell Road, Hastings, explained that he is a member of the United Church of Christ at 7008 Lamar Avenue and was told to attend tonight's Planning Commission meeting to request a variance to City Codes so they would be allowed to operate a farmers market in the Church's parking lot. Thyren stated that the Church property is not properly zoned for commercial sales. Blin reported that the Church property is residentially zoned and a farmers market is not an allowed use in this zoning district. Two options for the Planning Commission's consideration were discussed. Option 1 proposed the preparation of City ordinance requirements that would allow outdoor sales or farmers markets on sites of religious institutions no matter what the zoning classification is. Option 2 is to allow the Church to operate on their property on an interim basis until an amendment is considered. Thyren explained that they would operate the farmers market one day per week; probably on Thursdays from mid-July to the first week in October with hours of operation from 3:00 to 6:30 or 7:00 p.m. Fourteen slots would be created in their parking lot on the west side of the Church. Motorists would not be allowed to access their parking lot from 70th Street, but must enter the site from Lamar Avenue during the farmers' market operation. The Commission supported allowing the Church to proceed with their farmers market plans while appropriate zoning ordinance requirements are prepared by staff and considered by the Planning Commission. Brittain suggested that other similar outdoor sales or events should be considered with appropriate controls.

Adjournment

Messick made a motion to adjourn the meeting. Brittain seconded. Motion passed unanimously and the meeting adjourned at 9:07 p.m.