

City of Cottage Grove Planning Commission June 26, 2006

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 26th day of June, 2006, in the Council Chambers and telecast on local Government Cable Channel 16.

Call to Order

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

Roll Call

Members Present: Shane Bauer, Ken Brittain, Jason Cavallo, Tina Folch-Freiermuth, Rod Hale, Rebecca Kronlund, Tracy Poncin, Chris Reese, David Thiede

Staff Present: Howard Blin, Community Development Director
John McCool, Senior Planner
Ben Pierson, Planning Intern
David Boguslawski, Planning Intern
Mark Grossklaus, City Council Liaison

Approval of Agenda

Brittain announced that the Core Development Concept Plan and the Stewart Dog Kennel agenda items will be continued to the July meeting.

Motion by Hale, second by Reese, to approve the agenda. Motion approved unanimously (9-0 vote).

Open Forum

Chairperson Brittain 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 Brittain 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 and Application Reviews

6.1 Yeshiva School – Cases ZA06-029 and CUP06-030

Yeshiva Congregation of the Twin Cities has applied for a zoning text amendment to City Code Title 11-9D-4, Conditional Uses, to allow for dormitories as accessory uses to public,

private, and parochial schools with accommodations for up to 75 persons residing on the site provided that no buildings be located within 50 feet of any lot line. They have also applied for a conditional use permit for a parochial school with dormitory at 8944 Indahl Avenue South.

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

Chaim Friedman, 2265 Edgecumbe Road, St. Paul, is the rabbi and principal of Yeshiva. He explained how the school operates, noting that it is a religious Jewish high school with general studies and a rigorous curriculum of Jewish studies. Classes begin at 7:30 a.m. and end at 8:45 p.m. with breaks for meals and sports. The kids won't have access to vehicles, only staff will drive. Staff to student ratio will be three students per supervising staff member. The students will range in age from 14 through 17.

Thiede asked if the students would all be residents at the school. Friedman responded yes, noting that most of the students would be from around the country. They are planning to have 30 students when they first open the school.

Cavallo asked about the self-contained activities on the grounds, he does not see any basketball courts or tennis courts and do they plan to construct anything. Friedman stated that they are not planning to build anything initially, but there is portable hoop and a temporary volleyball net.

Hale asked if they would be functioning year round. Friedman responded that the school year runs September to June and the summer program will be held either here or elsewhere.

Reese asked if there would be more landscaping done to the site and what type of vehicles they would be using to transport the students. Friedman responded that they have a 15-passenger van. Reese asked what their projections are for future enrollment. Friedman responded that they are planning to keep the school small.

Cavallo asked if the school wanted to increase their numbers to 75 in the dormitory, would they need a variance to add onto the school. Blin responded that there is space to add onto the building, but they would need a conditional use permit amendment. Blin clarified that the staff report notes that the dormitory has a capacity of no more than 50 students but it should say no more than 50 people, which include students and staff.

Hale asked if the 75 students mentioned in the staff report was for all school dormitories or just for this application. Blin responded that it would apply to all schools with dormitories that may locate in the city. Hale asked if the building as currently constructed could only accommodate 31 students. Blin responded that along with zoning requirements there are building code requirements for these kinds of uses. He stated that with relatively few modifications, 31 people could be housed in the existing structure. Prior to housing the maximum of 50 residents, they would need to make modifications and receive a occupancy certificate from the city.

Moshe Wiese, President of the Board of Yeshiva High School, 1792 Saunders Avenue, St. Paul, stated that originally when they submitted the application, they specified on the floor plan were sleeping rooms would be located after going through the building with the building official and fire marshal. They were not aware of the 50 square foot per person requirement at that time and after further discussion with city staff, they would have revised their floor plans, but there is other space in the building that could be occupied as sleeping rooms and fit residents within the stan-

dards. Hale stated that he wants to ensure that what is approved for number of residents is in agreement with the number allowed by the building code.

Cavallo asked about the public hearing notification process. Blin explained that process. He also reported the Yeshiva School sent out invitations and held a neighborhood meeting two weeks ago, which three neighbors attended.

Thiede noted that they currently have a school with 40 students and asked why they were leaving that site. Wiese responded that that site was needed for other purposes and they are looking for a site that would be permanent and that they would own. Thiede asked if there were other boarding schools in Cottage Grove. Blin replied no.

Bauer asked if the zoning text amendment was changed to 75 persons per site, if another group wanted to open a school with dormitory would they still need a conditional use permit. Blin responded any application for a school would need to come before the Planning Commission and City Council for a public hearing on a conditional use permit. Bauer expressed concern about a large number of people in a residential area on a daily basis. Blin responded that schools are allowed in residential zoning districts.

Reese noted that the school would be located adjacent to a commercial district and there is another school in the area that has bus traffic every day. Bauer stated that he does not believe that traffic would be an issue for this particular school, but he is concerned about allowing these uses in other residential areas. Cavallo agreed with Bauer, suggesting that these uses be limited to areas that are less developed or closer to commercial where there are fewer homes.

Brittain opened the public hearing.

Morris Frankel, 3612 Fillmore Street, Minneapolis, stated that he has been involved in the purchase of the property and that this is a good location for their school. He does not see a lot of impact to the area around the property from this use. He gave references as to the characters of the applicants.

No one else spoke. Brittain closed the public hearing.

Hale asked for clarification on the limitation to 75 in the ordinance amendment. Blin responded that the limitation is to limit the number of residents in a dormitory to 75, but not the number of students or staff at the school. Hale stated that the current facility can accommodate 31 residents and he wants to ensure that they understand that if they want to have 50 residents, the building is prepared for 50 residents prior to the time they are approve to the 31 students.

Hale made a motion to approve the application subject to the conditions listed below with a change in the wording to residents in the ordinance. Cavallo seconded.

- 1. All applicable permits (i.e., building, electrical, grading, mechanical) and a commercial plan review packet must be completed, submitted, and approved by the City prior to the commencement of any construction activities. Detailed construction plans must be reviewed and approved by the Building Official and Fire Marshal.***
- 2. Any exterior construction alterations, materials changes or colors modifications be reviewed and approved by the Planning Department prior to the issuance of a building permit.***

- 3. Prior to the issuance of a building permit, the applicant must submit a comprehensive sign package to the City for review and approval.**
- 4. Prior to the issuance of a building permit, the applicant must submit a comprehensive lighting package. All outdoor lighting must be directed downward and away from residential property and public streets, and must not exceed one footcandle at the property lines adjacent to commercial, and a half footcandle adjacent to residential.**
- 5. The landscaping plan must be revised to address the items identified in the staff report. Said plan must be reviewed and approved by the Planning Department prior to the issuance of a building permit.**
- 6. A bona fide cost estimate of the landscaping improvements must be submitted in conjunction with a letter of credit approved by the City in the amount of 150 percent of such estimate. Upon completion of the landscaping requirements, the applicant must in writing inform the City that said improvements have been completed. The City must retain the financial guarantee for a period of one year from the date of notice to insure the survival of the plantings, and until the as-built utility survey has been submitted. No building permit will be issued until the required financial guarantee has been received and accepted by the City.**
- 7. Outdoor speaker systems (e.g. paging, intercom, etc.) are prohibited.**

Motion passed unanimously (9-to-0 vote).

6.2 Gallas Addition – Case V06-034

Allen Gallas has applied for a variance to City Code Title 11-9D-5A, Development Standards in the R-3, Single Family Residential District, to allow construction of an addition 10 feet from the rear property line at 8841 Upper 89th Street Circle South, when 35 feet is required.

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

Alan Gallas, 8841 – 89th Street Circle South, pointed out a cement patio on the aerial photo, noting that the addition would go eight feet beyond the edge of the patio. He reiterated that his lot is very constricted, the house is set as far forward as allowed by zoning, and the rear lot line is on a diagonal.

Thiede asked what would be in the addition. Gallas responded that they are adding a family room and one bedroom, bringing the laundry upstairs, and extending the garage. He stated that the addition would be one-story with a crawl space. Thiede asked if Gallas had talked with his neighbors. Gallas responded that he has talked with most of his neighbors, and they have no objections to his proposal.

Reese asked if the house currently meets the setback requirements. McCool responded that when the house was built in the early 1980s, the city averaged the rear yard setbacks.

Poncin asked if the yard is fenced. Gallas responded that they have a chain link fence.

Cavallo asked which neighbors Gallas spoke with. Gallas stated that he talked with the neighbors at 8839, 8856, 8860, and 8862, and none have any objections.

Brittain noted that the applicant's lot line abuts the rear yards of the surrounding properties.

Reese noted that there are two large trees at 8860 – 89th Street Circle and asked what the height of the structure would be. Gallas responded that the maximum height at the peak would be 16 feet and the trees in that yard are at least 10 feet high, so the neighbor would probably be able to see the top of the new structure.

Bauer asked how far the houses at 8860 and 8862 are from the rear property lines. McCool responded approximately 45 feet. Gallas stated that from his proposed addition would 80 feet from both 8860 and 8856 and to 8862 it would 110 feet.

Brittain opened the public hearing.

Tom Pagel, 9271 – 73rd Street South, stated that he owns the property at 8860 – 89th Street Circle, and his mother lives in that home. He stated that his mother did not understand the proposal. Being the owner of the property, he does not like the proposed addition. He stated that this is not a small encroachment, but if the garage was not added, he would not object to the proposal because it would meet ordinance criteria.

Thiede asked if Pagel foresees any negative impact on his property. Pagel responded that he does foresee that this could cause a problem when they try to sell the home in future, noting that his wife is a realtor and he used to be a real estate agent. The addition will block the view from the deck, which is now all open space.

No one else spoke. Brittain closed the public hearing.

Folch asked if adding onto the garage was a convenience or is there a burden that Gallas has that would be alleviated by the garage addition. Gallas responded that he wants to expand his home and garage to accommodate a growing family.

Thiede noted that the garage could be widened to within five feet of the side property line. McCool responded that due to a six-foot drainage and utility easement on the property, the closest they could go would be six feet from the lot line. Thiede asked how the rear lot line was determined for this property. Blin responded that this lot effectively has one front and three side property lines and because the rear lot line is typically the opposite of the front lot line. He noted that most of these lots with angled lot lines have a narrow rear lot line, which if that existed, the angled side would then be considered the side lot line.

Thiede asked Pagel if there would be anything the applicant could do to make the addition more desirable to the neighboring properties. Pagel responded he has no objection to an addition to the living space addition as long as it meets the city's requirements, but the garage addition is too close to the property line. He stated that he does not believe that these types of variances should be granted. Thiede noted that there could be an addition to the side of the property line without need for a variance.

Bauer agreed with Thiede that there is room to build onto the garage at the side of the house and a living space addition could be added to the back of the house without affecting the neighbors. Cavallo agreed. Hale noted that even with a side garage addition, a variance would

still be needed to the rear setback. Bauer does not believe that there is a hardship and cannot support this application. Reese asked if a variance would be needed if only living space was added. McCool responded yes, as currently proposed. Cavallo stated he could agree to a variance for the living space but not the garage. Poncin also agreed.

Thiede made a motion to deny the application. Folch seconded.

Motion passed on an 8-to-1 vote (Reese).

Reese stated that what the Commission has suggested, a garage addition on the side and living space on the back, would make the house look very segmented, which is less desirable than the more fluid structure the applicant proposed. He stated that whether or not the City Council approves the application, a variance will be needed for any addition to this house, and he feels that this is the better looking option.

Cavallo stated that this was a hard decision for him. He does feel that the only variance that should be granted would be for the living space. He thinks that we should try to minimize the impact on the neighbors.

6.3 Bredeson Deck – Case V06-036

Gary and Tamra Bredeson, 6385 Goodview Bay South, have applied for a variance to City Code Title 11-9B-5, Development Standards in the R-2, Residential Estate District, to allow a deck to be setback 15 feet from the side property line when 20 feet is required.

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

Gary Bredeson, 6385 Goodview Bay South, stated the 22-foot deck ledger board was included as part of the home's design. Due to the terrain on the property, the house site had to be adjusted. He stated that there are trees and a six-foot high privacy fence along that side property line. He has spoken with the neighbors about the deck and they have no objections.

Poncin asked if the spruce tree needs to be removed. Bredeson responded no.

Brittain asked if anyone in the audience wanted to comment on the application, noting that the public hearing is scheduled before the City Council on July 5. No one spoke.

Thiede made a motion to approve the variance based on the findings of fact in the staff report and subject to the condition listed below. Hale seconded.

1. The property owner obtains a building permit from the city.

Motion passed unanimously (9-to-0 vote).

6.4 Ideal Acres – Cases PP06-031 and V06-032

Dick Braun has applied for a preliminary plat for Ideal Acres, which would consist of four single-family lots located on the west side of Ideal Avenue between 110th Street and 113th Street, and a variance to City Code Title 11-15-8B, Density Requirements in the Mississippi River Corridor Critical Area Overlay District.

McCool summarized the staff report and recommended denial based on the findings of fact listed in the staff report.

Dick Braun, 2471 Angell Road, Sunfish Lake, stated that he would answer questions from the Commission.

Thiede stated that the other lots in the area are long and narrow and asked why this proposal does not look similar to the other properties in the area. Braun responded that squared lots are more desirable than long, narrow lots.

Cavallo asked if Exhibit B is proposed for the future. McCool responded that Exhibit B is a ghost plat and identifies how future re-subdividing could look if sewer and water were provided to that area. Cavallo asked if the city's goal is to see the Mississippi River Overlay District stay the same. McCool responded that as part of the Comprehensive Plan, this area has been identified as a transition zone, transitioning from agricultural and acreage lots to urban densities for low density residential use that would be served with city sewer and water.

Hale asked what the acreage of the property on the northeast corner of the property was. McCool responded three-quarters of an acre. Hale stated that this development does not meet the city's development forecast, and he would hate to use the river corridor criteria as a reason for denial because the city has already exceeded the four per forty restriction. He noted that if the applicant subdivided the property to meet the R-1 zoning standards, the city could not deny the application. McCool stated that the property is currently zoned R-3, but the minimum lot size is 1.5 acres for properties without city services.

Cavallo asked if the application could be denied if the proposal consisted of 1.5-acre lots and a road to the west with no access to Ideal. McCool responded that it would still require a variance to the overlay district density and lot size requirements.

Brittain opened the public hearing.

Lanelle Fox, 2349 Horseshoe Lake Road, Cushing, Wisconsin, stated that her mother currently owns the property and she wants to sell it to her brother. She stated that she does not want the city to do away with the minimum for the river corridor. They have to look at resale value for it and how the increased density affects potential buyers.

Gabe Schoer, 8223 Indian Boulevard Court, stated that he grew up in that area and found out about the proposal when he started making plans to buy his mother's property to remodel it. He is pleased with the proposed plan rather than the city's plan. It fits the rural neighborhood more. He does not believe that there are a lot of traffic issues in that area and with the driveways coming onto the road, all that would need to be done is to lower the speed limit. He supports the proposed subdivision.

No one else spoke. Brittain closed the public hearing.

Thiede agreed with Hale that subdividing that parcel into four lots is no worse than what is in that area currently. He would like to see consistency in terms of lot size and dimensions as currently exists. He asked about the ghost plat. Blin responded that is what could be done to subdivide this lot in the future if city services were extended to the area. Kronlund asked what the timeline for that extension would be. Blin stated more than 15 to 20 years for the extension of utilities.

Brittain stated that Ideal Avenue is slated as a collector street in the future and he does not want to see additional driveway accesses onto roads that are meant to serve higher traffic volumes in the future. He also noted that most of the lots in the area are approximately 2.5 acres in size and in order to keep consistency for that area, there would have to be access from 110th or 113th Street with similar lots sizes to the existing lots in the area.

Reese asked with the four lots that are 300 feet deep, is it possible to put a service road behind the properties that would have a single access onto Ideal Avenue. He also asked if a road behind the proposed lots would affect the adjoining properties. Braun stated that they could have Lot 1 access onto 110th Street, and Lots 2 and 3 could be serviced by one access onto Ideal Avenue so they would only be adding one access to Ideal Avenue.

Brittain made a motion to deny the application based on the long-range plans and access points onto Ideal, consistent with the recommendations from city staff, listed below. Poncin seconded.

- 1. The proposed preliminary plat creates four parcels that are less than three acres per parcel as required in the Mississippi River Critical Corridor Overlay District.***
- 2. The proposed preliminary plat is inconsistent with the long-term planning for the area as defined in the City's Comprehensive Plan 2020, which shows this area urbanizing in the future.***
- 3. Acreages smaller than 2.5 acres may restrict the ability to provide city utilities in the future because rural development patterns would exist.***
- 4. Past city approval for lot splits in this vicinity supported a 2.5-acre minimum lot area whereby such acreage generally has the effect of supporting some of the Critical Area standards in preserving open space and rural character.***
- 5. Existing rural estate lots in this vicinity are generally 2.5 acres or larger.***

Motion to deny the application passed on a 6-to-3 vote (Cavallo, Reese, Thiede).

Cavallo stated that after the developer proposed moving the access points and hearing the neighboring property owners acceptance of the proposal, he believes that this fits in more with the existing neighborhood than the ghost plat. Thiede explained that the proposal is somewhat consistent with the existing neighborhood and there will not be much traffic added to Ideal, and with regard to future development, if this gets sold into four different parcels and a developer comes in the future, it probably would not end up like the ghost plat. He stated that the ghost plat clouded the picture and he feels that what they are proposing with the four lots is okay. Reese agreed Thiede. He also noted that the developer is willing to work with the city on the access points. He believes the city needs to take a hard look at the quarter-quarter density requirements.

6.5 Resubmittal of Applications – Case TA06-033

The City of Cottage Grove has applied for an amendment to City Code Titles 10-1-8A and 11-12-12A, Resubmittal of Applications, which would set a time frame for resubmitting planning applications.

Blin summarized the staff report and recommended approval.

Hale asked if this does not prohibit the Council from extending an application beyond the deadline. Blin responded that was correct, explaining that the applicant would have to make a formal application for that extension.

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

Hale made a motion to approve the application subject to the conditions listed below. Reese seconded. Motion passed unanimously (9-to-0 vote).

6.6 Core Development Concept Plan – South Point Ridge

Brittain reported that this concept plan review was continued to a later date.

Approval of Planning Commission Minutes of May 22, 2006

Motion by Cavallo, seconded by Folch, to approve the minutes from the Planning Commission meeting on May 22, 2006. Motion passed unanimously (9-to-0).

Reports

9.1 Recap of June City Council Meetings

Blin reviewed the items discussed by the City Council at their meetings in June 2006.

9.2 Committee Reports

None.

9.3 Response to Planning Commission Inquiries

Blin stated that a copy of the West Draw Task Force Report was sent to all the Planning Commissioners. He noted that there have been significant policy changes since that document was prepared. At the time the report was done, it was envisioned that fairly large pieces of that West Draw area would remain rural residential with no utility extensions into those areas. The landowners in that area requested that their properties be rezoned to an urban density and utilities be extended. Blin then reported that in regard to possible assessments for the 65th Street and Hadley Avenue area, the city has held meetings with the property owners in that area, and if utilities are put into Hadley that could require the reconstruction of Hadley. The direction from Council is that if Hadley was to be reconstructed, it should remain in the character it has today with some improvements. City staff and a landscape architect will look at the road to see if there are ways to enhance the look of it while keeping the roll and the wooded areas tight to the road. He explained that at the time the Pine Cliff entrance sign was approved, it did conform with the city's sign code, but since the new East Ravine standards were adopted, the amount of sign face was reduced to 30 square feet. He also reported that a water plan was presented to the City Council about a month ago and that would be a good document for the Commission to review at a future meeting.

9.4 Planning Commission Requests

Cavallo asked about the Public Safety discussion on sidewalk widths. Blin responded that there should be a final determination by the Public Safety Commission next month. The proposal before the Commission is five feet. Hale commented on the Ideal Acres plat application, noting that there was some confusion regarding the ghost plat. He explained that in areas without city services, the city asks the applicant to plan for the addition of services even though that may never materialize or that plan may not be one the city accepts. Brittain noted that the pine trees on the new part of Hinton Avenue past the model home appear to be too close to the trail. McCool responded that the city met with the County regarding the placement of those trees and they accepted the location.

Adjournment

***Motion by Thiede, seconded by Reese, to adjourn. Motion carried unanimously (9-to-0).
The meeting adjourned at 9:23 p.m.***