

City of Cottage Grove Planning Commission July 25, 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 25th day of July 2005 in the Council Chambers and telecast on local Government Cable Channel 16.

Call to Order

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

Roll Call

Members Present: Shane Bauer; Ken Brittain; Rod Hale; Shannon Nitsch; Chris Reese (arrived at 7:05); Bob Severson; David Thiede (arrived at 8:12)

Members Absent: Alberto Ricart (excused)

Staff Present: Howard Blin, Community Development Director
John McCool, Senior Planner
Matt Stemwedel, Planning Intern
Pat Rice, City Council Liaison

Approval of Agenda

Motion by Severson, seconded by Hale to approve the agenda. Motion approved unanimously (6-0 vote).

Open Forum

Vice 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

Vice 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

6.1 Marcotte Deck – Case V05-040

Sharon Marcotte, 8327 River Acres Road, is requesting a variance to Title 11-15-7A, Expansion of an Existing Structure, and Title 11-15-8, Development Standards for the Mis-

Mississippi River Corridor Critical Area Overlay District. The applicant is proposing to construct a 724 square foot deck on the river side of the house that will be 93 feet from the river bank when 100 feet is required by city code.

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

Hale asked if the deck would be above grade. Stemwedel responded yes.

Severson asked about the report received from the Minnesota Department of Natural Resources. Blin commented that the DNR has responded to each variance request reviewed by the City with a similar letter. He has never seen them support a variance in the critical area.

Sharon Marcotte, 8327 River Acres Road, agreed with the staff report and conditions. She asked about the variance process. Blin responded that the Planning Commission holds a public hearing and then makes a recommendation to the City Council, who will make the final decision on the variance at their meeting on August 10.

Severson asked if any other variances have been granted in that area. McCool responded that there have been variances granted to properties along River Acres Road in the past.

Hale asked about the condition requiring a final inspection for the heating system. Stemwedel stated that they had an outstanding permit for a heating system that needed a final inspection.

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

Severson made a motion to approve the variances based on the findings enumerated in the staff report and subject to the conditions listed below. Hale seconded.

- 1. The property owner obtains a building permit from the city.***
- 2. The property owner must receive a final inspection for Permit No. 0102565, Heating System.***

Motion passed unanimously (6-0 vote).

6.2 McCarty Garage – Case No. V05-041

Kevin McCarty, 8886 Greystone Avenue South, is requesting a variance to Title 11-3-3(B), Number and Size of Accessory Structures in the R-3, Single-Family Residential District. The applicant is proposing to construct a 1,344 square foot accessory structure when 1,000 square feet is the maximum size allowed by city code.

McCool summarized the staff report. He noted that a letter in support of the application was received from a neighbor of the McCarty's and a copy was provided to each Commissioner. He recommended denial based on the findings of fact listed in the staff report.

Severson asked why the applicants want an accessory structure this size. Kevin McCarty, 8886 Greystone Avenue South, stated that they have a 37-foot enclosed car trailer, a large pick-up truck, and other vehicles that they want to park in the structure. He explained that they would also remove the shed in the back. He stated that he would not run a business out of his garage. He believes that depending on the pitch of the roof, he would be able to keep the garage under the 18-foot maximum height. McCool stated that depending on the roof pitch, the garage may be taller than the house but a lower pitch may match the house height. Severson asked if there is any ordinance requirement for roof pitches. McCool responded that there are none.

Hale asked if the ordinance requires that the garage not be taller than the house. McCool responded yes, as measured from the grade to the peak of the roof. McCarty stated that he needs a 10-foot tall garage door so he can fit his trailer in the garage.

Severson asked about the visibility of the proposed structure from the front, sides, and rear. McCarty stated that there is a privacy fence behind him and the neighbors have large lilac bushes that are approximately 15 feet high. He has not heard anything from his neighbors except for the two letters that the Planning Commission has received. As far as the view from the street, the current garage does not meet setback requirements so the new structure will be less visible because it will meet the setback requirement of six feet.

Nitsch stated that with a 4:12 pitch, a 12-foot wall, and a 56 inch center beam, the structure would be very close to 18 feet high. Severson stated that he could change the roof design. Nitsch stated that a 3:12 pitch may not give adequate snow load.

Nitsch asked how the maximum size of 1,000 square feet was arrived at and was it related to lot size. McCool responded that the maximum size of accessory structures is not related to the size of the lot. He stated that the ordinance requirement for maximum size has been changed several times over the past 20 years. He explained that one standard was set by averaging the size of requested garage variances to determine what the maximum accessory structure size should be. He also stated that recently there has been discussion that 1,000 square feet is too large. Nitsch suggested that the size of accessory structures should be a percentage of the size of the lot. He then expressed concern about run off from the structure, which would be about the width of the yard.

McCarty explained that he does not want his neighbors looking at his vehicles sitting in his driveway and in the winter he wants to park his vehicles in the driveway instead of on the grass. Cindy Gillenwater, 8886 Greystone Avenue, stated alongside their existing garage, there is a sidewalk and a planter and the new garage width would only go from where the current garage is to the planter, so it is not going to take up that much more of the yard than what is currently there.

Severson stated that his concern is not about the foot print size but the height of the garage.

Nitsch expressed concern about the turning radius to get the vehicles into the garage. He asked if they could make the garage smaller. McCarty stated that he could take two feet off the width and make it 26 feet by 48 feet, but the peak would still be 18 feet high. Nitsch stated that reducing the width would reduce the height of the roof peak. McCarty stated that

he would build the garage to meet the height requirements, even if he has to go down to 26 feet wide.

Reese asked if this were approved, would there be a requirement that the exterior materials match the house. McCool responded that that is required by ordinance.

Brittain asked for background on the reasons for the size limitations on accessory structures. McCool explained that the size was arrived at by averaging the size of requested garage variances, but then it was felt that the structures were getting too large and the maximum size was downscaled. Brittain asked what problems resulted from accessory structure size. McCool stated that percentage area of the structure that was occupying the lot and the size of the homes.

Thiede asked what size an attached garage could be; he believes he heard 1,500 square feet. McCool stated that he believes it is 1,000 square feet; however the size of attached garages is based more on the setback requirements.

Hale stated that when you zone property residential you make certain covenants that the principal use of the property is going to be residential. When the out structures become larger than the principal structure, there is reason to question whether that is the primary use of that particular parcel.

Severson asked what the setbacks would be for an attached garage. McCool stated that the minimum side yard setback is 5 feet and rear yard setback is 35 feet. Hale asked if the height would be a factor. McCool stated that it would be part of the principal structure, which has a maximum height of 30 feet.

Brittain asked if there was an attached garage, what size of accessory structure could be built. McCool stated up to 1,000 square feet. Brittain stated that without an attached garage they would be allowed less storage than those with attached garages. McCarty stated that there are a lot of house in town that have an attached garage and a detached garage.

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

Brittain stated that he knows the applicant's primary use of the structure would be personal but new owners could use it differently. However, the point he comes back to is that they could have more square footage if they had an attached garage. He believes that approving the 1,344 square foot garage would provide less accessory structure than there would be if there was also an attached garage.

Severson made a motion to approve the variance with following conditions: the size of the structure must be no larger than 26 feet by 48 feet; the peak of the structure must be less than the peak of the house; and the smaller shed must be removed. The hardship would be that this house does not have an attached garage and if it did, the applicant could have more than 2,000 square feet. Brittain seconded. Motion passed on a 4-to-2 vote (Hale, Nitsch).

Applications and Requests

7.1 Discussion of Open Storage Regulations in Industrial Zoning Districts

Blin presented an overview of the current ordinance and requested direction from the Planning Commission.

Hale asked if Lyman Lumber, who is looking at locating on the CP Rail property, saw this as just a transfer point. He also asked if CP Rail was an allowed use. Blin responded that the city considers CP Rail a legal non-conforming use. However, railroad uses are exempt from local zoning requirements under federal law, and because CP Rail owns that land, they are exempt from all the city controls. Lyman Lumber would not fall within that exemption.

Severson asked what other types of industries would be affected if they did not have exterior storage available. Blin stated heavy industrial users tend to want outdoor storage.

Hale asked if the city were to grant a variance to allow outdoor storage, would that set a precedent. Blin stated that granting a variance allowing outdoor storage would be a use variance, which is not allowed. You can grant variances from provisions of the code but typically not for actual uses.

Nitsch asked if screening could be used around outdoor storage areas. Blin stated that outdoor storage affects the surrounding land.

Hale stated that there is a great deal of investment in the industrial park and he would like to see an ordinance that prohibits outdoor storage.

Reese asked about the auto marshalling yard. Blin stated that was built before the zoning ordinance prohibited open storage.

Severson asked to see two ordinances, one to prohibit open storage and one that could allow open storage with conditions and design standards.

Approval of Planning Commission Minutes of May 23 and June 27, 2005

Motion by Hale, seconded by Severson to approve the minutes from the Planning Commission meetings on May 23, 2005 and June 27, 2005. Motion passed unanimously (7-to-0).

Reports

9.1 East Ravine Update

Blin updated the Commission on the East Ravine Planning Process. He stated that the Council adopted the comprehensive plan amendment to submit it to the Met Council. The Council excluded Old Cottage Grove from the MUSA expansion and the trail corridor through pond area between 70th and 80th Streets was stricken from the plan. The plan also contains the realignment of Military Road.

9.2 Committee Reports

Nitsch reported that the Advisory Committee on Historic Preservation met on June 21, 2005. The ACHP discussed the realignment of Military Road. They also discussed a project for historical playing cards.

9.3 Recap of June City Council Meetings

Blin reviewed the items discussed by the City Council at their meetings on July 6 and July 20, 2005.

9.4 Response to Planning Commission Inquiries

Blin stated that when the East Ravine plan is complete, staff will overlay the future land use designations on the current property lines. Severson asked when the earliest ground will be broken in the East Ravine area. Blin responded late spring or early summer of 2006.

9.5 Planning Commission Requests

Nitsch asked for an update on the Cottage Square Mall project. Blin stated that they planned to demolish the building late this year. The reason for the delay is relocating the remaining tenants. Severson asked if the project was on track or are there funding issues that could delay it. Blin stated that Presbyterian Homes does have the project funded.

Reese asked about the Almar Village gas station. Blin responded that when they came before the Council, the Council renewed their conditional use permit but only for six months, which expires at the end of September. They have indicated that they plan to come in for their building permit by that time.

Rice explained that the Council's reasoning for excluding the trail corridor between 70th Street and 80th Street in the East Ravine is because it appears all the lot lines of the existing lots go down into the pond area. Council felt it would be cost prohibitive to buy those ponds for trail access. As far as pulling the Old Cottage Grove area out of the MUSA, the Council is still planning to require size specifications for sewer and water lines for that area, so when the time comes that that area can't use their septic and wells, the city will apply to the Met Council for a comp plan amendment.

Nitsch requested looking at accessory structure sizes, such as the size of the lot and percentage of building coverage. Severson stated that there are areas of the city that have unique situations based on when the housing stock was originally built. He believes that the city should take that thought into consideration and there should not be a cookie cutter approach. Hale stated that when property is zoned, it is zoned with certain covenants and when a property no longer suits the owner's lifestyle, they need to consider other alternatives, rather than convert the property to a use that is not compatible with the neighborhood. Nitsch asked if the ordinance states that the accessory structure cannot be taller than the principal structure. McCool stated that the ordinance makes no reference to house height in relation to accessory structure height; it only limits accessory structure height to no taller than 18 feet.

Brittain asked about the trail site line ordinance. McCool responded that a draft ordinance will be presented to the Planning Commission, along with other ordinances, at a later meeting.

Adjournment

Motion by Severson, seconded by Hale to adjourn. Motion carried unanimously. The meeting adjourned at 8:25 p.m.