

**City of Cottage Grove
Planning Commission
August 23, 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 23rd day of August 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, and Alberto Ricart

Members Absent: Bob Severson

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

Approval of Agenda

Motion by Hale, seconded by Nitsch 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 appeared to address the Commission.

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 V04-036

Steve Nielsen has applied for a variance to Titles 11-3-3C and 11-3-5C(3), Accessory Structure Setbacks, to allow construction of a garage in front of his principal structure at 11860 Lofton Avenue South.

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

Paul Riedale of Oakdale, representing the applicant, stated he had no comments in addition to the staff report.

Hale asked if the proposed garage would have exterior materials that match the house. Blin responded that matching materials is a recommended condition.

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

Motion by Hudnut, seconded by Nitsch, to recommend approval of the variance subject to the conditions listed below:

- 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 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 V04-037

Gordon Lamb has applied for a variance to Title 11-9E-5A, Development Standards in the R-4 Zoning District, to allow a porch to encroach 8 feet into the required 30-foot front yard setback at 7188 Jenner Alcove South.

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

The applicant did not appear at the meeting.

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

Motion by Brittian, seconded by Reese, to recommend approval of the variance subject to the conditions listed below:

- 1. The property owner applies files a building permit application and construction plans showing structural details of the open front porch with the Building Division.***
- 2. The property owner obtains a building permit from the city and schedules an inspection by the Building Inspectors to ensure all structure improvements are***

building code compliant. The property owner must pay a penalty amount that is twice the regular building permit fee for this project. This is consistent with city policies relative to construction without appropriate building permits.

3. *Porch area not to become an enclosed structure.*

Motion passed unanimously.

6.3 CASE V04-038

John and Dana Salmon, 8614 Hyde Avenue South, have applied for a variance to Title 11-3-4D, Visibility, to allow a garage addition to be constructed 10 feet to the side property line on a corner lot when 20 feet is required.

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

John Salmon, 8614 Hyde Avenue South, stated he agreed with staff's recommendation.

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

Motion by Hale, seconded by Booth, to recommend approval of the variance subject to the conditions listed below:

- 1. The property owner files with the Building Inspections Division a building permit application and construction plans showing structural details for the proposed garage addition.***
- 2. There must not be a parking area that is closer to Hilo Avenue than the west wall of the proposed garage addition.***

Motion passed unanimously.

6.4 CASE PP04-035 (continued from 7/26/04 meeting)

U.S. Home Corporation has applied for a preliminary plat for Pinecroft, which consists of 61 lots for single family homes and two outlots to be located on the northwest corner of 65th Street and Ideal Avenue

McCool summarized the staff report, noting that only the property on the west side of Hinton Avenue is being included in the current preliminary plat request. The property lying east of Hinton will be considered in a separate preliminary plat request at a later date.

Jay Liberacki, representing the developer, Orrin Thompson/U.S. Homes, stated that he had been working with staff on this development for the past several months. He noted that they would meet condition #14, which requires the lowest floor elevation of all houses be a minimum of two feet above the high water elevation of the stormwater ponds. They understand that quality perimeter landscaping and entrance features are a priority for the City, and they

have included both in the plans. They will also provide the protective covenants for the development to the City for review. Regarding any future road connections to the property lying to the north in Woodbury, they have had discussions with Woodbury staff and learned that Woodbury would prefer no street connections from the Pinecroft development. He asked if securing a sanitary sewer easement across the Kemp parcel to the south was a condition of approval of the preliminary plat. McCool responded that it was. Liberacki asked if this could be made a condition of the final plat approval. McCool stated that it would be in the City's interest to have it as a condition of preliminary plat approval. Commission members voiced agreement with McCool.

Hudnut asked what the size and price of the homes would be. Liberacki replied that they expect home styles and prices to be similar to the Pine Summit development. This includes prices into the low \$500,000's on the high end.

Brittian asked why the sidewalk on Street A only extends as far north as "B" Street and could it be extended. He also asked why a bituminous trail was proposed along 65th Street instead of a concrete sidewalk. McCool replied that it was planned to connect to a sidewalk on "B" Street. Typically, sidewalks are not constructed on local streets. In this case the sidewalks are to provide a pedestrian route to the nearby Cottage Grove Elementary School. The trail is planned to connect to an existing trail.

Brittian asked if turn lanes would be provided on Hinton. McCool responded that as part of the current Hinton/Tower project, left and right turn lanes are being constructed at "B" Street.

Booth asked if the recommendation for a sidewalk along the west side of Hinton should be added as a condition. McCool responded yes.

Nitsch asked if the proposed monument sign would be illuminated. Liberacki replied that it would.

Reese asked if the sign would include the words "An Orrin Thompson Community." He stated that he does not believe similar signs in the City identify the developer. Liberacki replied that those words are proposed for the sign.

Hale expressed some concerns about allowing the developer's name on a sign and asked if this was a new concept we want to allow. Blin stated that it promotes the developer, instead of merely identifying the neighborhood and advise against it. Booth thought it may violate the Sign Ordinance as off-premise advertising and we should not be advertising developers.

Booth asked if the stub streets are at a proper elevation to allow future extension to the west. Liberacki responded that the northerly street works well, the southerly street is a bit forced in terms of grade and will require some fill. It would still be feasible to construct. It is necessary, however, to provide for future street extensions to the west since the County will only allow the one access to 65th Street as shown on this preliminary plat.

Booth asked if there were enough vehicle stacking space on "A" Street near 65th Street. McCool replied that there is room for six or seven cars, which is sufficient.

Hale asked if Public Safety had asked for temporary turnarounds on the stub streets. This is a particular concern since the land to the west is outside the MUSA and unlikely to develop in the near future. McCool responded that there would be temporary turnarounds and the barricades will include a sign indicating the future extension of that roadway.

Hale asked about the access easement leading to the pond. He stated that perhaps 30 feet is excessive, and he asked who would maintain it. McCool answered that this was the recommendation of Public Works. The outlots would be maintained by the Homeowners Association.

Liberacki stated that he thought 30 feet was excessive. A 20-foot wide access would work, particularly since additional drainage easements are located on the adjoining lots. McCool stated that 30 feet was recommended since this outlot would also serve as an emergency overflow for the pond. Booth stated that if that is the recommendation, it should be added to the recommended conditions.

Hale asked if Woodbury would be expected to pay for the wider and deeper pipe should the sanitary sewer be extended to serve the property to the north in Woodbury. McCool replied that Woodbury would pay for all costs to extend the sewer.

Hudnut asked if Public Safety had looked at the speeds on Hinton, since it will carry heavy traffic volumes. McCool said the Public Safety Commission reviewed this application at their July 20 meeting, but is not aware that they specifically discussed speeds on Hinton Avenue. McCool reiterated that the new roadway will have two north-bound and two south-bound lanes with turn-lanes at intersecting streets. Posted speed limits will probably be between 45 to 55 mph, but he will check with the County.

Nitsch asked if the areas along Hinton would be bermed. McCool responded that the grades along Hinton preclude berms.

Bailey stated that he had comments on the area east of Hinton, which is not under consideration at this time. In particular, he asked if the existing parks in the area were adequate to serve this area. The Commission agreed that this issue should be addressed prior to review of a preliminary plat for the land east of Hinton.

Reese asked about the difference in elevation between Hinton and the lots west of Hinton. He was concerned that snowplows may push snow onto the slope, which would then drain into the yards. McCool responded that there was a 12 to 19-foot grade elevation difference with a 10 to 15-foot boulevard behind the curb. The distance from the west curb of Hinton to the toe of the slope at the bottom is approximately 62 feet.

Chair Bailey opened the public hearing.

Dexter Ornquist, 7992 – 66th Street South, stated that he would prefer additional commercial development in this area of Cottage Grove. He also stated he believes the entire area surrounding the development lacks parks. He would like to see additional landscaping along Hinton for screening. This would avoid the use of fences such as currently exists along Jamaica Avenue.

Mary Dahlin, 7530 – 70th Street South, stated she is the owner of the land immediately west of the proposed subdivision. She asked if there would be standing water in the ponds, and, if so, who would control the mosquitoes. McCool responded that staff would look into how mosquito control would be accomplished. Dahlin asked whether fencing would be required at the ends of the stub street to keep people out of her hayfield. She also asked which trees near her property would be cut and asked the developer to save as many trees as possible. McCool replied that no fencing would be required on the Pinecroft site. He also described which trees would be cut.

Kathy Tucci, 7871 – 66th Street South, expressed concerns about the safety of the holding ponds, particularly with an elementary school across the street. She asked if the pond be fenced. McCool responded that no fencing would be required. The maximum depth of the pond will be six feet.

Motion by Booth, seconded by Hale, to recommend approval of the preliminary plat of Pinecroft with the following conditions added to those proposed by staff:

- ? Condition #8 adding a sidewalk along the west side of Hinton.
- ? Condition #26 adding a 30-foot wide pond accesses.
- ? Condition #27 removing the Orrin Thompson name from the monument sign.
- ? Condition #28 add irrigation to the entrance features.

Hudnut asked about the City's potential liability on the ponds. Blin responded that he would check with the City Attorney.

Booth asked about the traffic volumes on 65th Street. Blin responded that it is a collector street and could ultimately carry up to 10,000 cars per day. It will likely be reconstructed in the future to urban specifications with curb and gutter.

Reese asked if the proposed ponds are large enough to handle the runoff. Blin responded that the City's engineering staff spent considerable time on this question. It was determined that the ponds could handle runoff from both the current phase of the development and the future phase on the east side of Hinton.

Motion passed unanimously with the following conditions:

- 1. The developer must enter into a subdivision agreement with the City of Cottage Grove for the installation of and payment for all public improvements in the subdivision, pursuant to Title 10 of the City Code.***
- 2. The developer 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 and the Minnesota Pollution Control Agency.***
- 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 application to the City. All emergency overflow swales must be identified on the grading and erosion control plan.***

- 4. The developer must submit 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 for staff review and approval prior to issuance of a grading permit. The developer and their grading contractor must meet with City staff before a grading permit is issued and site work begins. The contractor shall provide the City with a project schedule for the various phases of construction. Erosion control devices shall 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.**
- 5. The developer must pay area charges for trunk utilities at the rates adopted by the City Council that are in effect at the time of final plat approval.**
- 6. The developer must pay park dedication fees in lieu of land dedication and recreation fees at the rate applicable at the time of recording. Payment of the park fees in lieu of land dedication and recreation fees will be based on the number of lots plated within each final plat phase.**
- 7. Outlots C and D must be conveyed to the City of Cottage Grove. No credit will be granted to the developer for calculated area charges or park fees for deduction of these outlots, except for the area below the normal water elevation.**
- 8. A sidewalk six feet in width must be constructed along one side of "A" Street, between 65th Street and "B" Street. An eight-foot wide bituminous trail must be constructed along the north side of 65th Street. A six-foot wide sidewalk must be constructed along the west side of Hinton Avenue from 65th Street to the north boundary of the development. The cost to repair damaged sidewalks during the home construction process will be the developer's responsibility.**
- 9. The developer must hire an arborist to assist with all facets of tree preservation on the site. The arborist will supervise installation and maintenance of tree preservation fencing and tree/brush removal process. When or if grading occurs within the drip line of a tree slated for preservation, the arborist must be on site to review grading for those areas. 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 developer will replace the trees in accordance with the ordinance criteria. Trees designated for preservation which are found to be diseased, dying, or not suited for location into the project may be removed based upon the recommendation of the arborist in agreement with the City and the developer. The developer is responsible for tree review, removal, and potential mitigation until such time as the property is sold to the homeowner. Prior to closing on the house the developer will review the status of the trees on the site and remove/replace any dead or dying trees. On the public property, the developer**

will be responsible for the removal and replacement of dead, dying, or diseased trees until such time as the entire plat is built out and all private lots sold.

- 10. The developer submits appropriate engineering information for retaining walls. All fencing and retaining walls must be decorative and subject to staff review and approval.***
- 11. The developer must reimburse the city all costs to fabricate an advisory sign that announces the future extension of "A" Street next to Lot 1, Block 11 and at the northwest corner of the plat.***
- 12. Approval of the preliminary plat is contingent on the developer's success in acquiring the appropriate permanent utility and drainage easements and temporary construction easements across property outside the boundaries of this developing parcel. The easement agreements must be approved by the City before a final plat application or grading permit is approved by the City.***
- 13. The revised grading and utility plan, which reflects changes recommended in the staff report and modifications to the grading plan to increase stormwater quality ponding must be submitted to the City for staff review and approval prior to the submission of the final plat applications to the City. All emergency overflow swales must be identified on the grading and erosion control plan.***
- 14. Elevations at the foundation of all structures shall be a minimum of two feet above the emergency overflow elevation and/or high water elevation of any stormwater pond.***
- 15. A letter of credit amounting to 150 percent of the landscaping estimate, street sweeping, paving and curbing, and irrigation systems should be submitted to and approved by the City. Upon completion of the landscaping improvements, the owner shall, in writing, inform the City that said improvements have been completed. The City shall retain the financial guarantee covering the landscape improvements for a period of one year from the date of notice, to ensure survival of the plants. No building permit shall be issued until the required financial guarantee has been received and accepted by the City.***
- 16. All monument signs shall comply with the City's Sign Ordinance and shall only be placed on private property. The Homeowners Association or the landowner where the monument signs are located is responsible for the maintenance of the sign on their property.***
- 17. All monument signs, accessory lighting, and mailboxes must be uniformly designed with materials and color.***
- 18. The developer must submit a copy of the private covenants which details the following:***

- a. ***The homeowners association is responsible for all ownership and maintenance of common land area landscaping improvements, common fencing, and outlots as depicted on the final plat. If the outlot goes tax forfeited and the City obtains ownership, the City will bill annually each landowner within the Pinecroft plat a proportionate cost to maintain these areas.***
 - b. ***Monument signs shall be maintained by the homeowners association.***
 - c. ***Fencing along Hinton Avenue and 65th Street must be constructed of all the same materials and color. Should an individual property owner choose to install a fence paralleling the fencing along the above described roadways, then such a fence must be a black vinyl clad chain-link fence and be placed at the toe of an earth-berm closest to the home.***
 - d. ***No barrier or planting should encroach upon or over any public walkway system.***
 - e. ***The developer shall advise homebuyers that they are responsible to maintain the boulevard area that abuts their property to the curb of the street. This includes the boulevard along Hinton Avenue and 65th Street. If the Homeowners Association is responsible for maintaining the boulevard along these public roadways, it should be stated as such in the private covenants.***
- 19. Street names will be determined by the city. The developer must modify the final plat to include street names assigned by the City.***
- 20. A temporary turn-around must be constructed at the northwest end of "A" Street.***
- 21. A 10-foot wide maintenance bench must be two-feet above a pond's normal water level.***
- 22. Pond slopes above the ten-foot maintenance bench should not be steeper than a 4:1 slope.***
- 23. The developer may be required to dedicate right-of-way north of "A" Street for the possible future extension of a local street into a neighboring residential subdivision located in Woodbury. If a roadway is not required, then a utility and drainage easement of significant width would need to be platted along the side boundary lines of certain parcels to extend city utilities northward to the City of Woodbury.***
- 24. The final plat must be modified to include a rear lot line of at least 30 feet in length for Lot 23, Block 12.***
- 25. The developer must comply with all city ordinances and policies.***
- 26. An outlot 30 feet in width must be created between Street A and Outlot D. This outlot must be dedicated to the City to provide maintenance access to the pond to be created on Outlot D.***

27. Monument signs constructed for the development may not reference the developer.

28. All landscaped entrance features must be irrigated.

Applications and Requests

None.

Approval of the Planning Commission Minutes of July 26, 2004

Motion by Hudnut, seconded by Brittain, to approve the minutes with a correction showing Tim Booth as present. Motion passed unanimously.

9.1 Recap of May City Council Meetings

Blin reviewed the items discussed by the City Council during the August 11, 2004 meeting.

Reports

9.2 Committee Reports

None.

9.3 Planning Commission Requests

Booth asked if the Planning Commission reports could include a summary of the Park Commission discussion on projects. Blin responded it would be included in future reports.

Nitsch asked about the status of the East Ravine Study. Blin responded that a Citizens Advisory Team meeting is scheduled for late September or early October. Another joint meeting of the City Council and Planning Commission would follow that meeting.

Bailey asked about the status of the Clear Channel signs. Blin provided an update.

Hudnut asked about the status of the Cottage Square redevelopment project. Blin responded that the Presbyterian Homes group is moving ahead now that soil contamination issues have been resolved.

9.4 Response to Planning Commission Inquires

None.

Adjournment

Motion by Hudnut, seconded by Ricart, to adjourn. Motion carried unanimously. The meeting adjourned at 8:45 p.m.