

City of Cottage Grove Planning Commission September 25, 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 25th day of September, 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, Tracy Poncin, Chris Reese, David Thiede

Members Absent: Rebecca Kronlund

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

Approval of Agenda

Motion by Reese, second by Bauer, to approve the agenda. Motion approved unanimously (8-0 vote).

Open Forum

Chairperson Brittain 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 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 South Point Ridge – Cases CP06-054, ZA06-055, PP06-056, SP06-057, CUP06-058

South Point Ridge LLC has applied for a comprehensive plan amendment to expand the Metropolitan Urban Services Area (MUSA) boundary and to change the land use from commercial on a portion of the property to residential; a zoning amendment to change the zoning from Residential Estate (R-2) to Limited Business (B-1) and Planned Development Overlay (PDO); approval of preliminary and final planned development overlay plans; a preliminary plat to create five mixed-use lots and two outlots on a 14.7-acre parcel of land located 6961 East Point

Douglas Road; and a conditional use permit and site plan review for two senior housing buildings.

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

Cavallo asked for the definition of a passive park. Blin responded that it is open space that is not developed, which could include trails but no ball fields or play structures. Cavallo asked if the MUSA expansion was not approved, could the project have septic systems. Blin responded that if the MUSA was not expanded, this project would probably not move forward.

Hale asked if East Point Douglas Road was stubbed, how would people access the lower Camel's Hump area. Blin responded that there would be no access.

Brittain asked about the visibility of the roof tops from Camel's Hump. Blin replied that only during the times of the year when there are no leaves on the trees would a small portion of the rooftops be visible. Brittain asked about the location of mechanical equipment. Blin responded that the two senior building have pitched roofs and all the mechanical equipment would be on the ground.

Bauer asked if the road leading to the senior apartment building was wide enough for emergency vehicles and how those vehicles would exit the site. Blin responded that Public Safety and the Fire Department reviewed this plan and found that the proposed driveway is adequate. They had some initial concerns about the grade but the developer worked to get to an 8 or 9 percent grade, which is sufficient for the fire department. There is also a turn around to allow for snow plows. He noted that there is some detail work needed to be done for the storm drainage system. The pond is sized to accommodate the entire site.

Reese asked what the width of East Point Douglas Road would be. Blin responded that would be a 32-foot wide street. Reese asked if the pond would eventually drain down across Highway 61. Blin explained that it goes across 61 to the Clear Channel pond.

Thiede asked about the time table for development of the commercial lots. Matt Frisbie, Frisbie Architects, River Falls, Wisconsin, who is representing Core Development, the property owner Frank Frattelone, and Comfort of Homes, displayed the revised version of the plan showing the cul-de-sac on the end. He explained that the cul-de-sac would cut in slightly to the pond so their civil engineer is reworking those plans. He stated that Phase 1 would be the Comforts of Home independent living and assisted living buildings. He noted that they are contemplating putting a hotel on Lot 3 in place of the speculative office condo. The three commercial buildings would come before the Commission for review at a later date. He explained that the Comforts of Home buildings' exteriors would be a mixture of brick, masonry base, and hardi-plank siding. The windows would be wood clad and the roof would be a 40 to 50 year asphalt shingle. The independent living building would have two stories with a parking level below. Exterior elements include outdoor patios and long sweeping porches on the front. All the mechanical equipment would be located on the back side and screened with materials that match the exterior of the building. All of the roof venting comes out of the roof on the back side and would be painted to match the roof color. He displayed renderings and described the floor plans and amenities of the buildings.

Cavallo asked how they arrived at the design of the buildings. Frisbie responded that this is similar to a facility they did in Hudson, Wisconsin. He stated that they are large buildings so they bring it down in scale by with sweeping porches and roof elements. The commercial development will tie

in with the residential buildings using similar roof elements. Cavallo expressed concern that the senior housing buildings look different than the commercial buildings. Frisbie explained that the commercial and residential buildings would have similar color brick, pre-cast material, architectural stonework, fascia, and roof lines, but the styles would identify residential and commercial uses without all five buildings looking the same. Cavallo asked if the retaining walls would be built of stone. Frisbie responded that they are looking at a boulder wall system. Cavallo would like to see more trees in front of the commercial buildings, as it is the gateway to the City. Frisbie stated that they can work on the terracing and adding trees in that area. Blin responded that staff has discussed with MnDOT moving some of the landscaping into the MnDOT right-of-way, but they have not yet approved that, which is why it is not shown. Cavallo asked what types of businesses could locate on this site. Frisbie responded that currently they are looking at speculative medical offices and there may be an option for a hotel in place of one of the office buildings. Cavallo expressed concern about parking for a hotel. Brittain noted that the commercial portion of the site would be reviewed in greater detail at a later date.

Reese asked if there were any retail components to this development for the residents. Frisbie responded at this point there are no plans for retail. He stated that there would be a small café within the senior independent care building and there will be staff and commercial kitchens at both buildings.

Thiede asked about the average costs and deposits for the units. Frisbie responded that he does not have that information at this time but he will look into it with Comforts of Home and report back.

Bauer asked if there would be washer and dryer units in the 380 square foot studio apartment. Frisbie explained the size and amenities available in the senior housing units. Bauer asked about storage space for the housing. Frisbie responded that the amount of storage in each unit is typical for these types of facilities, and there is a small amount of storage space on the parking level.

Brittain asked why the trash compound is in the parking lot instead of the parking area of the building. Frisbie responded that they have explored both options and they could move it down to the parking level. There is a trash enclosure for recyclables, which sits on the very end, and the architecture matches the building. Brittain asked how residents dispose of their trash. Frisbie stated that there is a trash chute in the common space on each level that empties into the parking level. Blin stated that staff will look at moving the trash enclosure into the parking garage prior to it going to Council.

Thiede asked what would happen to the two existing homes in the area. Frisbie responded those homes would be removed and the site would be rough graded and prepped this fall.

Bauer expressed concern about the parking for the senior apartments and how an emergency vehicle would turn around on the site. Frisbie responded that they could look at the radius a little bit further with the Fire Department to make sure they feel comfortable. He stated that smaller emergency vehicles would be able to turn but larger vehicles like ladder trucks would have to back out. Blin stated that the fire code standard is 150 feet without requiring a turn around and this proposal is within that.

Thiede asked if they are concerned about the Presbyterian Homes project. Frisbie responded that Comforts of Home does not see it as an issue; they are in several other communities with other facilities. These buildings are much smaller with more of a residential home feel. They have been done market studies for this region and feel there is a strong need for this type of housing in this

area. They have found that in their other facilities within the first year they are 75 percent full and after a couple years are at 100 percent.

Cavallo asked if this development would have the same tax bond issue that Presbyterian Homes has. Blin responded this project is being built with all private financing.

Hale asked if the building will be built based on pre-sale of the units. Frisbee responded that the goal is to start construction of the independent care building next spring. He noted that these are all leased facilities.

Brittain opened the public hearing.

Tom Long, 6939 Lamar Avenue South, stated that it sounds like a great project but he asked about the holding pond noting that he heard that it was big enough to handle the runoff but also that it was going to be piped over to the other side of Highway 61. Blin responded that the pond is required to hold back a certain amount of water until it reaches a certain elevation, then it goes into the pipe and into the Clear Channel pond. Long asked if there is an existing pipe. Blin responded yes.

No one else spoke. Brittain closed the public hearing.

Hale asked why the city is giving up access to the lower portion of the park property along East Point Douglas and why the cul-de-sac would not be located at the end of the property. Blin responded that the city is negotiating through the development agreement that they set aside public parking spaces for trail access. Hale stated that the people access Camel's Hump from East Point Douglas and he asked what the Parks Commission recommended. Blin responded that the Parks Commission did not have a recommendation, but the city could look at that further.

Cavallo stated that he thinks this is a great design. He would like to make sure that there are more trees planted in front of the businesses and the retaining wall and to keep as many trees as possible. He is concern about a hotel locating on the site due to space constraints but believes an office complex is a great idea and light commercial to serve the residents in the area would also be fine. Blin responded that the hotel complex is very preliminary. Staff did take a quick look at whether there would be enough parking on the hotel site and a relatively small hotel could probably could be parked sufficiently.

Hale asked why the zoning was not just changed to a PUD rather than go from residential to limited business. Blin responded that the Limited Business zoning is the underlying zoning and the PDO overlays the site. The B-1 zoning controls all the uses and the PDO allows some flexibility in terms of design.

Cavallo made a motion to approve the applications subject to the conditions listed below. Hale seconded.

Hale asked if the city is going to hold them to the ordinance on tree mitigation or negotiate the tree mitigation. Blin responded that the city will hold them to the ordinance, but will negotiate with them on whether the mitigation is in cash or trees.

- 1. Rezoning of the project to from Residential Estate (R-2) to Limited Business (B-1) and Planned Development Overlay (PDO) is contingent upon approval of the comprehensive plan amendment from Rural Residential to Commercial by the Metropolitan Council.***

- 2. Final Planned Overlay Development site review is required to be approved by the City Council for the development of the commercial/office lots identified on the site plan.**
- 3. The preliminary plat shall reflect the inclusion of 10 foot wide drainage and utility easements.**
- 4. The final plat must conform to the preliminary plat dated July 24, 2006 and as modified to reflect the public right-of-way for the cul-de-sac and required easements.**
- 5. Final exterior construction materials and colors must be reviewed and approved by the Planning Department prior to the issuance of a building permit.**
- 6. The developer must petition the City for the public street vacation and 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 Title 10 of the City Code.**
- 7. 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.**
- 8. 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. Drainage calculations must be submitted prior to City Council review of the preliminary plat.**
- 9. The applicant 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.**
- 10. A pre-construction meeting with City staff and the contractor must be held before site work begins. The contractor shall provide the City with a project schedule for the various phases of construction.**
- 11. 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.**
- 12. The developer must pay for required public improvements, all trailway improvement costs, stop signs, area charges, park dedication fees, and the required off-site ponding installation costs.**
- 13. Outlots A and B must be conveyed to the City of Cottage Grove.**
- 14. Park dedication requirements will be met through a cash payment, with the total amount based on fees in effect at the time of development of the parcels.**

- 15. The applicant must provide assistance with storm pond improvements commensurate with the value of the roadway dedication as approved by the City Council and as detailed in the required development agreement.**
- 16. The developer must install sidewalks conforming to City standards along the public streets as identified in the staff report, on the commercial sites, and as determined on the final grading plan. Damage to sidewalks during the construction process shall be the responsibility of the developer.**
- 17. Tree mitigation is required in accordance with ordinance criteria.**
- 18. 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 are 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.**
- 19. The applicant must submit appropriate engineering information for retaining walls. Any fencing on retaining walls must be decorative. The fencing and retaining wall designs are subject to staff review and approval.**
- 20. A stop sign must be installed at any locations deemed appropriate by the city engineer based on the sign installation requirements adopted by the city.**
- 21. Prior to the issuance of a building permit, the applicant must submit a comprehensive lighting package consistent with the city redevelopment plan to the City for review and approval. 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.**
- 22. 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.**
- 23. 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.**

24. Prior to the issuance of a building permit, the applicant must submit a comprehensive sign package to the City for review and approval.

25. All free standing signage on the site shall be of a monument design that is consistent with the construction materials and architecture of the site buildings. All monument signs must comply with the City's Sign Ordinance and only be placed on private property.

26. The developer or assigns must maintain the boulevard area that abuts their property all the way to the curb of the street.

27. The developer is responsible for street sweeping responsibilities or the costs for the entire designated construction haul route to Hardwood Avenue during the development of the subdivision.

28. The final plat will incorporate all comments from the City's consulting engineer.

Motion passed unanimously (8-to-0 vote).

6.2 Driveway Setbacks – Case TA06-027 (continued from 8/28/06)

The City of Cottage Grove has applied for amendments to the City Code regarding driveway setbacks.

McCool summarized the staff report and recommended approval of the ordinance amendments.

Thiede asked if this ordinance covers driveway width at the right-of-way, which he believes is violated a lot of times with new construction. McCool responded that staff reviews that at the time of construction and there have not been many issues. He stated that the maximum width is 28 feet measured at the front property boundary line. Thiede asked on the picture provided the driveway appears to be either on or over the property line. McCool responded that this is an aerial photo with the property lines, which are provided from Washington County Geographic Information Systems, overlaid on the photo. They may appear to be slightly off on the details of where the property line actually exists. The purpose of this exhibit was to show that this added gravel area, which is very near or at the property boundary line, could be hardsurfaced at its existing condition. Thiede asked what surfaces could be used on the side of the garage. McCool responded that gravel could be used there but it would have to be behind the front plane of the garage/house or in the rear yard.

Bauer asked about the requirement that no more than four vehicles are allowed to be parked and asked if the definition of a vehicle includes boats and RVs. McCool responded that was correct, noting that the term "vehicles" is defined in another part of the City Code.

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

Thiede asked if this ordinance would cause anybody a hardship or is it just clarification. McCool responded that there are property owners who would prefer to build their driveways or parking pads to the zero lot line, but the Nuisance Ordinance Work Group found that there are a number of other residents who don't want those parking places close to the property line.

Hale asked if anything pre-existing can stay. McCool responded yes, unless they want to extend the driveway or parking pad further than it currently exists. They can only replace what exists.

Thiede asked if someone has been parking a vehicle on the grass for years, would that be considered a pre-existing area. McCool responded no.

Folch asked how the four vehicle requirement is enforced. McCool responded that is already in the city code and this proposed text amendment does not change that. He gave a short explanation on how staff currently handles enforcement.

Reese asked if this applies to rural residential. McCool responded that it applies to property zoned residential unless it meets agricultural definitions. Reese asked if there was a minimum width for driveways in rural residential areas. McCool stated 12 feet.

Thiede made a motion to approve the ordinance. Reese seconded. Motion passed unanimously (8-to-0 vote).

6.3 Modification to TIF District No. 1-12

Blin summarized the staff report and recommended approval.

Cavallo asked for an overview of tax increment financing. Blin explained how this TIF district works.

Bauer asked who has the final say on this modification, the EDA or the City Council. Blin responded the City Council.

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

Hale made a motion to approve the modification to TIF District No. 1-12. Thiede seconded.

Motion passed unanimously (8-to-0 vote).

6.4 Walden Woods – Cases ZA06-067 and PP06-068

Platinum Development has applied for a zoning amendment to change zoning from R-1, Rural Residential, and R-2, Residential Estate, to R-2C, Detached Single Family District, and R-2.5 Residential; and a preliminary plat for Walden Woods, which would be located on property north of 65th Street and east of Hadley Avenue. This proposed subdivision would consist of 209 lots for single family homes and 11 outlots.

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

Cavallo asked when Woodbury plans to open the land to north for development. Blin responded that the land is currently guided in their comprehensive plan for rural residential and that area is currently developed with large lot single family homes on well and septic. There is no sanitary sewer and water available to that area now, and their comprehensive plan does not show these properties being served with sanitary sewer and water. Cavallo asked where the closest park with a playground is to this development. Blin stated Thompson Park in the Highland Hills subdivision,

which is about a third of mile to the west. McCool noted that there is an elementary school on the south side of 65th Street.

Hale asked if the Met Council would play any role in designing the sewer options for the city. Blin responded no, explaining that the city owns the pipe and the Met Council gives the city a permit to install the pipe. Hale stated that the city can determine who would pay the cost for the sewer installation but the cost of any maintenance is paid by the city as a whole. Blin responded that was correct. He did note that the installation of sanitary sewer and water are not assessed against properties until they access that pipe.

Cavallo asked what staff's recommendation was for the sewer installation and street reconstruction. Blin stated that staff's recommendation is to construct the sanitary sewer and water in Hadley Avenue and reconstruct the street. He noted that there was a sewer and water line installed in 65th Street within the last two years and that street was not reconstructed as part of that project. Cavallo asked if traffic studies have been done for this area. Blin responded that there are projections for how the East Ravine development will affect these streets and traffic levels will increase.

Hale asked if the sanitary sewer lines would access the same interceptor whether they are on 65th Street or Hadley Avenue. Blin responded that they all would go into the West Draw interceptor. Hale asked about the capacity of that interceptor. Blin responded that there is enough capacity to serve the remainder of the West Draw all the way west on 65th Street to the Newport boundary. Hale asked how deep the pipe would need to be for the 65th access on the trunk line to be gravity fed. Blin responded it would need to be a little more than 40 feet deep. Hale asked if that additional cost would be borne by the developer through the hook ups to the houses that will be served by that trunk line. Blin responded that the entire cost of the sanitary sewer line, if it comes from that direction, would be borne by the developer. Hale asked if the city maintains all the trunk lines for sanitary sewer. Blin responded that they are all publicly maintained. Hale asked if any lots would be disturbed if the pipe went down 65th Street. Blin responded probably not, noting that this development was designed to have a fairly deep sewer with a lift station. If it is ultimately decided that the pipe would not go into Hadley, that lift station could be eliminated by burying the pipe a little deeper.

Folch asked about the life expectancy for Hadley Avenue and what the anticipated traffic levels are. Blin responded that Hadley it is basically a gravel road that is sealcoated and requires a higher maintenance costs. Folch asked if the property owners adjacent to that roadway are assessed for roadway improvements. Blin responded that under the city's current policy, 45 percent of the costs for reconstructing Hadley would be assessed against the abutting property owners. None of the costs of constructing the utilities would be assessed against those property owners until they connect to it. Folch asked what the estimated assessment for the average property owner would be if Hadley was completely reconstructed. Blin responded that staff does not yet know what is entailed in reconstructing that roadway, but probably not higher than \$10,000.

Brittain asked where Hadley falls in the city's pavement reconstruction plan. Blin stated that it is in the plan. He believes that Hadley will need to be reconstructed within the next five years.

Steve Boynton, Platinum Development Group, 100 Second Street NE, Minneapolis, stated that they utilized some of the comments made by the Planning Commission and City Council on their concept plan, and they have met with the residents in the area. They moved the trail within the right-of-way as far away from the property as they could and added additional screening. They are flexible regarding a street connection to Hadley Avenue. In order to preserve as many trees as they can, their intent was to custom grade the lots themselves. He explained that they are also

flexible on the route of the sewer, as the costs would be similar for either a lift station or burying the pipe deeper. He noted that in their meetings with the residents who abut this project there was a strong sentiment to preserve Hadley in its current condition. He noted that on their preliminary plat they located the ponding on Hadley and they are preserving the trees all along Hadley, so other than the proposed roadway connection, which is currently a driveway, the area will look basically the same as it does now.

Dan Shortall, Westwood Professional Services, 7699 Anagram Drive, Eden Prairie, displayed aerial photos of the area from 1947, which shows that the area was farmland and relatively clear of trees. He stated that their focal point is to protect the areas that had trees at that time. He pointed out the savannah, noting that they will preserve that as part of their park area. He requested from the Planning Commission a little leniency from the ordinance with the pine plantation that adds about 2,000 trees that they have to replace. He asked if a tree that planted as a crop should be considered within the tree preservation ordinance. They are still working on trying to preserve more trees.

Thiede asked about the area in the south of the plat that is not incorporated in the neighborhood. Boynton responded that the property owners decided to stay on a portion of their land. He displayed a ghost plat incorporating this property into the plat in the future. Thiede asked about Outlot I. Shortall stated that originally that was a ponding area, but it is not needed so they are still planning what to do with that area.

Cavallo asked why there are bends in the roads rather than 90 degree turns on streets. Blin responded that curves are preferable on residential streets. Cavallo expressed concern about the connection between Streets H, F, and J and asked if that could be a four-way stop. Blin explained that given the relatively light traffic volumes on those streets, the way it is laid out is satisfactory. The plan has been looked at by traffic engineers.

Brittain noted that Street A is coming off 61st Street in the northeast quadrant and then runs north-south to 65th Street. He stated that north-south streets have lettered names and east-west streets are numbered. He asked if that street could be realigned with a 90 degree stub after the first six houses so the upper part of Street A would be called 61st Street and the north-south portion would have a lettered name. He explained that he does not like to see street names change along the course of the same road.

Bauer stated that he does not want to see lots less than 85 feet, especially along the west side of the development by the existing residences. He is not supportive of eliminating 75 percent of the existing trees regardless of the type of tree or how they got there. He asked how far they moved the trail from the existing property. Shortall stated that there is 50-foot easement provided for the trailway and they put it at the edge of that 50 feet. On the back side of the property, the trail is about 35 feet from the property line. Bauer stated that his concern is that that property is very private and he is hesitant to allow a heavily used trail. He asked that they design the trail so it is more intrusive to the new development. Shortall stated that it is very important to the city to have an east-west trail connection through there. To move it any further to the north or east, there are slope and tree removal issues. Blin stated that the property owner has suggested that the trail be rerouted to the northeast, connected to Street O, continued along that street, and connected back into the trail corridor at an easterly point. He noted that the city's direction to the developer was to leave the trail in its proposed location.

Folch asked if the trees noted on the drawing just south of the trail are existing or proposed and are they trees, shrubs, or evergreens. She stated that if those are evergreen-type trees, they

should provide enough screening to protect the property owner's privacy. Shortall responded that they are pines, spruce, and evergreen trees that are planned to be planted in the area. Folch asked how big they would be when planted. Shortall responded that based on the city's tree preservation ordinance, they have to plant at least six-foot tall trees.

Cavallo asked if the speed that we are doing the rezoning and preliminary plat approval was initiated by staff or the developer. Blin responded that this project was requested by the developer and it is typical that the city requires the zoning and preliminary plat be done together so land is not rezoned without a development plan. He noted that the public hearing was continued one month to get some clarification on the tree issues. Cavallo stated that there are a lot of changes he would like to see in this plat including lot sizes, tree preservation, removal of the entrance onto Hadley, the route of sewer line, and the addition of a park. He stated that he would have liked to have attended the neighborhood meeting to hear what the residents said. He stated that he does not want to see 75 percent of the trees removed, regardless of how the trees got there.

Thiede stated that the trees from the 1947 photo would be mature by now. He also noted that the most of the area around this development is zoned R-2 and the properties in Woodbury are larger lots.

Brittain stated that the concept plan showed lots that were less than 85 feet wide and the Commission asked that all the lots be at least 85 feet wide. This plat shows only minor changes from the concept plan but does not address the changes requested by the Commission.

Brittain asked if anyone wanted to speak regarding these applications, noting that the public hearing would be held by the City Council on October 18, 2006, and any testimony received this evening would be passed on to the Council.

Tim Reimann, 6100 Hadley Avenue South, stated that he is representing 12 families that live north of 65th Street. Three weeks ago the neighborhood submitted a letter to the Commission and Council outlining some of their concerns specifically upgrading Hadley and running water and sewer lines up Hadley. He underscored three key points from that letter. First it is important to understand that 12 of 12 families that live along the affected section of Hadley do not desire the upgrades and improvements that have been discussed. He appreciates the developer's flexibility regarding the location of the pipe. The second point is the upgrades to Hadley would be costly and impose financial hardships on several families who are on a fixed income. The third point, as the Mayor noted at a Council meeting on September 21, 2005, is that the ideals of the West Draw Task Force have not been incorporated into the planning of the West Draw, especially this area. Brittain noted that Woodbury reconstructed their portion of that road due to increased levels of traffic. He asked if the utility aspect of the project was removed from the project, how do the residents feel about improving Hadley as the traffic volumes increase. Reimann stated that speaking for the neighborhood, they would want to look at any proposal to upgrade the road surface itself without adding utilities. Brittain asked why they are opposed to the utilities because they would not have to pay for them until they hook up. Reimann responded that nobody desires those services in the area, and if the utilities were added, property owners may be required to hook up to the utilities if their septic systems or wells fail. Thiede stated that it is his understanding that they would not be required to hook up, so he does not see the hardship. Reimann responded that the hardship near term would be the assessment for the road upgrade, not the utilities. Blin stated that currently there is no requirement to hook up to utilities if the individual septic or well fails, but he thinks that Reimann's concern is that that could change. Reese stated that one of the options put forward is that utilities would be brought up Hadley and gravel and seal would be put back down so there would not be any reconstruction assessments. Reimann responded that meets the goal

of not improving the road and keeping the rural nature of it, but they still may be required to hook up to utilities if their septic systems or wells fail if there is availability to do so. Reese believes that putting in the utilities but not improving the road is a good solution for everybody for the long term. Brittain noted that lots over an acre and a half have a septic field and an alternative field, so it would be unlikely that they would need to hook up to the sewer system. Cavallo stated that when Reimann last appeared before the Commission there was a list of issues outlined in the letter including the Hadley entrance, lot size, density of the addition, and the trail, and he asked if the property owners were satisfied with the outcome of the neighborhood meeting. Reimann responded that he feels there has been a good spirit of cooperation and participation. He stated that 10 of the 12 families do not want the road access to Hadley, even though the city wants it for safety purposes. He questioned that because the Highland Hills development has only one entrance.

Ronald Reimann, 6120 Hadley Avenue, commended city staff for their cooperation and Platinum Development for being open and listening to the neighbors. He stated that there are upwards of 150 homes served by one entrance in the Highland Hills area. The neighbors feel that the Hadley access can be safely eliminated to keep the traffic down on Hadley Avenue. He noted that the areas surrounding the development are not served by sewer and water, and that most of those properties have large homes on them and would not be subdivided.

Devon Dressley, 6255 Hadley Avenue, expressed concerns about the location of the trail. She displayed a map of the area pointing out the location of her home on the property. The trail is proposed to run along both her side and rear property line. She explained that her house is set high on the property, the terrain drops behind her home, and then gets higher where the rear trail would be located. Even with buffering the trail would be visible from their home. She asked that the trail be completely eliminated in the back of their property. She stated that they don't object to the trail coming off Hadley that runs along their side property line. She proposed eliminating one of the small lots behind her property and running the trail through there and connecting to the sidewalk and then back into the trail system further into the development. She noted that she has looked at other trails throughout the city and has not found a trail that goes around two sides of a property. Dressley then expressed concern about the lot sizes behind her property. When they built their house in 1994, the area was zoned Rural Residential, which required at least three acres, and they designed their home and chose the house location based on that zoning. She stated that they would like to see the lots sized at least an acre, which would provide appropriate buffering and make a better transition to the existing larger lots. Folch asked how many feet of trail she is asking to have eliminated on the back side of her property. Shortall stated it was about 200 feet.

No one else spoke.

Brittain stated that the plat has too much density and not enough transition from the Silverwood direction towards the larger residential neighborhoods. The zoning requires an 85-foot minimum lot width. He also wanted to have a ghost plat for properties that could potentially be developed submitted with the proposal. He stated that he could not recommend this preliminary plat to the City Council as presented.

Folch stated that if they were to increase the lot sizes there could be negotiations on tree preservation requirements. She does see the developer's point that if these trees were originally planted as crops, they weren't naturally planted, so there an unnatural amount of trees within that area. The second issue she would like to bring up is Hadley Avenue. She asked for information from

Public Works about maintenance costs versus reconstruction of the road. She stated that it seems unfair that the city would have to incur higher maintenance costs for an outdated road.

Poncin agreed with Folch that reconstruction of Hadley is a bigger issue and affects more than just the 12 neighbors. She lives in the area and uses Hadley. She stated that traffic has increased over the last 12 years. She would like to see this issue separated from the discussion on the development. She the stated that she likes the northwest corner of the plan with the custom grading, tree preservation, and lot sizes. The southeast corner has too high a density and she would like to see it look more like the northwest corner.

Cavallo agreed with Brittain that there are too many outstanding issues. The issues that need addressing including eliminating the Hadley access, no reconstruction of Hadley, bring the utilities up 65th Street, reroute the trail so it does not encircle one property, density that is too high, and the need for a better transition between the development and the existing lots.

Brittain stated that there needs to be an access point onto Hadley for this development, even though another development only has one access. He is also concerned about the condition of Hadley Avenue, noting that it will have to be reconstructed in the near future.

Thiede reiterated his previous points, noting that this proposal does not meet the recommendations in the West Draw Task Force Report, which recommended large acreage lots for this area. He would support staying with the R-2 zoning. He asked for more cost information on the utility installation options. He does not have much leniency in regard to the number of trees proposed to be removed. Cavallo echoed Thiede's points.

Reese agreed with Brittain that the access to Hadley is needed because unlike the Highland Hills development, there is an elementary school that all the traffic would be redirected towards. He has no problem with moving that trail into the neighborhood. He would like to see Lots 9 and 10, which are significantly smaller than the rest, absorbed by the two lots on each of side of them to make them larger. He thinks there needs to better progression of lot sizes toward the existing larger lots. He stated that the City made it very clear that the minimum lot width is 85 feet.

Brittain agreed that rerouting the path through the subdivision is acceptable barring any topographical issues. Also the lot that accesses directly onto Hadley should be eliminated. Thiede stated that even if the trail was rerouted, people would still cut across behind the property to get the trail coming off 65th Street that follows the creek bed.

Hale asked where are we on the timeline for this application. Blin responded that the city has extended this project but are still within the 120 days, so the Commission could continue it until the October meeting. Hale stated that he does not see as much of problem with the plat as some see. He shares the issues of Lot 4 entering onto Hadley and he would support an a road access onto Hadley. His biggest concern is the location of the utility lines. He stated that he has been around long enough to know that things change, noting that one of the people making the strongest arguments for keeping this whole area rural is now before us with this plat. He believes all property owners have the right to use their property to its highest economic value as long as they don't infringe on other people's rights. He explained that he is rural landowner, expressing the opinion that having a trail around his property would not bother him as it is not on his property. He would be willing to compromise the tree preservation requirements and upholding the standard for 85-foot lots.

Brittain asked if the applicant would be opposed to continuing this until next month's meeting. Boynton responded that it depends. There are a lot of landowners involved in this project, and they have revised the plat eight times. He asked for the Commission for a consensus on what revisions need to be made and they could try to redraft the proposal. Otherwise, he would prefer that the Commission take action even if the action is to deny the application but if that moves the process along, they would be willing to do that.

Blin stated that if this were continued, it would be continued until the October 23 meeting and could be taken before the City Council on November 1, which is effectively a two-week delay. Boynton stated that they could work within that timeline, but he wants some specific direction.

Reese stated that his concerns are the lot sizes and making a better progression of the lots from the Silverwood Addition to Hadley Avenue. Too many lots fall under the 85-foot minimum requirement. He also thinks that the city has been pretty lenient with tree mitigation.

Brittain stated that as a whole he does not have a lot of problems with the plat except that it should conform to the City's 85-foot lot width requirement and some minor street realignments are needed.

Hale agreed that the Commission needs to give the developers some direction if we table this application. He stated that he agrees with Reese's comments. He stated that there should be access onto Hadley from individual lots but street access is fine. He is willing to negotiate on the tree issue. The sewer does not have to be an issue at this time because they are willing to go with either option. He reiterated that the lots should be a minimum of 85 feet wide.

Cavallo stated that he does not think 85-foot wide lots are enough; the minimum lot size should be one acre at least in the southwest corner.

Reese asked what the estimated cost of the average lot would be. Boynton stated that it is hard to estimate in this market but he is guessing in the \$150,000 to \$170,000 range. Comparable lots in Woodbury are in the high \$100,000s. Reese asked if you turn these into one-acre lots, what is the average lot cost and would it be feasible to do the development. Boynton responded that it would not be feasible. He stated that this is the tightest development they have in their whole portfolio. The City has very stringent requirements with which they have tried to abide. Reese asked if moving all the lots to 85 feet wide would be feasible. Boynton is not sure but they would take a look at that. Reese stated that he is fine with 85 feet.

Cavallo stated that he believes one-acre lots are still feasible and he would be willing to allow the lots in the interior of the plat to go to 85 feet, but the portion that butts up against the existing large lots should transition into that area.

Brittain asked if the Commission could get some information on when Hadley is going to be rebuilt and on if property owners would be forced to hook up to water and sewer if their existing well or septic fails.

Folch asked for more specifics on the costs that would be incurred by the residents for both the roadway assessments and how much it would cost them to connect.

Bauer asked if the developer is clear on the specifics. Boynton asked for more direction on the trail, noting that there is a 25 percent grade to follow the proposed alternative. Blin stated that staff and the developer would look at a whole range of options for that trail.

It was the consensus of the Commission that all the lots should be a minimum of 85 feet wide, staff and the developer work to try to reroute the trail, to remove some of the lots such as Lot 4 that accesses onto Hadley, present a ghost plat for Lot 18 Block 18 next to Outlot I, change the upper portion of Street A so it would be a westerly extension of 61st Street and the remainder would go south with another name, and work with staff on sidewalks for the northern section.

Cavallo asked where the other Commissioners stand on one-acre lots in the southwest corner. It was the consensus of the Commission to require a minimum of 85-foot wide lots throughout the subdivision.

Reese made a motion to continue discussion on these applications. Hale seconded. Motion passed unanimously (8-to-0 vote).

Approval of Planning Commission Minutes of July 24 and August 28, 2006

Cavallo made a motion to approve the Planning Commission minutes from July 24, 2006, and August 28, 2006. Reese seconded.

Bauer noted that on the August 28 minutes, he recused himself from the discussion of the Everwood proposal.

Motion passed unanimously.

Reports

8.1 Recap of September City Council Meeting

Blin reviewed the items discussed by the City Council at their meetings on September 6 and 20, 2006.

9.2 Committee Reports

None.

9.3 Response to Planning Commission Inquiries

Blin stated that staff would get a copy of the tree preservation ordinance to the Commission in the next packet. McCool reported that he checked the trash enclosure gates at Walgreen's twice and did not note any violations. McCool also reported that in regard to the landscaping at the town-home area of Mississippi Dunes development, the city holds a letter of credit as a financial guarantee that the city can draw on to hire a contractor to finish the work if necessary. The City has given the developer notice that the improvements must be finished this year.

9.4 Planning Commission Requests

Poncin noted that the boulevards and landscaped islands along Hinton Avenue north of 70th Street to the Woodbury border full of noxious weeds. Blin responded that the landscaping is not finished but should be done next year.

Brittain stated that some of the preliminary plat applications have been coming to the Commission without information on signage and lighting packages.

Adjournment

Motion by Hale, seconded by Thiede, to adjourn. Motion carried unanimously (8-to-0). The meeting adjourned at 10:45 p.m.