

# **City of Cottage Grove Planning Commission September 27, 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 27th day of September 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, Chris Reese, Alberto Ricart, Bob Severson

Members Absent: Shannon Nitsch (excused)

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

## **Approval of Agenda**

*Motion by Hudnut, seconded by Hale 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 RS04-041**

**Presbyterian Homes Housing and Assisted Living, Inc. has applied for a simple lot division to divide the site of the existing Cottage Square Mall into two parcels.**

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

Hale asked if the two parcels would be combined when the funding was secured or when they were getting ready to build. McCool responded that would be looked at when the application comes in. Hale stated that if the parcels are not combined, the city would end up with two buildable parcels. He suggested adding a condition requiring that the two parcels be combined. Blin responded that language could be added that any future development of the two properties would require combining the parcels. Hale asked if the development does not occur, what would there still be two parcels. Blin stated that the city would not record the lot division until the property sale has closed, which should happen in a month or two.

Brittain expressed concern about the process of subdividing the property to receive government funding. He asked if there was a stipulation from the funding source that the waste products are cleaned up before the parcels can be re-combined. Blin stated that the funds are Community Development Block Grant (CDBG) funds. He explained that this approach was recommended by Washington and Ramsey County staff who administer the CDBG funds as a way to expedite the closing on the property.

Hale asked if what funds go with Parcel B and at what point do they lock in with Parcel A. Blin responded that the CDBG funds go with Parcel B and city TIF funds for Parcel A. Hale asked if staff was comfortable not stipulating that the parcels must be combined when they apply for their application. Blin stated that he is comfortable without that language but it is a good idea to put that in there.

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

***Hale made a motion to recommend approval of the application subject to the condition listed below with an added condition requiring that prior to approval of the development plan that the two parcels be combined. Hudnut seconded.***

- 1. Prior to recording of the plat, the applicant enters into a development agreement that addresses CDBG funding, area charges, easements, and park dedications.***

***Motion passed unanimously.***

## **6.2 CASES ZA04-042, PP04-043, SP04-044, CUP04-045**

**Mike Rygh has applied for a zoning amendment to amend the PUD for Summerhill Crossing to change the location of the gas station; a preliminary plat to create one commercial lot and one outlot; an amendment to the site plan review for the retail area of Summerhill Crossing; and an amendment to the conditional use permit for the gas station and convenience store. Summerhill Crossing will be located on the northwest corner of 70th Street and Hinton Avenue.**

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

Kathy Anderson, Architectural Consortium, stated that the master plan includes complete pedestrian linkages throughout the entire site. She displayed the proposed landscape plan, which incorporates a variety of shrubs and colorful plantings, especially in the parking areas and around the perimeter. She then displayed drawings of the proposed buildings, pointing out the architectural features of the project. She explained that a drive-up window would be needed to attract a high-quality coffee shop.

Hudnut asked where the undulating berms would be located. Anderson stated that the larger green areas would allow for significant berming and landscaping. Blin stated that there have been some revisions to the plans and the County has given permission to landscape into the boulevard area, which allows a 25-foot landscape area with berms between 30 inches to 42 inches high along Hinton Avenue and 70th Street.

Hale asked if there was sufficient room for truck traffic. Anderson does not believe that there would be many semi-trucks delivering to the small shop spaces. Hale asked how many monument signs there would be. Anderson responded that there would be one sign that would include the name of the center and the service station. Hale asked if there would be other signs. Anderson stated that they have not proposed other signs because the buildings are close enough to the road that another monument sign should not be necessary.

Severson asked if there was enough space for tanker trucks to access the service station. Steve Linn, President of Linn Companies, stated that when Holiday's engineers drew up the site plan for the gas station, they made sure that delivery and tanker trucks can maneuver within the site. Severson stated that from the drawing given to the Planning Commission, it looks very challenging for truck access and believes this is something that needs to be looked at more closely. Linn stated that the 55,000 square foot site is typical of most other gas stations and in fact, is larger than the Super America in Cottage Grove. He stated that they will provide the charts showing the turning radius.

Severson asked about the divider on Pine Arbor Drive shown on one of the drawings. Anderson responded that is a median. Severson expressed concern about trucks accessing the site with the median. Blin stated that the road is currently under construction and asked Rygh if that median was part of the road construction plans. Rygh responded that he does not believe that there is supposed to be a median there, but was added to the drawing by the landscape architect.

Bailey stated that semi-trucks would be delivering to site, as they do to most other businesses. Anderson stated that the trucks are smaller than those that service grocery stores.

Rygh stated that their goal was to show the concept plan for the whole project to show how it would lay out. He explained that they are just platting the gas station/convenience store parcel now, and will have more details on the retail, restaurant, and office building projects when they apply for those plats. Brittain asked if that plat would come before the Planning Commission for review. Rygh responded yes. Blin explained that this is a PUD so rather than just deal with the gas station in isolation, the Commission needs to look at the whole master

plan. He explained that it is likely that some changes could be made to the retail component and those changes would come back before the Planning Commission and City Council.

Hale asked if the discussion on increasing the amount of square footage for the whole development could wait until the meetings on those other plats, as it does not seem germane to the gas station. Rygh stated that he would like to have guidelines when they come in for approval for the rest of the project. He explained that 5,000 of the proposed 10,000 additional square feet is for the restaurant on the corner of the parcel. Linn stated that they are concerned about how the retail side lays out. He explained that Rygh is looking for a basic direction for the general PUD to use for marketing the project, and when there is an actual use, he would bring that back before the Commission and Council for final approval.

Reese asked about drive-through lanes for a fast food restaurant or bank, which could alter drive lanes and the number of parking spaces. Blin stated that drive-through windows require conditional use permits.

Hudnut asked about the size of the restaurant. Anderson responded that the building is proposed to be 5,000 square feet and it could house two or three small casual dining restaurants. She stated that an Applebee's restaurant is typically 4,500 square feet.

Severson asked what the phasing would be for the project. Rygh stated that the soonest construction on the gas station would begin is next spring, and the goal is to also construct one of the retail buildings, probably the one closest to the gas station, next year. The majority of the parking lot would also be constructed then. The office space would probably be the second or third phase.

Booth stated that he appreciated seeing the master plan for the development and that he likes the new location of the gas station versus the old plan because of its accessibility.

Brittain asked where the HVAC units would be located for the gas station. Linn responded that they would be on ground level with fenced screening. Brittain then asked where the propane tank would be located. Linn stated that it would be a propane cage for a tank exchange program, not a tank for refilling. The cage would be located on the cat walk toward the side of the building.

Brittain asked if they would have a pole sign listing gas prices, in addition to the monument sign. Linn stated that they would only have the monument sign because it is better looking than a pole sign. Blin stated that only monument signs are allowed in neighborhood business centers.

Hudnut asked about the decibel levels of the car wash at 11:00 p.m. Linn stated that the noisiest part would be the dryer unit, which would put out only about a third of the noise that older units generate. The car wash bay is 90 to 95 feet in length and is located on the west side of the property away from the residential area and would be slightly interior of the buildings. He stated that he provided the decibel levels to staff. Blin stated that at the property line, the specs for these dryer units met city and state noise standards, which is 50 dba after 10:00 p.m. He explained that 50 dba is roughly the background noise in a residential neighborhood in the evening. Hudnut expressed concern about the sound going

straight out to the seniors. Linn stated that the noise level would have to cross the street and parking lot before it reaches the senior housing building. Blin stated that at 50 feet from the unit, the decibel level would be 45 dba, and the buildings are at least 200 feet apart.

Hale asked what issues the neighbors were concerned about and if those concerns were resolved. Rygh stated one of the concerns was cars coming around the back of the station. He stated that there is a berming effect plus the monument sign to help screen the headlights. Linn displayed rear elevations of the building and explained that with the monument sign, berm, and landscaping, any lights at night would shine into that wall and then be turned and head into the car wash, which would also be screened with landscaping.

Reese asked where the trash facility for the gas station would be located. Linn responded that it is interior to the building, toward the front. There is a small garage door to the side, between the building and car wash.

Bailey asked if there would be an electronic reader board on the monument sign. Linn responded that it would have changeable letters. Rickert stated that the drawing shows that the gas price signs are electronic. Linn stated that Holiday's engineering department drew that, but he is not a big fan of electronic signs. He stated that the reader board would definitely not be electronic. Bailey asked if changeable reader board signs are allowed as part of the PUD or in neighborhood commercial districts. Blin responded yes. He then noted that the drawing shows 96 square feet of sign face, but that would have to be reduced to 80 square feet. He also stated that in previous discussions on LED signs, the city does not want those types of signs.

Bailey stated that while he understands the need for exterior sales of propane tanks, he is not sure it is necessary to have an ice chest outside. Linn explained that they sell the ice inside and the outside ice chest is just for storage with no customer accessibility. He stated that the ice chest would be painted to match the building and would be located off to the side and not next to the front door.

Brittain asked if the conditions of approval should include the sidewalk on 70th Street and the outdoor sales of ice and propane tanks. Blin stated that condition #1c talks about the pump islands, propane tanks, and ice. He clarified that the sidewalk was really an eight-foot wide bituminous trail along Hinton Avenue and this could be added to the conditions of approval. Brittain asked if the language regarding canopy lighting could be added to the conditions as well.

Ricart asked about adding language limiting the size of the signage. Blin stated that could be added also.

Hale asked if the monument sign limitation would be for the gas station parcel or for the whole PUD. Blin responded for the whole PUD. Hale expressed concern that the tenants in the retail and office sections would want to be recognized on a monument and that the only monument sign for the whole development would be for the gas station. Anderson asked if the office building was on its own parcel, could that have its own freestanding monument sign. Blin responded that would not be allowed under the sign ordinance for most zoning districts; however there is some flexibility in a PUD. He stated that it would be up to the

Planning Commission whether another monument sign would be allowed. Rygh stated that he would address the monument sign issue with each parcel. He asked if a monument sign stating "Summerhill Crossing" would be allowed at the entrance. Blin responded that would not be allowed if the area was zoned B-N, Neighborhood Business, but under a PUD there is some flexibility.

***Bailey opened the public hearing.***

Gary Wilkinson, 6907 Homestead Avenue South, stated that he thinks parts of the project are positive, such as the quality of the buildings. He thinks it is important to the residents in the area that the development is appropriate in size. He believes that in 2002 when the PUD was approved, not everybody was happy but a workable compromise was reached on the final design for the project. He feels that the primary focus now is on maximizing profits. He asked if berms were still planned for Hinton Avenue. Anderson stated that because they are able to spill their landscaping into the right-of-way, there will be berming. Wilkinson stated that the issue of truck access to the site needs to be considered more carefully. He also stated that he does not agree that customers of the gas station would be deterred from utilizing the gas station if it was located in its original location along 70th Street. He believes it would be better left on 70th Street across from St. Luke's Church rather than along Hinton Avenue, closer to residential homes. He then expressed concern about having a monument sign only at Hinton Avenue would force traffic to only use Hinton Avenue as an access to the exclusion of 70th Street. In order to minimize the impact on the immediate neighborhood, there may be some benefit to having signage in both locations as a means to direct traffic both ways. He stated that increasing the overall square footage from 30,000 to 40,000 square feet is a 30 percent increase in space. He does believe the restaurant space on the corner is an advantage to blocking the parking lot, but he does not believe that they necessarily have to add the other 5,000 square feet. Wilkinson brought up the issue of increasing the fuel pump islands from four to five. He stated that would be more than at the Seasons Market in Woodbury, which bordered on one side by residential and three sides by commercial uses. He noted that the proposal is bordered on four sides by residential. He feels that the addition of another fuel pump island is more a function to maximize profit than it is to address the needs of the neighborhood. He stated that one of the main issues that the neighbors had hoped for was that this development was a reasonable size for the neighborhood. He appreciated the opportunity over the summer to voice his opinions, thoughts, and concerns, but he was hoping for more of a neighborhood convenience center rather than a destination. He hopes that the Commission considers that the development is appropriate for the neighborhood while trying to maintain the quality and allowing for a reasonable profit. He thinks that the city should carefully consider its impact. He reiterated his belief that the gas station could be moved back to its original location without a serious impact on their ability to sell gas.

***No one else spoke. Bailey closed the public hearing.***

***Hale made a motion to recommend approval of the applications subject to the conditions listed below, with the following changes and additions: no lighting on the canopy, limiting the amount of sign face on the monument sign to 80 square feet, and adding language regarding the trail along Hinton Avenue.***

Linn asked if the canopy lighting condition applied to the signage on the canopy. Blin responded that they are allowed 10 square feet of sign copy for the Holiday logo on two faces of the canopy, which is allowed to be backlit.

***Hudnut seconded.***

Severson stated that because the project is being done in phases and the Commission has not yet seen the whole package, he would like to defer discussion on increasing the square footage to when those plats come in. He asked to make an amendment to set the total square footage at 31,000 square feet rather than at the 40,900 square feet as requested, which would eliminate condition #1a. Hale and Hudnut agreed with that change.

Rygh stated that half of the increase in square footage is for the restaurant, which everyone seems to approve of and the rest of the square footage comes from changing the day care with playground to an office building and re-aligning the retail buildings. In cutting back the square footage to 31,000 square feet changes the whole dynamic of the pro forma in trying to put together the type of buildings they are trying to do. He stated that he wants to maximize the site to make it viable. He stated that they do meet parking requirements. Hale responded that the Commission does not know what that extra 10,000 square feet would be developed as, only what the concept plan shows. He stated that those uses could change in the future. Rygh stated that he needs to be able to market what is available while staying within parameters. He stated that he is not asking for a final plat. Blin stated that effectively what the Commission has before them is a master plan for the whole development. If this is approved, Rygh could go out and build this as long as it is exactly what is approved. He explained that Rygh is looking for a maximum square footage, which would not change. He stated that the architecture likely would not change. What may change is the configuration of the buildings on the site. The request before the Commission is a master plan review that allows up to a certain amount of square footage. Hale asked if the plan before the Commission is approved, the applicant is locked into those uses without having to come back. Hudnut stated that it is his understanding that the applicant would have to come back for approvals on the rest of the site. Brittain stated that he does not want the project to be so big that it becomes a destination shopping area, but a neighborhood convenience center, and this space looks like it is being used more efficiently than in the previous plan.

Booth asked if condition #1a could have language added linking it to Exhibit A, so there is some assurance that the proposed master plan is followed. Severson agreed. Booth suggested changing the condition to read "40,900 square feet of building based on Exhibit A." Hale and Hudnut agreed with that change. The Commission concurred.

Hale asked if the monument sign face was limited to 80 square feet because of the size of the PUD. Blin responded that neighborhood convenience centers are limited by the sign ordinance to 80 square feet. PUDs have no specific requirements, but the limitations are based on corresponding zoning districts. Hale asked if because the amount of square footage for the development was increased by 10,000 square, could another monument sign be added. Bailey stated that is up to the Commission because it is a PUD. Severson stated that could be brought up later.

- 1. All conditions of the PUD and CUP approvals listed in Ordinance No. 707, approved on March 6, 2002, and Resolution Nos. 02-019 and 02-020, approved on March 6, 2002, remain in effect, with the following exceptions:**
  - a. The PUD Master Plan is amended to allow total development not to exceed 40,900 square feet of buildings.**
  - b. The PUD Master Plan is amended to allow the gas station to be located at the northeast corner of the site.**
  - c. The Conditional Use Permit is amended to allow the gas station to have five pump islands; operation of the car wash until 11:00 p.m.; and exterior sales of propane tanks and ice.**
- 2. The final construction plans must conform to the City Engineer's comments listed in the attached memorandum dated September 13, 2004.**
- 3. The landscape plan must be revised to address comments in this staff report.**
- 4. A sign plan for the retail and office elements of the development must be submitted with a future building permit application.**

***Motion passed unanimously.***

### **6.3 CASE TA04-046**

**The City of Cottage Grove has applied for a text amendment to Title 10-2-1, General Platting Requirements, to allow administrative review of minor subdivisions.**

McCool summarized the staff report and recommended approval.

Hale stated that he agrees with the first two options because they allow for city control, but the third option would allow another governmental body dictate the outcome without a public hearing for the citizens. Blin stated that is a good point. He stated that the number of times that the Watershed District may want to split property is minimal so he does not believe this is streamlining the process all that much. He stated that if it is the wish of the Commission we could delete that exemption.

Booth stated that in the past the city and Planning Commission have been criticized for lack of notification. He stated that with public hearings, residents within 500 feet of any proposal receive notification. He then expressed concern about loopholes that someone could use to avoid the public process. He stated that the ordinance language should be worded succinctly so that there are fewer loopholes.

Severson stated that during the workshop discussion it was noted that this would improve efficiency. He asked that the Commission be kept up to date on all projects that are being administratively reviewed so the Commission could have a chance to raise questions. He

stated that with the exception of the third option, he supports the ordinance amendment. Bailey agreed with Severson.

Blin stated that the city attorney will be asked to write the ordinance in a permissive tone, so even if the application meets ordinance criteria but would benefit from the public process, staff can send it into that process.

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

***Motion by Severson, seconded by Hale, to direct staff to work with the city attorney to prepare an ordinance including options #1 and #2 but not #3 and that the Planning Commission is notified of any administratively reviewed proposals.***

***Motion passed unanimously.***

## **Applications and Requests**

None.

## **Approval of the Planning Commission Minutes of August 23, 2004**

***Motion by Hudnut, seconded by Brittain, to approve the minutes of the August 23, 2004, meeting. Motion passed unanimously.***

### **9.1 Recap of May City Council Meetings**

Blin reviewed the items discussed by the City Council at their meetings on September 1 and September 15, 2004.

Blin stated that at the September 1 meeting the Council tabled the Pinecroft preliminary plat for revisions to the plans. McCool updated the Commission on the changes that Orrin Thompson has proposed for this development. The Commission discussed the proposal, noting that this plan is an improvement over the original plat.

Blin reported that at the September 15 meeting the Council held a workshop on street naming. The Council gave direction to staff to modify the process of street naming using a hybrid of the County's street naming system and the current system of distinctive names for each subdivision.

## **Reports**

### **9.2 Committee Reports**

Blin updated the Commission on the East Ravine planning project and displayed some concept sketches. Severson expressed concern about that the number units being developed would impact the athletic resources in the city. Blin explained that the city has commissioned a park facility study to look at existing facilities and then project out the city's needs based on population and trends in recreation.

### **9.3 Planning Commission Requests**

Brittain asked if the new building being constructed on West Point Douglas Road meets all the codes and standards. He asked if the Commission could be updated on all upcoming and ongoing projects. Bailey asked if the Planning Commission could get a report like the "Project Development Updates" that the EDA receives. Blin agreed. Bailey asked about the Bakers Square project. Blin replied that Bakers Square has pulled out of the project. Hudnut asked if there was a reason. Blin stated that it had to do with a sales to cost equation.

### **9.4 Response to Planning Commission Inquires**

Blin reported that the Clear Channel project is slowly coming along. Severson expressed concern about Clear Channel generating revenue with their signage without completing their construction project. Blin stated that the city did not anticipate that the sign faces would go up in advance of the poles.

Blin stated that during discussion of the Pinecroft project, there was a question regarding the city's liability on drowning hazards in ponds. He stated that the city attorney is not aware of any city that has been successfully sued for approving a pond. The attorney believes the city's liability is small or non-existent. Brittain asked for data on ponds safety.

Booth asked about the status of Barrel Reconditioning, Inc. Blin stated that the issue was the trailer storage and after discussion with the Council, it was determined that the maximum number allowed was in the single digits. He stated that staff has worked with the owner and they have reduced the number of trailers down to eight and an agreement will be brought to the Council to formalize that.

## **Adjournment**

***Motion by Hudnut, seconded by Ricart, to adjourn. Motion carried unanimously. The meeting adjourned at 9:25 p.m.***