

# **City of Cottage Grove Planning Commission October 23, 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 23rd day of October, 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: Ken Brittain, Jason Cavallo, Tina Folch-Freiermuth, Rod Hale, Rebecca Kronlund, Tracy Poncin, Chris Reese, David Thiede

Members Absent: Shane Bauer

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

## **Approval of Agenda**

***Motion by Hale, second by Thiede, 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.

Julie Bloomquist, 6630 Keats Avenue South, stated that the October 18, 2006, Bulletin reported that the Cedarhurst Point proposal would be on this evening's agenda. She asked why this was in the newspaper when it is not on the agenda. Blin explained that when applicants submit an application for Planning Commission review, a public hearing notice is published prior to the next Planning Commission meeting. Cedarhurst Point was published a couple months ago, but has been continued. Blin stated that staff did not ask that this item be published and he does not know why it was in the paper last week. Bloomquist stated that the last time she was here it was said that they would talk about it this meeting also. Blin explained that the applicant has continued that project, and they asked staff not to put it on the Planning Commission agenda.

## **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 addi-

tion, 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 Stu-Mac Properties – Case RS06-058**

**Stu-Mac Properties has applied for a simple lot division to subdivide a 6.07-acre parcel of land located at 11726 Point Douglas Road into parcels of 4.45 acres and 1.62 acres and a conditional use permit to allow open sales and storage of boats and recreational equipment. The 1.62-acre parcel would be combined with the 61 Marine parcel at 11730 Point Douglas Road.**

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

Hale noted that there are two addresses on the 4.45-acre parcel and asked if there were two houses located there. McCool responded that was a mapping error; he explained that 11730 is 61 Marine and 11726 is the residential property.

Thiede noted that it appeared the property is already being used and asked if the applicant intended to continue using it for the same purpose. Al Stewart, 6750 Jamaica Avenue, responded that they are using it for a boat prep area. Thiede asked if Stewart was renting the land from the property owner. Stewart responded that they had already purchased the land.

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

***Hale made a motion to approve the application subject to the conditions listed below. Thiede seconded.***

- 1. The applicant files with Washington County the appropriate document(s) to combine the 1.62-acre severed parcel at 11726 Point Douglas Road (Seeger) with the 61 Marine (Stu-Mac Properties) parcel (Geocode 36-027-21-42-0017) commonly known as 11730 Point Douglas Road.***
- 2. The stormwater area charge fee for 1.62 acres, amounting \$12,341.16, must be paid to the City before the City's stamp of approval is affixed to the deed transferring ownership of this land to Stu-Mac Properties. The stormwater area charge for the remaining 6.09 acres of land must be paid upon further development of that property.***
- 3. A park fee in lieu of land dedication (4 percent of the fair market value) must be paid to the City before the City's stamp of approval is affixed to the deed transferring ownership of this land to Stu-Mac Properties. Park fees for Seeger's 6.09 acre parcel will be collected in the future if said property further develops.***

- 4. A 10-foot wide drainage and utility easement is dedicated to the city along the property boundary line abutting T.H. 10/61 and along the north boundary line of Lot 1, Block 1 of Seeger Addition.**
- 5. A five-foot wide drainage and utility easement is dedicated to the city along the east property boundary line of the 6.07 acre parcel.**
- 6. Direct access to T.H. 10/61 is prohibited unless granted by Minnesota Department of Transportation.**
- 7. All conditions of previously approved CUP's remain in effect.**
- 8. Screening of the exterior storage areas must be provided in the future should surrounding properties be subdivided and developed. This design of this screening must be approved by the City staff.**

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

## **6.2 Bushilla Lot Split – Cases RS06-069 and V06-070**

**Paula and Michael Bushilla have applied for a simple lot division to subdivide a parcel of land at 10276 East Point Douglas Road into two parcels and variances to City Code Title 11-9A-5, Development Standards in the R-1, Rural Residential, zoning district, to reduce the required lot frontage, and to Title 11-3-7, Farming Operations in Residential Districts.**

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

Paula Bushilla, 10276 East Point Douglas Road, stated that she would answer any questions from the Commission.

Thiede asked how many acres are in Outlot C. Blin responded that it is about an acre. Brittain asked how big the exception was. Blin stated about an acre and a half. Thiede asked what Outlot C would be used for and suggested combining Outlot C and Parcel B to get the three acres.

Brittain asked if the intent was to combine those lots. Bushilla responded yes. Blin asked Thiede if he wanted to reduce the size of the newly created parcel by .07 acre. Bushilla responded that her initial request was to combine those parcels and then split them from the larger parcel but the new lot would be less than the required three acres if her property was left at five acres. She explained that they want to keep the animals because of the historic nature of the property. She stated that they have horses and chickens. She stated that selling the three-acre parcel would help them maintain the historic property.

Hale asked about driveway widths and easements. McCool stated that the city does get easements on rural properties, noting that a drainage easement crosses the land to the north-east. He explained that the maximum width of private driveways is 28 feet, but they are typically around 12 feet wide. Hale noted that when Outlot C was created, it was tied back to the Eagle Ridge development. McCool responded that the property owner of the exception parcel

at that time was going to purchase that outlot to make their parcel larger but the sale never took place.

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

Thiede expressed concern about setting precedence by allowing property less than five acres to have farm animals. He asked why the variance to allow the animals on less than five acres was a better option than a variance to allow the smaller parcel to be .07 acre less than the three-acre minimum requirement. Blin responded that the Commission could make that recommendation. Bushilla stated that she initially had the land surveyed for that 2.93-acre split and she would be willing to postpone this process if the Commission wanted to explore that option. Blin stated that the Commission could recommend that option and the application would not need to be postponed.

Reese asked if the property was sold, would the variance carry over and allow the new owners to keep animals on the property. Blin stated that the variance would carry over with the property as long as it was actively used for that purpose; if a period of a year goes by and the property is not used for that purpose, then it would lapse.

Hale asked if there was any advantage to the Bushillas in terms of topography or buildings if the variance to create a 2.93-acre parcel was recommended. Bushilla stated that the property line would be a little further away from the animal buildings. Hale asked how close that property line would be to the outbuildings. McCool stated that it would meet the setback criteria. Bushilla expressed concern that if for some they don't have the animals for a year and the variance lapses, there would be no future possibility to have animals. She would like to keep the farm at five acres.

Thiede asked why staff recommended going with the variance to allow farm animals on a lot less than five acres. Blin responded that we are creating a new parcel and the thought was that it was better create a conforming parcel than a nonconforming parcel.

Folch asked if the rest of the properties in Eagle Ridge are a minimum of three acres. McCool responded that the parcels in Eagle's Ridge are an acre and a half, but that development was created under the clustering portion of the zoning ordinance. There is a common area of about 23 acres that was deeded to the city, which would remain as permanent open space and could not be developed.

***Thiede made a motion to approve the application for the lot split and a variance to allow the new parcel to be 2.93 acres, subject to the conditions listed below. Reese seconded.***

Brittain clarified that Thiede's motion was to approve the application for the lot split and to shift the variance over to the 2.93-acre parcel.

- 1. Septic design, percolation tests, and soil borings must be approved by Washington County Department of Health before the City releases the deed for this newly created three-acre parcel.***
- 2. No additional access to East Point Douglas Road will be allowed for either parcel.***

- 3. All applicable permits (i.e., building, electrical, etc.) shall be applied for and issued by the City prior to any work or construction taking place.**
- 4. Prior to the release of the property deeds for recording with Washington County, a cash in lieu of park dedication fee shall be paid to the City, in the amount applicable at the time of release of the property deeds for recording with Washington County.**
- 5. The following permanent drainage and utility easements shall be dedicated to the City as required by the City's Subdivision Ordinance (Title 10-5-6D):**
- 6. A 10-foot wide drainage and utility easement centered on and paralleling the new common boundaries of the two parcels.**
- 7. A 5-foot wide drainage and utility easement paralleling the new common boundaries of the application properties and the exception parcel.**
- 8. The private access drive location shall be reviewed and approved by the City Engineer, and a right of way permit issued before installation of said access.**
- 9. The new private access drive shall be hard surfaced to the front setback line.**

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

### **6.3 3M Radio Control Flyers Club – Case ICUP06-073**

**3M Company has applied for an interim conditional use permit to continue operation of a radio control flyers field at 6221 Keats Avenue South.**

Brittain noted that Vice Chair Reese will direct this agenda item as he is recusing himself because he is an employee of 3M.

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

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

**Thiede made a motion to approve the application subject to the conditions listed below. Hale seconded.**

- 1. The interim conditional use permit will expire December 31, 2011.**
- 2. All model aircraft operating at this site must be equipped with mufflers.**
- 3. The City's Noise Ordinance requirements must be complied with.**
- 4. Parking along Keats Avenue is prohibited at all times.**

- 5. The 3M Remote Control Model Airplane Club must obtain an outdoor events permit as required in City Code Title 5-5-3, Outdoor Events and Dances, prior to their annual public air show event. The Club must apply for this permit a minimum of 30 days prior to the annual public air show.**
- 6. A five-pound ABC rated fire extinguisher must be stored at the shelter and "NO SMOKING" signs posted in the shelter.**

***Motion passed unanimously (7-to-0 vote with 1 abstention).***

#### **6.4 Capital Improvement Plan – Case CP06-074**

**The City of Cottage Grove has applied for a comprehensive plan amendment to adopt the 2007-2012 Capital Improvement Plan.**

Blin summarized the staff report and recommended approval. He then explained the capital improvement plan. Brittain noted that funds are currently being put away to help with the \$34 million spike in 2010. Blin responded that the proposed public safety building/city hall accounts for a large portion of that amount and the city is currently setting money aside in a capital fund to avoid a peak in the debt service levy. He then explained that when the City Council adopts the CIP, they are not approving all the projects at that time; they all go before the Council for approval on an individual basis. The largest share of projects are subdivision street and utility improvements, which are then fully assessed back to the property owners. Some of the other items in the CIP for 2007 include water system and stormwater system improvements the Jamaica Avenue/Highway 61 roundabout, reconstruction of Jamaica Avenue between 70th Street and Military Road, extension of 95th Street west of Hadley Avenue, reconstruction of Hadley from 65th Street to the Woodbury border, surveying of all public park and open spaces, public landscaping initiative, lighting and security cameras for Kingston Park, kiosks along the trail corridors, water improvements in the Gateway West area, stormwater non-degradation plan, the Camel's Hump park development, a stormwater pipe across Highway 61, and the Pinetree Pond improvements.

In 2008, the CIP includes the expansion of the ice arena. Thiede noted that the ice arena was listed in the 2007 CIP at \$4 million and in 2008 at \$5.4 million. Blin responded that the Commission's version of the CIP somehow got an extra page. Thiede asked if the Commission was to ignore both pages 10 and 11. Blin responded to ignore page 10. He stated that the estimated cost of the ice arena expansion will be \$5.4 million. Blin stated that the 2008 CIP includes a boat landing or river access. Cavallo asked if there is a specific site for the boat landing. Blin responded that the proposed site is located on County land that spills into Grey Cloud Township on the northeast side of Grey Cloud Island. Reese asked if there was still discussion with Aggregate Industries about a boat landing. Blin stated that the land where the previous boat launch was located on, which was leased by Aggregate Industries from the Schilling family, was considered subpar because it was down an embankment from the roadway and the river is relatively shallow in that area.

Blin reported that the largest single capital expenditure is the pavement management program for reconstruction of streets. He explained that 45 percent of the costs would be assessed against the abutting property owners. He then discussed funding sources, stating that nearly half would come from special assessments against developers for street and utility installa-

tions, area funds, and state and federal funding. Cavallo asked if a project listed in the CIP was not done, would that funding then go to a new project or move another project up. Blin responded that would be up to the Council.

Hale commented that the CIP goes through the Planning Commission because it is an amendment to the comprehensive plan but there is very little in the CIP that relates to actual planning. He believes, however, that those areas that do relate to planning issues should go to the Planning Commission for review and comment before appearing in the CIP. He referenced the 103rd Street Burlington Northern bridge and the extension of 95th Street, which are integral to future development in that area. Blin stated that staff will forward that comment to the City Council.

Cavallo asked where the projects in the CIP originated, from the Council or city staff. He also asked about the items in the CIP for Hadley Avenue in conjunction with Walden Woods and what would happen if the project was denied. Blin responded that the cost was an estimate for reconstructing Hadley Avenue north of 65th Street. If the Council decides not to reconstruct Hadley, that amount comes out of the plan. He then explained that the projects originate from a combination of the Council direction and staff initiative. For example, the Council approved the improvements for East Ravine Neighborhood 1, but the initiative for the specific projects came from staff.

Reese asked if the county was going to help fund part of the roundabout. Blin responded that the state will fund about a half million dollars. Reese then asked if the East Ravine was pushed back further, would that have any effect on the CIP and on the proposed city facility being built. Blin responded that if the city did not start the East Ravine improvements in 2007, that cost factor would slide forward. In terms of the city facility, the Council has determined the location but not when it is going to be built.

Thiede asked if the city pays up front for the costs to construct new roads and then assesses those costs afterwards or do the developers pay prior to the roads being constructed. Blin responded that it is an assessment after the fact but the city does recover all costs with interest. The city also charges administrative and engineering fees.

Folch asked about the upcoming infrastructure management assessments for the various existing neighborhoods and what is the plan to notify the residents in those neighborhoods. Blin responded that typically the city starts talking about upcoming projects two years prior to commencement.

Poncin asked if replacement of the swimming pool was part of the CIP. Blin responded that is not in the current CIP. The city has been doing basic maintenance on the pool for a number of years but there is no plan to replace it. He noted that there was also no community center in the CIP.

Reese asked if the CIP includes the reconstruction of 70th Street. Blin responded that 70th Street between Keats and Jamaica is not planned to be reconstructed within this five-year time frame.

Cavallo asked if the Council decides to not include some projects but wants to add another, would the Planning Commission see a revised CIP if the numbers changed dramatically. Blin

responded that would be the Council's prerogative to revise the CIP during the year or wait until next year's proposal. Brittain explained that the CIP is a plan that gives the city a framework to plan funding for upcoming projects.

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

***Thiede made a motion to approve the comprehensive plan amendment to adopt the 2007-2012 Capital Improvement Plan with removal of pages 10 and 11 because they are duplicates. Reese seconded.***

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

## **Approval of Planning Commission Minutes of September 25, 2006**

***Being that there were no corrections or additions to the September 25, 2006, minutes, they were approved as sent.***

## **Reports**

### **8.1 Recap of August City Council Meeting**

Blin reviewed the items discussed by the City Council at their meetings on October 4, 2006 and October 18, 2006.

### **8.2 Committee Reports**

None.

### **8.3 Response to Planning Commission Inquiries**

None.

### **8.4 Planning Commission Requests**

Brittain asked about posting the agenda on the city's web page. Blin responded that the agenda will be posted on the web page.

Cavallo asked if the packets could be distributed to the Commission a week prior to the meeting. Blin responded that it would be difficult to have the full packet completed by the Monday prior to the meeting due to time constraints on when the applications are received. He stated that Wednesday prior is possible. He also suggested that staff could e-mail a tentative agenda to the Planning Commission.

Reese asked about the Ott-Custom One development. Blin responded that was approved with a reconfigured cul-de-sac that has only two lots and was skewed to the west so the one house pad is in line with the house to the north.

Reese stated that there are traffic issues at the new intersection of 90th Street and County Road 19 and asked if there had been discussions on the County level about adding a light in that area. Grossklaus reported that that intersection was brought up at the Public Works Commission and staff is looking into changes in the signage and lighting for that intersection.

## **Adjournment**

***Motion by Reese, seconded by Hale, to adjourn. Motion carried unanimously (8-to-0).  
The meeting adjourned at 8:36 p.m.***