

# **City of Cottage Grove Planning Commission November 27, 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 27th day of November 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, Rebecca Kronlund, Tracy Poncin, Chris Reese, David Thiede

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

## **Approval of Agenda**

*Motion by Hale, second by Reese, to approve the agenda. Motion approved unanimously (9-0 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 Walden Woods – Cases ZA06-067 and PP06-068**

Platinum Development has applied for a zoning amendment to change the 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. (continued from 10/23/06)**

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

Hale asked why the trail has to come out on Hadley Avenue. Burbank responded to connect to the trailway that runs through the Highland Hills development. Hale asked about the setback from the trail to the adjoining property lines. Burbank responded that it would be about 38 feet from the property line. Hale asked what is the minimum setback for the existing house in the R-1 zoning district. Burbank responded that the minimum side yard setback for that zoning district is 25 feet and the Dressley home is setback farther than that minimum. He noted that the trail would be at a higher elevation than the house. Hale expressed concern about allowing developers to request rezoning for property instead of having to develop within the constraints of the existing zoning, as it was done in the past. Hale stated that staff is recommending that Outlot H be combined with the right-of-way for Street F and asked why the Outlot F was not being combined. Burbank responded that Outlot F is linked to an outlot in the Silverwood subdivision. Hale asked the plans were for Outlot F. Blin responded that it would be dedicated for park use and held by the City as a park. Hale then asked about Outlot I next to Lot 21. Burbank responded that Outlot I is required for stormwater purposes. Hale asked about the overflow for the storm sewer. Burbank responded that the majority of the drainage is through the box culvert into the West Draw and continues through the Timber Ridge subdivisions into the ponds at Hardwood and south to Hamlet Pond.

Cavallo expressed concern that the surface of the trail is higher than the adjoining property and that until the additional trees are fully grown, people using the trail would be able to see in the Dressley's house. Burbank stated that the Dressley's property is about 15 to 20 feet lower than the proposed trail. He noted that there are existing trees on both the Dressley's property and the trail corridor property. Cavallo asked if the woodchip trail links with the paved trail. Burbank showed the location of the woodchip trail. Cavallo asked how many of the lots are below the minimum lot width requirement. Burbank responded there are 14 lots below the minimum lot width of 85 feet and the recommendation is to combine some of those. He explained that while most of the lots that don't meet the minimum lot width at the property line, they do meet or exceed the minimum at the setback line. Cavallo asked how wide those lots are. Burbank stated that most are 79 feet wide. Cavallo asked about tree preservation. Burbank explained the ordinance criteria for tree preservation. He stated that as proposed, about 60 percent of the trees on the site would be removed, which would require some mitigation. Cavallo then asked about utilities, noting that staff is recommending Option 4, which costs more initially but would have lower long-term maintenance costs, as compared to Option 1, which is the most affordable and the option preferred by the current residents in the area. Burbank stated that currently Hadley Avenue is basically a gravel road with a slurry sealcoat finish on it, and is slated for pavement reconstruction in 2009.

Thiede asked which side of the creek the trail is on. Burbank displayed a map of the area showing the location of the creek and trail. Thiede noted that the landscape plan shows substantial landscaping between the property and the trail, which should provide a good barrier. Burbank stated that the proposed landscaping consists of predominantly evergreen type trees.

Bauer asked if the colored lots on the map are all nonconforming with lot width requirements. Burbank responded yes. He noted that some lots may not meet the lot width requirement at the property line but do meet the minimum requirements at the setback line.

Folch asked if the utility routing options costs would be incurred by the city or the developer. Jennifer Levitt, City Engineer, explained that the costs in the table include the area charges the developer pays and the trunk charges that the city would cover, but she does not have a specific breakdown on those charges. She stated that Option 4 includes the sanitary sewer and the proposed water main that would loop through the Walden Woods development. Looping of the water main improves the water quality and fewer residents would be impacted in the event of a water main break. Folch asked about the \$32,000 difference between Options 3 and 4. Levitt explained that the \$32,000 difference is due to rural road versus urban roadway with curb and gutter. Folch asked which costs would be assessed to the property owners in the area. Levitt responded that the property owners would only be assessed for the actual road reconstruction costs; they would not be directly assessed for the water and sanitary sewer improvements. Blin explained that the utility costs are deferred until the property is connected to those utilities, so if they never connect, they are never assessed. He stated that the roadway costs are assessed right away. The estimate for the improvements is \$247,000. The manner in which this cost is assessed and the amount of assessment for individual property owners must be determined by the City Council.

Kronlund asked for a clarification on the cost of the trailway improvements. Burbank stated that the recommendation is for 100 percent of the cost for the east-west bituminous trail and the woodchip trail to be paid by the developer and for the future bituminous construction it is recommended that 50 percent of that estimated cost be included in the required development costs for the project.

Cavallo asked if a property owner would be required to hook up to city services when a property sells. Blin responded no. Cavallo asked what the street widths would be in this development. Blin responded that the local streets would be 32 feet. Cavallo asked if there would be sidewalks throughout the development. Blin responded that there would be sidewalks on one side of most streets.

Tom Bernier Platinum Development Group, 100 Second Street NE, Minneapolis, and Dan Sjoldal and Joe Sutherland, Westwood Professional Services, 7699 Anagram Drive, Eden Prairie, stated that they would respond to any questions.

Brittain asked why there are still lots that do not meet the 85-foot minimum lot width at either the front property line or the front setback line. Sjoldal explained that those lots average 79 feet wide and are at least 14,000 square feet in size, which exceeds the required minimum lot size of 11,000 square feet, so they do not see any value change in increasing the lot widths by six feet. Brittain explained that the 85-foot minimum lot width is a requirement of the zoning ordinance for the R-2.5 zoning district. Sjoldal asked for a variance from the minimum lot width for those lots as they are larger than the minimum lot size of 11,000 square feet. He then displayed a grading plan that showed why some of the lots are configured the way they are, which is based on topography and tree preservation.

***Brittain opened the public hearing.***

Devon Dressley, 6255 Hadley Avenue, emphasized that this area was set for rural residential development with a three-acre minimum until the year 2020. She feels that the proposed lots are not large enough to transition to the existing larger rural lots and expressed concern that this area would end up like the corner of 65th Street and Hinton with high density housing. She then asked about the location of trails that would be on two sides of her property and how the trail would get to the other side of the creek. Burbank explained that Engineering works with the DNR to meet their development guidelines and the intermittent stream would probably be crossed by utilizing culverts and riprap as was done with the Timber Ridge 6th trailway. Levitt stated that there are very specific guidelines about the grading in or around the drainageway. Dressley asked if there would be a bridge going over the creek. Levitt responded that there would be a large culvert with a pipe running under the trail. Brittain stated that even if the trail behind the house was rerouted away from Dressley's property, people would probably cross that area to access the other trail. Dressley asked if the development would increase the chance of flooding on her property, which currently occurs every spring. Levitt stated that the pond that is in Outlot A will help control some of the runoff that is coming toward her property.

Cavallo asked Dressley when she bought her house if she researched future development possibilities for the area. Dressley responded yes, noting that they did not anticipate any development until about 2020. She stated that they became involved with the West Draw neighborhood planning group to prevent this type of development, but now most of that group is asking for the zoning change. Cavallo asked if Dressley felt that the berm and the added trees would provide for sufficient privacy from the trail. Dressley stated that she does not believe a berm would be feasible back there due to the grading and that it would take years before any new trees would provide adequate screening.

Jeff Ohman, 7280 – 65th Street South, stated that his comments are being made on behalf of the property owners who are under contract to sell their land to Platinum Development for this project. He referenced a memo those property owners wrote to the Commission and Council regarding the discussion at the September meeting. They believe that many of the trees on portions of these properties are not attractive for new lots in a high profile area. He explained that his 10-acre property is pretty heavily wooded but a lot of the trees are tall but very narrow and include elms and box elder trees. The Commission had indicated a willingness at the September meeting to be somewhat flexible on the tree count and the property owners ask that the Commission do so. It is also the request of the property owners that the walking path is left in the plan as proposed. Access via Hadley was an issue that was not discussed this evening, but they feel it is necessary due to the number of units planned to allow for better emergency access. They believe this development would complement the uniqueness of the property and would be a great addition to the city. Those who wrote and signed the memo have lived on their properties for a long time. They have seen the city and the area change, with more traffic, a school in the area, and retail business moving closer.

Tim Reimann, 6100 Hadley Avenue South, stated that over the past year that this project has been discussed, 10 of the 12 families on Hadley have consistently come back to five principles that have been very important to the development of the properties. Those five principles include protecting the rural nature of the land, avoiding road upgrades and running water and sewer underneath that road, avoiding access to Hadley which would threaten the profile of the road, maximizing buffering to the current property owners, and maintaining large acre lots. Looking at the plan presented this evening, he does not see any of those issues addressed. He asked if the assessment for the road upgrade could be financed. Blin responded that typi-

cally assessments are carried over 15 years and the typical interest on those assessments is 7 percent. Reimann asked if water and sewer were brought up Hadley, could the current land-owners on well and septic replace or repair their systems and not be forced to hook up in the future. Blin responded that the septic system could be replaced provided there is room on the property for a new drainfield. At the current time, property owners could repair a well or drill a new well, there is greater vigilance on wellhead protection to prevent more penetrations in the aquifer. Levitt stated that in the future if a new well or septic systems is needed, those costs could be higher than hooking up to city services.

Ron Reimann, 6120 Hadley Avenue, stated that every one of the 12 families on Hadley is opposed to bringing sewer and water up Hadley, not because of the cost, but because it may encourage more property owners to subdivide their properties. He believes there is a market for unique properties, like the area on Preserve Pass, which is part of the Highland Hills subdivision, with larger lots on septic and well. Cavallo asked Ron Reimann if, when he was serving on the West Draw Task Force, he envisioned that within a few short years, the city would rezone this area to R-2.5. Reimann responded no.

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

Reese stated that there is no access from Street O to the railway corridor. Burbank displayed the map of the proposed trails and sidewalks. Brittan suggesting adding an access over the easement for the sewer pipe. Levitt stated that the trail could follow the sanitary sewer alignment up Hadley to the trail adjacent to the Dressley parcel to Outlot A and up to Lots 9 and 10 outletting onto Street O. Burbank stated that the grading plan in that area is rather steep, especially closer to the roadway.

Cavallo stated that he does not agree with rezoning the properties from R-1 and R-2 to R-2.5 because he cannot reconcile going from a three-acre minimum lot size to one with lots less than 85-feet wide. He would be amenable to a minimum lot size of one acre. He also believes this area belongs in an overlay because of the natural resources that make this community unique. He expressed concern about the number of trees being cut down regardless of the types of trees. He also believes that any development should do a better job of accommodating the residents who live, and that there should be no access to Hadley Avenue, better buffering, there should be larger lots adjacent to the existing properties, no utilities on Hadley, and no road upgrades for Hadley.

Brittain disagreed with going with Option 1 for the utility plan versus Option 4. Options 1 and 2 would distribute additional costs to the entire community through fees and maintenance costs where Option 4 is more maintainable and provides more value, even though there is the possibility of encouraging more development. The Commission needs to keep in mind the long-term effect of the infrastructure. He does believe that this particular area is special and there should be a transition from higher density homes to lower density homes. The lots should not be less than 85 feet wide. He does not support this particular application, noting that there has been plenty of time to revise it to meet the city's ordinances. He does not feel that we are turning our backs on the citizens in this area. The majority of the West Draw has changed from the initial concept. He would see value in a more transitional density from the rural area.

Thiede stated that he opposes rezoning from R-1 and R-2 down to R-2.5. This area was intended for larger lots. He supports Option 4 because of the looping of the water main and

eventually Hadley Avenue would need to be upgraded. He strongly believes the lots should be larger in this area.

Hale asked if the Commission should make a decision on the utility option. Blin responded that was for informational purposes. Hale does not have a lot of objections to the development. He also was a member of the West Draw Task Force. His perspective was to be a good steward of the land honoring what residents wanted but also recognizing that large parcels of property create additional expense for everybody. The Task Force created the R-2.5 zoning district to require larger lots than the initial zoning districts provided. He believes this proposal is a fairly good land use. He would like all the lots to be a minimum of 85 feet wide. He would support the proposal but with the recommendations that staff made in the staff report.

Brittain noted that the city has given the applicant the opportunity to comply with the lot width recommendation of 85 feet and if he thought that there was any intent that the applicant would comply with that, we would have seen that reflected in the proposal. He would be hesitant in supporting approval hoping that lot width changes would be made. Cavallo agreed.

***Hale made a motion to approve the applications subject to the recommendations in the staff report including lots will be 85 feet wide except those on the corners that meet the minimum lot width at the front setback, he is willing to allow staff to mitigate on tree preservation, he would like to see a stronger recommendation regarding the property where the trail intersects with the lot to ensure adequate screening and the setback is as far it can be from the property line. Kronlund seconded.***

Reese would like to see the trail moved up. Hale stated that he would accept an amendment to extend access to that trail from the northern part of the property but he would not agree to remove the trail from that area. Reese asked if the city allows sodding or seeding. Blin responded that the current ordinance requires sodding to the rear of the house and seeding is allowed in the rear yard. Bauer asked if the Council approves the plat with the recommendations from the staff report, would the lots then all be at least 85 feet wide. Hale's motion is that the Planning Commission is recommending approval contingent upon all the recommendations in the staff report and the plat being revised incorporating those conditions. Brittain expressed concern that the developers would adjust those undersized lots. He would prefer to recommend denial, have them change the plat, and then go through the City Council for approval. Folch agrees with Brittain. She then stated that the trailway should be included. Cavallo also agrees with Brittain on recommending denial. Reese stated that he agrees on the 85-foot lots but he disagrees with sending it to the Council with a denial because that denotes that the Commission is rejecting the entire development. Most of the comments on the proposal seem to support it except for the lot widths. Brittain disagreed, noting the Council will have the Commission minutes so they will understand the recommendation for denial. Cavallo disagreed with Reese in that some Commissioners do not support with this proposal.

***Motion failed on a 4-to-5 vote (Ayes: Kronlund, Hale, Reese, Poncin; Nays: Cavallo, Thiede, Brittain, Bauer, Folch).***

***Brittain made a motion to deny the applications based on the non-compliance of the standards set forth within the City's zoning ordinance. Cavallo seconded.***

***Motion passed on a 5-to-4 vote (Nays: Kronlund, Hale, Reese, Poncin).***

## **6.2 Lighthouse Baptist Church – Case CUP06-075**

**Lighthouse Baptist Church has applied for an amendment to their conditional use permit to allow construction of a 32-foot by 24-foot accessory structure at 9979 – 80th Street South.**

McCool summarized the planning staff report and recommended approval subject to the conditions stipulated in the staff report. He explained that the exterior materials proposed for the accessory structure will match the color and materials of the existing church structure.

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

***Thiede made a motion to approve Lighthouse Baptist Church's application amending their conditional use permit to construct a 24-foot by 32-foot accessory structure, subject to the conditions listed below. Hale seconded the motion.***

- 1. All applicable permits (i.e., building, electrical, etc.) must be applied for and issued by the City prior to any work or construction taking place.***
- 2. All outdoor lighting must be directed downward and away from abutting property owners. Reflected glare of spill light must not exceed five-tenths (0.5) foot-candle as measured on the property line.***
- 3. The applicant must comply with all city ordinances and policies.***

***Motion passed unanimously (9-to-0 vote).***

## **6.3 Cingular Wireless Antenna – Case CUP06-076**

**New Cingular Wireless PCS, LLC has applied for a conditional use permit to allow the installation of antennas on the water tower at 8520 – 81st Street South.**

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

Thiede asked about the other wireless communication carriers that already exist on the water tower. McCool explained that Sprint and T-Mobile share space in the existing equipment building and have antennas already mounted on top of the water reservoir. Cingular Wireless's proposal is to add six additional antennas on the top of the water reservoir. A diagram showing the water reservoir's elevation was displayed on the monitors. This diagram showed the proposed antennas as being similar in size and design to the existing antennas.

Folch-Freiermuth asked about lease agreement between the applicant and City. McCool explained that Condition No. 6 in the planning staff report requires the applicant to enter into an agreement with the City for leasing space on the water reservoir and land. Folch-Freiermuth asked if the city charges rent. McCool stated that there is a payment to the City.

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

***Thiede made a motion to approve the Cingular Wireless's conditional use permit application to allow six antennas to be mounted on the water reservoir and the construction of a 12-foot by 20-foot equipment building on city owned land, subject to the ten conditions listed below. Folch-Freiermuth seconded the motion.***

- 1. The contractor that will be constructing the equipment building must complete a building permit application with the City's Building Inspections Division and a building permit must issued before any construction can begin. An electrical permit must also be obtained prior to commencement of construction.***
- 2. No advertising shall be displayed on or affixed to any of the antennas or the equipment building.***
- 3. The applicant is responsible for the maintenance and upkeep of the equipment building and access drive.***
- 4. All grass areas disturbed by construction must be repaired and sodded within 30 days of completion of all construction. If constructed during the winter season, appropriate erosion control devices must be installed as early as possible until final restoration is completed next spring.***
- 5. The antennas must be painted the same color as the water tower.***
- 6. The applicant must enter into an agreement with the City for the leasing of City-owned property for the building, driveway, and antenna installation on the water tower.***
- 7. A minimum of 12 conifer trees, six-feet in height, and four deciduous trees, having a trunk caliper size of two inches, must be planted in the general area west of the existing access drive along 81st Street and south of the existing chain-link fence.***
- 8. The applicant must submit a bona fide cost estimate of the landscaping and driveway improvements. A letter of credit in the amount of 150 percent of such estimate shall be submitted to and approved by the City. Upon completion of the landscaping improvements and driveway, the applicant must inform the City in writing that said improvements have been completed. The City will retain the financial guarantee for a period of one year from the date of notice to insure the survival of the plantings.***
- 9. The exterior materials and colors of the equipment building must be similar to the exterior building materials and colors located on the east side of the water tower.***
- 10. The access drive must be constructed in accordance with city standards. The applicant must also provide for a motor vehicle turn-around near the equipment building.***

***Motion passed unanimously (9-to-0 vote).***

## **Discussion Items**

### **7.1 Review of Plans for T.H. 61/Jamaica Avenue Roundabout**

Levitt presented a video on the modern roundabout. She described the proposed roundabouts at Highway 61 and Jamaica Avenue, including the decision making process, the route, and how they operate. She then displayed design drawings of the proposed roundabouts. She stated that the anticipated commencement of construction is in the first part May 2007 with substantial completion by August 2007. Questions from the Commission included what the total number of cars were at peak times, if there were any simulations done based on traffic patterns in that area, if the model took into consideration the number of trucks coming from the industrial park, if the existing stoplight at Jamaica and East Point Douglas Road could cause a traffic back up, if the interchange would be shut down during construction, and if the Minnesota Department of Transportation would be contributing funding for this project. Comments included concerns about traffic back ups at peak times onto the highway, pedestrian safety, the need for more public education on how roundabouts work, concerns about truck traffic, concerns about economic impacts to local businesses from people avoiding the roundabouts, that the expenses for a roundabout are less than those for an intersection with a stoplight, that more cities in the metro area will be adding roundabouts, and concerns about notifying bus riders regarding traffic changes. Levitt stated that the video would be played on her segment of the show "Shaping the City," which is airing on the local cable access channel in December.

### **7.2 Discussion of Work Program for Comprehensive Plan Update**

Blin discussed with the Planning Commission the proposed work program to update the city's Comprehensive Plan for submittal to the Metropolitan Council in 2008. He explained that there would be a steering committee consisting of staff, the entire Planning Commission, and a representative from each of the other Advisory Commissions who would meet every other month. He suggested meeting on the first Monday of every month starting in February 2007. He asked the Commission if that schedule would work or would they prefer another day of the week. There would also be a couple meetings of the Steering Committee and the City Council during the update process. Hale asked if the Watershed District would have any input on the comp plan update. Blin responded that staff would find a way to bring them in on it. It was the consensus of the Commission to meet on the first Monday every other month.

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

*Being that there were no corrections or additions to the October 23, 2006, minutes, they were approved as sent.*

## **Reports**

### **8.1 Recap of November City Council Meetings**

Blin reviewed the items discussed by the City Council at their meetings on November 1, 2006 and November 15, 2006.

## 8.2 Committee Reports

None.

## 8.3 Response to Planning Commission Inquiries

Levitt reported that both the Planning and Public Works Commissions asked about the intersection of the 90th Street and County Road 19 (Keats Avenue). She stated that two additional lights will be installed on the 90th Street side and the existing overhead light on the east side of County Road 19 will be removed as the County's building project comes to completion. The striping was extended an additional 40 feet on the main line of County Road 19, which should solve the problem of not knowing where the turning lane starts for either 90th or Ravine Parkway. Regarding the visibility of the medians, specifically turning from Keats onto 90th Street, reflective material has been installed on the posts that are in the medians. Hopefully these different steps will make motorists more comfortable with the redesign of that intersection.

## 8.4 Planning Commission Requests

There was a question about the proposed Cedarhurst Point subdivision. Blin stated that the developers have withdrawn their application.

There was also a question about the location of the "welcome" monument signs. Levitt responded that the "Welcome to Cottage Grove" rocks will be installed around Christmas time on 80th Street on both the east and west sides of Highway 61.

Blin stated that the new Holiday Station under construction on the west side of Highway 61 has requested digital gas price signs. He asked if the consensus of the Commission was still to prohibit electronic reader board signs. Folch asked why that provision is in the ordinance. Blin responded that the city has prohibited all electronic reader board signs. During the update of the sign ordinance, it was suggested that if those signs were allowed, there should be a limit as to how often the message could change. The Planning Commission was very clear that all electronic signs should be prohibited, including gas station pricing signs, so that there was no precedent set. It was the consensus of the Commission to not allow electronic reader board signs for gas prices.

Brittain asked about screening for the utility and mechanic equipment at the new gas station at 70th Street and Keats Avenue. Burbank stated that staff will follow up on that prior to the final inspection.

It was the consensus of the Commission to cancel the December Planning Commission meeting due to the holiday.

## Adjournment

***Motion by Reese, seconded by Bauer, to adjourn. Motion carried unanimously (9-to-0).  
The meeting adjourned at 10:18 p.m.***