



COTTAGE GROVE PLANNING COMMISSION
12800 Ravine Parkway South
Cottage Grove, MN 55016

December 16, 2024

COUNCIL CHAMBER - 7:00 P.M.

The Regular Meeting of the Planning Commission was held in the Council Chamber and telecast on Local Government Cable Channel 16.

1. CALL TO ORDER

Frazier called the Planning Commission meeting to order at 7:00 p.m.

2. ROLL CALL

Pradeep Bhat-Here; Ken Brittain-Here; Jessica Fisher-Here; Evan Frazier-Here; Eric Knable-Absent; Derek Rasmussen-Here; Emily Stephens-Here.

Members Absent: Eric Knable

Staff Present: Emily Schmitz, Community Development Director; Riley Rooney, Associate Planner; Tony Khambata, City Council Liaison

3. APPROVAL OF AGENDA

Fisher made a motion to approve the agenda. Stephens seconded. The motion was approved unanimously (6-to-0 vote).

4. OPEN FORUM

Frazier opened the Open Forum and asked if anyone wished to address the Planning Commission on any non-agenda item. No one spoke. Frazier closed the Open Forum.

5. CHAIR'S EXPLANATION OF THE PUBLIC HEARING PROCESS

Frazier explained the purpose of the Planning Commission, which serves in an advisory capacity to the City Council, and that 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 go to the podium and state their full name and address for the public record.

6. PUBLIC HEARINGS AND APPLICATIONS

A. Brockman ICUP Extension - Case ICUP2024-025

Brockman Land, LLC has applied for an extension to the Interim Conditional Use Permit (Resolution 2015-085) at 10870 Ideal Avenue South to allow for the continuance of existing site operations until such time any adjacent property use is proposed which aligns with the guided land use in the Comprehensive Plan.

Recommendation: The Planning Commission recommend that the City Council extend the Interim Conditional Use Permit (ICUP) at 10870 Ideal Avenue South to allow for the continuance of existing site operations until such time any adjacent property use is proposed, which aligns with the guided Land Use in the Comprehensive Plan.

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

Frazier asked if there were any questions for staff.

Frazier said the last ICUP, then, was a 10-year grant; is there a reason why this one is not a term limited and rather is just based on whenever development happens on a different plot? Rooney replied we wanted to just ensure that at that time it does expire, it makes sense to do so. If we were to set another 10-year period, let's say those properties aren't ready at that time either, then we'd kind of be going through the work all over again, not necessarily that that's bad, but the idea is that once those properties are ready, it's good to go. I don't know if Schmitz has anything to add off of that. Frazier said I guess my thought and my concern in going over the packet was is a grant of an ICUP with an indeterminate time period is kind of defeating the purpose of an ICUP, because it's supposed to be a time limited, very limited ability to use the property that we should be able to review fairly often. But does it also then make it more difficult for the surrounding properties to develop because this use is ongoing? Rooney replied I don't know if Schmitz wants to touch on that a little more because she has some background, I think. Schmitz replied you can certainly add a condition that does include a sunset date, perhaps it's 10 years again, and we can revisit it in front of the Planning Commission and City Council. However, leaving it at such time the area redevelops, it helps it kind of all redevelop together, for lack of a better way to put it. So, we can certainly add a sunset date as opposed to leaving it open-ended; it's up to you as the Planning Commission. Frazier said okay, I just didn't know if there were thoughts on if my concern is well founded, or if staff said no, we thought about that and we're not concerned about it, so, all right.

Brittain said so, if I remember correctly, a time for termination is normal, but is it also just a normal implementation of the ICUP to have a triggering condition, such as when the land develops? And is that typically the two things, or are there more options? Schmitz replied an ICUP is intended to be limited to whether it's a timeframe, whether it's a triggering event, whatever that might look like. To Rooney's point in her presentation, a Conditional Use Permit (CUP) runs with the land, and we have no ability to kind of revoke that right. So, that ICUP allows us to put that condition on there for it to end at such time we see the area start to redevelop. Brittain said okay, thank you.

Stephens asked what's the definition of the other properties being ready to develop? Because as I understand, people can be ready to develop, and things can come and go, and it can go on forever. So, how are you like navigating the concrete when are they ready to develop; what does that mean? Rooney replied that's a good question. Our definition would essentially be at such time that any of those properties were to sell and be sold to a developer to then, in turn, create residential development; that would trigger that finalization of the ICUP should you approve that this evening and it be approved by the City Council as well. Stephens asked so, is it the sale, or putting it up for sale; like, is there a specific? Rooney replied the specific is probably it. Schmitz stated ultimately, we want the trigger to be for sale or a planning application, which would align those properties with our current guided Land Use, so, R-3 residential. So, at such time we receive a planning application for that area to redevelop in that manner would be the trigger. Stephens said okay, thank you.

Frazier said so the language in Condition #5 in the Recommendation talks about a surrounding use terminating and then the parcel being proposed to be in compliance with the legal conformity; so, that's the actual legal language that would go in, but Planning staff would interpret that as someone who has put the property up for sale to a development or its actually been sold to a developer. Rooney replied that is correct.

Fisher asked so once an adjacent property does sell, what kind of notice do you have to give the owner of this property we're talking about? Do you say hey, we're done, your ICUP is gone; I mean, is there some sort of, like do they have a year to? I don't know, I guess I feel like, okay, so something adjacent goes, then what? Brittain told Fisher it says right here; Fisher said, oh, 90 days, I don't know how I missed that. Rooney said it's a good question to clarify, not to worry.

Khambata said I don't normally interject, but I've got one quick question regarding the 2050 Comprehensive Plan that we're going to start working on here. So, if the Land Use in the Comprehensive Plan changes when we adopt the 2050 Comprehensive Plan, how does that affect the landowners approval? So, say the Planning Commission were to change the guided Land Use in the Comprehensive Plan as a whole, how would this apply to the updated Land Use guidance? Schmitz replied we would need to revisit. I don't anticipate the 2050 Comprehensive Plan will address the Land Use guidance for this particular area; recognizing that it certainly could, we would have to revisit what that redevelopment looks like.

Bhat said I have two questions. What's on the north side of this site? What's that currently? Rooney asked the other side or just either north and south? Bhat replied just north of this property. Rooney replied so, just south is the junkyard, and north I believe

is Rumpca Excavating, so it's currently an excavating company. Bhat asked, so, when we say adjacent property, does it have to be those two properties or it can be across the street, too? Rooney replied I guess this is residential already, so here, here, and then the property across the street has already been developed; this is our Public Works building and then the Low-Zone Water Treatment Plant is down here. So, it'd just be these adjacent properties to the north and south. Bhat said okay, thank you.

Brittain asked how would that happen if you had to revisit it with the underlying zoning changing? What's the process versus maybe changing some of this terminology to somehow reference the Comprehensive Plan? Schmitz replied I would anticipate if the underlying Land Use were to adjust, it would adjust perhaps more to an industrial use, right? Just using my planning brain and thinking okay, we've got the Business Park, that would only be the likely other option; and if that is the case, the use then actually more aligns with an Industrial District type use. Therefore, the use would continue on as is, there wouldn't necessarily need to be that trigger to adjust.

Frazier said again, we're kind of going down the rabbit hole over here, but this is probably a little speculative; you said highly unlikely, it would change more towards an industrial. I think I would agree with that probably just because there are residential nearby, and I know you guys as planners don't like putting industrial next to residential. I think there's also a higher vote that Council has to meet in order to change a property from Residential to Industrial, so it's unlikely to say that this would change that far in the 2050 Comprehensive Plan. Schmitz said it certainly could, but again, from a planning perspective, we do like to try and have a little bit of those buffers in between kind of those longstanding residential uses and new development.

Frazier said, actually, I will ask one more question. If I was going to push you and say I really want years on here, instead of another triggering condition, would staff recommend another 10-year period? Rooney replied I would say 10 years, I think, is more than sufficient; if you wanted to put a timeline on it, that is something that we would add to the end of the Recommendation to bring forward to City Council, if that's something you're interested in. Frazier said thank you.

Brittain said if that were something that was desirable by the group, would it be possible to have a whichever happens first? Where if the residential development happens, boom, you're done, or in 10 years, we're going to revisit it and we can see what's changed? Schmitz replied your motion this evening can certainly include an amendment to that condition to do whichever happens first.

Frazier asked if there were any further questions for staff; none were asked. He asked if the applicant would like to approach and add anything additional.

Tim Brockman, from Brockman Land, said I really don't have anything more to add. I think what she said was what we are looking for, just a way to stay in there. It doesn't make sense for us to sell one small area, but when everybody else develops, we're more than willing. We know how that works, so, we'll be willing to move on then; and a 10-year extension, that would be sufficient. So, thank you for your time.

Frazier asked if there were any questions for the applicant, none were asked. Frazier told Brockman thank you very much for being here.

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

Frazier asked if there was any further discussion by the commission.

Rasmussen said I think I agree with your timeline, a 10-year sunset period just seems like it gives it a definite end. If this is going to develop, and we're sure the north and south will develop with it, probably as one. So, I'm pretty comfortable with how it's written with the sale of the property or 10 years, whichever comes first. I like that.

Frazier said yeah, and that was kind of my thought coming in, so I'm glad Brittain asked that question, just to be definite, that we could do that, but I think it's worthwhile being able to come back and review this in a time period certain. If it doesn't, then they can continue to exist, but then it also gives us the out to end it early if those properties start to develop; and it makes sense to be a residential area instead of us having to stay with the 10 years. So, I think the suggestion that we do either a development or a 10-year period, whichever occurs first, I think is something that should be appropriate here.

Brittain made a motion to approve the Interim Conditional Use Permit (ICUP) extension, subject to the conditions stipulated in the staff report, with the addition that the ICUP will either terminate at the 10-year mark, or when the adjacent properties develop, whichever occurs first. Fisher seconded. Motion passed unanimously (6-to-0 vote).

7. APPROVAL OF PLANNING COMMISSION MINUTES OF NOVEMBER 25, 2024

Brittain made a motion to approve the minutes of the November 25, 2024, Planning Commission meeting. Bhat seconded. Motion passed unanimously (6-to-0 vote).

8. REPORTS

A. RECAP OF DECEMBER CITY COUNCIL MEETING

Schmitz stated given our early meeting this month, we've only got one Council Meeting to recap, on December 4, 2024; she provided a summary of actions from that meeting.

Schmitz said with that, I will pass it over to Council Member Khambata.

Khambata said this will be my last as Council Liaison to the Planning Commission, so I want to take this opportunity to again share my appreciation with all of you for the time that you devote to this. I know it's not easy work, especially when we have big, thick packets, it's sometimes hard to see the value in what you do; but especially coming from the Planning Commission and being on the Council, the work that you guys do is invaluable to the City, so thank you. And I wish we had more short meetings like this. I'll be continuing on in some form or capacity with the City, but not on City Council, starting in January. So, I hope to see you guys around, and I'll make myself available for any questions if you have any for me.

Frazier said thank you; are there any questions for Council Member Khambata? None were asked.

Frazier said, Tony, I'll return the thanks to you. I know we started together on the Planning Commission, and I know you always worked very hard in this position, in this role, just as a member and then as Chair. I know with moving up to the City Council, I know you've always had the City in mind, in doing what's best. So, thank you for all of your work for the City as well. Khambata said thank you.

B. RESPONSE TO PLANNING COMMISSION INQUIRIES

Frazier said I think we had one at the last meeting that we had answered at the meeting.

C. PLANNING COMMISSION REQUESTS

Frazier said I just have one; so, the Preserve.Play.Prospers, that plan obviously was not agreed to by the voters in the November election. I thought Dockter, when he did the presentation to us, said that the CIP may change, depending on the results of that referendum. Is that something that we're going to see within the next couple months, an amendment to that, or do you know a timeline? Schmitz replied I anticipate early in the year, in 2025, we'll revisit what that CIP looks like; those funding opportunities changed, obviously, with that Preserve.Play.Prospers referendum not passing.

9. ADJOURNMENT

Rasmussen made a motion to adjourn the meeting. Stephens seconded. Motion passed unanimously (6-to-0 vote). The meeting was adjourned at 7:25 p.m.