



# PLANNING STAFF REPORT

**MEMO DATE:** February 5, 2018  
**MTG. DATE:** **PLAN COMMISSION - FEBRUARY 14, 2018**  
**ARCHITECTURAL REVIEW COMMITTEE – FEBRUARY 12, 2018**

**TO:** Village of Cottage Grove Board of Trustees  
Village of Cottage Grove Architectural Review Committee

**CC:** Matt Giese – Village Administrator  
Lisa Kalata – Village Clerk  
Lee Boushea – Village Attorney  
Michael Maloney – Village Engineer

**FROM:** [Erin Ruth, AICP – Village Planning Director](#)

**RE:** **Jimmy John's - Certified Survey Map, Conditional Use Permit, & Site Plan**

## BACKGROUND

Property Owner: Village of Cottage Grove (to be sold to JSB Ventures, LLC)

Location: 1579 Landmark Drive

Area: Request to create 0.785 acre parcel from existing 6.4 acre parcel

Agent: Brad Koning – Sketchworks Architecture

Existing Zoning: Planned Business

Proposed Zoning: Planned Business

Future Land Use Plan: Planned Business

## OVERVIEW

The Village is seeking approval of a certified survey map (CSM) to divide a 0.785 acre parcel from an existing 6.4 acre parcel (#071104120451) to facilitate the sale of the new parcel to JSB Ventures, LLC for the construction of a Jimmy John's restaurant franchise. In addition, JSB Ventures is seeking site plan approval and approval of a conditional use permit (CUP) for the drive-through component of the restaurant.



The proposed restaurant is a one-story, 1,450 square foot facility. The proposed hours of operation are 10:00 a.m. to 10:00 p.m.

## **STAFF RECOMMENDATIONS**

- A. Staff recommends that the proposed Certified Survey Map be **APPROVED WITH CONDITIONS**, with the conditions as follows:
1. The Architectural Review Committee grants an exception to the one acre minimum lot size requirement in the Commerce Park Covenants, to maximize efficiency and flexibility in the division of the remainder of the parcel.
- B. Staff recommends that the proposed Site Plan application be **APPROVED WITH CONDITIONS**, with the conditions as follows:
1. Eliminate parallel parking spaces along southern side of parking lot. Shift the curb 9' to the north (maintaining the 24' wide drive aisle) to increase the amount of green space and decrease the amount of impervious surface.
  2. Reduce the width of the easternmost drive aisle from 28' to 24' by shifting the parking spaces and curb west by 4', thus providing additional green space and reducing the amount of impervious surface.
  3. Eliminate the linden tree shown near the northeast corner of the building (per ordinance, climax trees such as the linden do not count toward building foundation landscaping requirements), and replace with two medium deciduous trees (for example two additional crab trees to match the one already proposed on the north side of the building).
  4. Relocate the four crab trees proposed for the north side of the driveway. Place two adjacent to the eastern edge of the parking lot, and two in the green space south of the drive-through lanes to better screen the lanes and parking lot.
  5. Install a Knox Box on the building for emergency access.
  6. Provide a fire protection rated sprinkler system and standpipe as required by the Commerce Park Covenants.
  7. A sign permit will be required for all signage on the property.
  8. Applicant to confirm that roof top units are not visible above cornice.
- C. Staff recommends that the proposed Conditional Use Permit be **APPROVED**.

## **COMPREHENSIVE PLAN CONSISTENCY**

The subject property is designated as Planned Business on the Comprehensive Plan's Future Land Use Map.

The proposed site plan is generally consistent with the policies within the Comprehensive Plan, and the building design exemplifies the Land Use chapter's recommendations for façade articulation and high aesthetic quality along the Highway N corridor.



## ZONING ORDINANCE CONSISTENCY

The parcel is currently zoned PB, Planned Business. This zoning designation will remain, applied to both parcels following the approval and recording of the CSM.

Planned Business zoning regulations are found in 325-40(B) of the Zoning Ordinance. The proposed restaurant land use is 'indoor commercial entertainment.' Per a 2015 ordinance amendment, an 'indoor commercial entertainment' land use is permitted by right in the PB district as long as the property is not adjacent to a residential land use and the business does not have a liquor license. Therefore, the proposed use is permitted by right. The drive-through component of the restaurant is considered an accessory 'in-vehicle sales and service' land use, which is permitted as a conditional use in the PB district. Therefore a conditional use permit (CUP) is required to operate the drive-through.

The proposed site plan meets the intensity requirements per 325-40(B)(7)(a). It meets the requirements for maximum number of floors (up to four allowed, one proposed), minimum landscape surface ratio (min. 25% required, 26.3% proposed), maximum floor area ratio (up to 0.3 allowed, 0.04 proposed), and minimum lot area (min. 6,000 sq. ft. required, 34,182 sq. ft. provided).

The proposed site plan meets the bulk requirements per 325-40(B)(7)(b). It meets the requirements for minimum lot width (min. 60' required, proposed width is 104'), minimum street frontage (min. 50' required, 104' proposed on Highway N frontage), and all setback requirements. Furthermore, the proposed site plan meets the requirements for paved surface setbacks (5' allowed and proposed), and maximum building height (35' allowed, 20'-2" proposed).

Per 325-49(D)(8)(b), an 'indoor commercial entertainment' land use requires 1 parking space for every 3 occupants at maximum capacity. Per the submittal, the maximum capacity is 45 including patrons and employees. Therefore, a minimum 15 parking spaces are required. The site plan proposes 25 parking spaces on the parcel. Four of the spaces are parallel parking spaces located along the southern edge of the parking lot. Given that the parallel parking configuration is unexpected within the parking lot, and the spaces are extraneous, staff recommends that the parallel spaces are eliminated with the curb pulled out along the nine foot width of the spaces thus decreasing the amount of impervious surface on the site.

Table 325-75(G)(1) describes parking layout dimensions for parking lot components. Per the table, for a 90 degree parking stall the adjacent aisle shall be a minimum of 24' wide. The proposed site plan provides a 28' wide aisle on the eastern side of the parking lot, while all other aisles in the plan are 24'. In the interest of decreasing impervious surfaces, staff recommends reducing the aisle width at this location to 24' by shifting the parking spaces 4' to the west and increasing adjacent green space.



Per 325-76(A), a minimum distance of 12' is required between commercial driveway openings. The distance between the proposed driveway and the Culver's driveway is 13' measured from the inside of the curb/edge of asphalt of the driveways.

Table 325-59 shows landscaping requirements (in numbers of landscaping points) for various landscaping categories for each zoning district. In the PB district, building foundations require 40 points per 100 linear feet of building foundation. The site plan proposes 170 linear feet of building foundation which requires a minimum of 68 landscaping points. The landscaping plan proposes 113 points. However, the proposed site plan uses one climax tree to meet the requirement. Climax trees are not permitted to account for building foundation points. Staff recommends eliminating the proposed linden tree located just east of the building, and instead installing two medium deciduous trees (such as crab trees to match the other crab proposed to be located north of the building) totaling 30 points.

The proposed landscaping plan meets or exceeds the other landscaping point requirements for street frontage, paved areas, and developed lots. However, staff recommends reallocating the four crab trees shown on the north side of the driveway to the eastern side of the parking lot and south of the drive-through to better screen the lot and drive-through lanes.

## **CONSISTENCY WITH CONDITIONAL USE CRITERIA**

When granting a conditional use permit, the Village must verify that the proposed use meets the criteria outlined in 325-111(D)(2)(a) to (f) of the Zoning Ordinance, as follows:

- a) *The proposed use conditional use (in general, independent of its location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Plan, this chapter, and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the Village.*

The use is consistent as described above.

- b) *The proposed use (in its specific location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Plan, this chapter, and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the Village.*

The use is consistent as described above.

- c) *The proposed use, in its proposed location and as depicted on the required site plan, does not result in substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property rights of way or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village.*



There is ample stacking distance and parking on site to prevent vehicles backing into the street. No other adverse impacts are anticipated.

- d) *The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.*

The proposed use maintains the desired consistency of land use, intensity, and impacts.

- e) *The proposed conditional use is located in an area that will be adequately served by, and will not impose and undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.*

The full range of public services are already present at the site. The proposed use should place no undue burden on services and utilities.

- f) *The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, as identified in a through e above, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

As described above, potential negative impacts are expected to be minimal. Restaurants have been identified by survey and by market analysis as a desired use in the community. Dining options have also been specifically identified by employees in the Commerce Park as a need.

## **CONSISTENCY WITH COMMERCE PARK COVENANTS**

Per Article II(B), the proposed restaurant land use is permitted by the covenants.

Per Article III(G), "no lot shall be less than one acre." The proposed certified survey map creates a parcel that is less than one acre. Staff recommends granting an exception to this requirement, and the Village Attorney has verified that the ARC has the authority to grant such an exception. To meet the one acre minimum the parcel would essentially need to be squared off, or approximately the same width all through the parcel. This would result in an inefficient use of space, either as excess parking that would be underutilized or as vacant space. That configuration would also detract from the Village's flexibility in dividing the remainder of the parcel.

Also per Article III(G), all projects shall "meet the minimum tax revenue increment." Assuming that assessed values for the project will be comparable to the per square foot land and improvement assessed value at Culver's, the Jimmy John's project would meet the minimum tax revenue increment.

Article IV(II)(3) states that "all electrical and air conditioning structures shall be concealed by landscaping or materials used in the facades of the main building." There is a range of 4'-5"



to 5'-5" from the top of the roof to the top of the cornice. That should be adequate to conceal the roof top units, but the applicant shall verify the height and location of the units.