CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
AUGUST 16, 2017

1. CALL TO ORDER

The City of Apple Valley Planning Commission meeting was called to order by Chair Melander at 7:00 p.m.

Members Present: Tom Melander, Ken Alwin, Tim Burke, Jodi Kurtz and Paul Scanlan

Members Absent: Keith Diekmann and David Schindler

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Engineer Brandon Anderson, Planner Kathy Bodmer, Planner/Economic Development Specialist Alex Sharpe and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Chair Melander asked if there were any changes to the agenda. Hearing none he called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 5 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of July 19, 2017. Ayes - 4 - Nays - 0. Abstained – 1 (Burke)

4. PUBLIC HEARINGS

A. Pasha Driveway Interim Use Permit for a Secondary Access - PC17-23-I

Chair Melander opened the public hearing at 7:02 p.m.

Planner/Economic Development Specialist Alex Sharpe stated the request is for an interim use permit for a second driveway not leading to a garage at 13199 Galleria Place. The purpose of the driveway is to provide direct access to the basement level of the home for an impaired family member.

The applicant is doing so to allow a family member to continue to reside in the residence after suffering a debilitating stroke which left him unable to walk or traverse stairways. The driveway will allow access to the basement level of the home, which includes a full bathroom, and is being converted to meet the necessary needs.

The applicants have agreed to all the conditions listed, and seek to install this driveway as early as possible. The total driveway length would be approximately 42 feet long to the property line, 55

feet long to the street, and 12 feet wide. Staff worked with the applicant to shift the driveway to provide distance and protection from the load bearing beam of the 4 season porch, and the home's air conditioner.

City staff and the City Attorney determined the best process for this temporary driveway was an Interim Use Permit, rather than a variance. The primary reason for this is due to the nature of the variance being unique to the property. A secondary reason is due to the fact that variances cannot be temporary in nature, whereas an Interim Use Permit often carries a time-frame associated with the use.

Commissioner Alwin inquired if the driveway was bituminous or concrete.

Mr. Sharpe answered it is proposed to be a concrete driveway and that gravel driveways are not permitted.

Commissioner Scanlan asked what mechanism was in place to trigger the 5 years mark as far as renewal would go.

Mr. Sharpe said the applicant would need to approach the City because an IUP has an ending date and would become invalid. At that time the City would check to see if the driveway was being removed or not. The City would allow for them to renew at that time. There are very few permits in the City and the few that there are, staff is able to check on and set a trigger.

Commissioner Scanlan asked if in the event of the house being sold that by filing something with Dakota County that a notation be recorded there so the buyer recognizes that the driveway would need to be removed prior to a sale. He inquired if something like that needs to be done.

Attorney Sharon Hills commented that the City has the ability but an interim use permit does not run with the land. It is to this applicant and in the event of sale, a title company would check with the City if there are outstanding issues.

Commissioner Kurtz inquired if the neighbors had been notified and if they were, what was their feedback.

Mr. Sharpe replied that residents within 350 feet of the subject property had been notified by letter and as of this date he had not received any notification of concerns.

Mrs. Pasha said she seeks access as soon as possible to transport her husband to therapy and doctor appointments.

Neighbor to the north commented he would like this approved for where the driveway is shown.

Chair Melander closed the public hearing at 7:12 p.m.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, recommending approval of an interim use permit (IUP) for a second driveway not leading to a garage at 13199 Galleria Place with the following conditions:

1. Vehicles shall not be stored, or parked on the driveway. The driveway shall only be utilized as a loading/unloading zone.
2. The driveway shall be temporary, and shall be removed prior to the sale of the home by the Pasha family or within 5 years of the date of approval if a renewal is not sought.
3. The driveway shall be constructed in a way that is generally consistent with the site plan dated August 10, 2017.

Ayes - 5 - Nays – 0

5. LAND USE/ACTION ITEMS

A. Ryan Real Estate Redevelopment - PC17-09-ZCB
   1. Zoning Amendments to PD-290, to Allow Drive-thru Lane in Connection with a Class I Restaurant, Reduced Building and Parking Setbacks, Increased Building Height, Signs Painted on Building, and Sign Above Building Roofline
   2. Conditional Use Permit for Drive-Thru Facility
   3. Site Plan Review/Building Permit Authorization to Construct a 9,000 sq. ft. Restaurant

Location: 14750 Cedar Ave (Southeast corner Cedar Ave & 147th St)
Petitioner: Launch Properties and Ryan Real Estate

Planner Kathy Bodmer stated Launch Properties and Ryan Real Estate request consideration of an application for the redevelopment of the Ryan Real Estate building at 14750 Cedar Ave (Lot 1, Block 2 Apple Valley Commercial Addition). The proposed development would demolish the existing multiple-tenant office building and replace it with a 9,000 sq. ft. Class I Casual restaurant with two drive-thru lanes.

She reviewed the site plan, zoning amendments requested, easements and setbacks, building design and dumpster placement as well as traffic impacts on area intersections. She reviewed the public hearing comments.

City Engineer Brandon Anderson addressed the traffic study and concerns related to a roundabout.

Ms. Bodmer summarized issues and stated that the City was informed today about another piece to the operation of a temporary outdoor cooler being added to the site plan. She said there are a number of unresolved issues and requested no formal action be taken tonight.

Chair Melander inquired what this cooler is for.

Ms. Bodmer answered it is an 8 ft. x 20 ft. x 8 ft. tall box that is refrigerated and provides additional storage for cold goods. The coolers are used at other restaurant locations and provide for mail orders.

Commissioner Alwin asked if the cooler would be consuming parking spaces.

Ms. Bodmer answered no.

Commissioner Alwin asked how the westbound traffic on 147th Street at the Cedar Marketplace would be impacted.

Mr. Anderson answered that the access into Cedar Marketplace was looked at and the medians proposed would prohibit access out of it or into it unless a right turn.

Commissioner Scanlan inquired if there had been any feedback from the commercial properties to the north.

Ms. Bodmer said staff met with the properties owners and that they are not in favor of the traffic plan proposed.

Commissioner Scanlan asked if there is something that needs to be done on their part like promote going out the back side of their lot to get over to Glazier to improve flow out of there.

Ms. Bodmer replied she would think that as a business owner they would want to make it convenient for their patrons. There would not be a requirement but she thinks they would want to make it easy for their customers.

Commissioner Scanlan asked if there had been any feedback from the Fire Department as far as getting in and out. He said he had an opportunity to visit the Woodbury location and thought the parking lot was pretty tight and then was visualizing the same thing here in Apple Valley.

Ms. Bodmer answered that the Fire Department had reviewed it and there had not been any negative comments from them. Part of the analysis would be a truck turn analysis that was submitted to engineering and that had been reviewed.

Commissioner Scanlan expressed concern for the narrowing of the sidewalk in front of the outside eating area.

Ms. Bodmer said the requirement would be a minimum of 5 feet and it would need to be looked at to confirm.

Will Matzek, Engineer with Kimley-Horn and Associates, said the 5' sidewalk has been addressed and they made adjustments to the site plan. Related to plantings at the site and along Cedar Avenue, they will work with staff to have an attractive site. They are working with Dakota County on the easements and are confident they will find a solution that works for everyone.

Dan Regan, Launch Properties, added they want to accommodate all employees and customers with available parking. They have the framework for a parking license agreement with Commons I but that they do not have a signed agreement at this time. It would be contingent with Portillo's opening up next summer.

Mr. Matzek explained that for the temporary cooler their proposal would be to extend the north wall on the trash enclosure to screen the cooler from 147th Street and also some additional landscaping. The cooler would be used during peak times like 30 days for the grand opening timeframe and then again on a yearly basis during the holidays for a 30 day temporary window. The cooler is portable, would be delivered to the site and used for their catering purposes during those peak times.

Community Development Director Bruce Nordquist asked for an explanation of how the cooler would be used. Is it only used for storage or does it have lights and power and actually packing shipping containers out in the cooler.

Wendy Hunter, Portillo's, answered that the unit is brought in on a truck, plugged in and placed. The unit is used for storage only. During the holidays they do a lot of shipping of Italian beef that can be sent right to your home. They do a lot of catering from the unit itself. There is an interior light. Other than that it is basically a portable cooler.

Commissioner Scanlan asked if they could provide some photos from existing locations where the cooler is being used to give a better understanding of what that might look like.

Commissioner Kurtz asked if the cooler handles the cold temperatures in Minnesota.

Ms. Hunter answered yes.

Commissioner Kurtz inquired on the landscaping and asked if they had thought about putting a couple benches between the trees or open areas.

Mr. Matzek replied that they would be open to that if that was the direction staff wanted to go. They would be willing to come to a solution.

Chair Melander added that there could be landscaping pots rather than the trees.

Commissioner Scanlan identified he did not see any bike racks in the plan.

Ms. Bodmer said that should be added.

Chair Melander commented that artistic on the trash enclosure would be a nice feature.

6. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, September 6, 2017, at 7:00 p.m.

7. ADJOURNMENT

Hearing no further comments from the Planning Staff or Planning Commission, Chair Melander asked for a motion to adjourn.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:00 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on _____.

_____
Tom Melander, Chair