CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
NOVEMBER 1, 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, Keith Diekmann, Jodi Kurtz, Paul Scanlan and David Schindler.

Members Absent:

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Engineer Brandon Anderson, City Planner Tom Lovelace, 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.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, moving item 5B – Beckman Solar Ground Mounted System Variance from the regular agenda to the consent agenda. Ayes - 6 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, approving the agenda as amended. Ayes - 6 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, approving the minutes of the meeting of October 18, 2017. Ayes - 6 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, recommending approval of Valley Oaks Estates 10' Front Yard Setback Variance for two lots at 13715 Grafton Court and 13710 Grafton Court. Ayes - 6 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, recommending approval of Beckman Solar Ground Mounted System Variance at 4675 120th Street W. Ayes - 6 - Nays - 0.

4. PUBLIC HEARINGS

None

5. LAND USE/ACTION ITEMS

Commissioner Diekmann arrived at 7:03 p.m.

A. Cobblestone Lake South Shore 9th Addition - PC17-19-SF and PC17-29-ZB

City Planner Tom Lovelace stated Hempel Companies and South Shore Development, Inc. are requesting the following:

1. A planned development ordinance amendment to allow for more than one drive-through lane in conjunction with a Class II restaurant in Planned Development Ordinance No. 703/Zone 6.
2. Approval of the subdivision of Outlot A, Cobblestone Lake South Shore 4th Addition into Cobblestone Lake South Shore 9th Addition, which will contain two lots.
3. Site plan/building permit authorization to allow for construction of an 8,148-sq. ft. retail building on a 1.26 -acre Lot 1, Block 1, Cobblestone Lake South Shore 9th Addition.

The 1.97-acre outlot is located at the southeast corner of 157th Street West and Emperor Avenue. Adjacent uses include a municipal liquor store to the West, multi-tenant retail building to the north, the Orchard Path continuum of care facility to the east and the Cobblestone Square senior apartment building to the south. All the adjacent uses are designated "C" (Commercial) on the City's 2030 Comprehensive Land Use Map and "PD-703/zone 6" (Planned Development) on the City's zoning map.

The applicant is proposing to subdivide the existing 1.97-acre outlot into two lots. Lot 1 will be 1.26 acres and 216 feet wide and Lot 2 will be .71 acres with a lot width of 121.5 feet. Both lots exceed the minimum lot area and lot width requirements.

The applicant is proposing to construct an 8,148-sq. ft. multi-tenant retail building and 57 parking spaces on Lot 1, which will have a drive-through lane for a 2,007-sq. ft. restaurant that will wrap around the east and north sides of the building. "PD -703" currently allows only one drive-through window service in conjunction with a restaurant facility in the overall development, which currently exists for the Costa Vida restaurant in a multi-tenant retail building located at 15678 Pilot Knob Road. An amendment to the planned development ordinance to allow for a second drive-through window will be necessary.

The City's consultant recommended that the driveway proposed along 158th Street West from Lot 2 to the Emperor Avenue intersection should be eliminated. It is recommended that the proposed access off 158th Street West will need to move farther east, which will likely require careful siting of the building on that lot.

Discussion followed.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of an ordinance amendment to allow for a second drive-through window in conjunction with Class II restaurant in "PD-703/zone 6". Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the Cobblestone Lake South Shore 9th Addition preliminary plat. Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the site plan building permit authorization to a allow for construction of a 8,148-sq. ft. retail building Lot 1, Block 1, Cobblestone Lake South Shore 9th Addition, subject to the following conditions:

- A cross access and parking easement to allow unrestricted access between the two lots in the Cobblestone Lake South Shore 9th Addition shall be recorded with the final plat.
- Installation of an onsite infiltration system shall be in conformance with City standards.
- An infiltration maintenance agreement shall be filed with the deeds of the two lots.
- Construction shall occur in conformance with the site plan dated October 20, 2017.
- The Emperor Avenue street striping shall be changed per the Engineer's recommendation contained in the memo dated October 26, 2017. The cost of the restriping of the street shall be the responsibility of the developer of Lot 1, Block 1, Cobblestone Lake South Shore 9th Addition.
- Construction occur in conformance with the building elevation plan dated August 23, 2017.
- Operation of the Class II restaurant and drive-through window service in the building shall be conducted in conformance with Section A28-2(G)(11)(a)(b)(c)(d) (e) of the City's zoning ordinance.
- Non-surmountable concrete curb and gutter shall be installed along each side of the drive-through lane.
- The driveway off Emperor Avenue be constructed in accordance with City standards.
- An agreement shall be filed with the deeds of the two lots that allows for access and maintenance of the shared storm sewer line.
- Onsite lighting shall be installed in accordance with City and Dakota Electric Association standards. A lighting plan shall be submitted for review and approval by City staff prior to issuance of a building permit.
- All sidewalks and pedestrian curb ramps shall be constructed in accordance with City, MnDOT, and ADA (American with Disabilities Act) standards.
- The sidewalk along the east side of Emperor Avenues shall be located flush with the west curb line of the parking lot.
- Construction shall occur in conformance with the landscape plan dated October 20, 2017, and in accordance with the requirements set forth in Section 144.349 and Article A28 (Planned Development 703) of the City's zoning ordinance.
- Additional landscaping and/or decorative screen walls that provides screening of the drive-through lane and softening of the parking lot from 157th Street

West shall be installed. Any landscape material used shall provide year round screening of the service lane and parking lot.

- Development and construction within the Cobblestone Lake South Shore 9th Addition shall adhere to all the items listed in the City Engineer's October 26, 2017, memo.

Ayes - 7 - Nays - 0.

C. Bigos Kelley Park Phase III – PC17-16-ZB

Planner Kathy Bodmer stated Bigos Management requests amendments to the planned development zoning district, PD-739, to allow construction of a 61-unit apartment building on Block 9 and 114-unit apartment building on Block 10, Legacy of Apple Valley North. The subject properties are located on the northeast and northwest corners of 153rd Street and Fresco Terrace, south of Kelley Park.

The petitioners have revised their plans submitted May 2017 by reducing the number of units in each of the buildings and the height of the building on Block 10. The proposed densities now match the maximum densities outlined in PD-739 and no longer exceed 48 units/acre. In addition, the building on Block 10 was revised so that it is four stories tall on the west end and three stories tall on the east end. The reduced height from five stories to three stories will help to make the building on Block 10 more compatible with the Orchard Pointe townhomes to the east and southeast and Legacy Square Townhomes to the south of the site.

Block 9 is located west of the landscaped boulevard of Fresco Terrace. Block 9 is currently zoned PD-739, Zone 2, which requires buildings with a mix of uses. Bigos Management plans to construct a four-story 61-unit apartment building with a 1,100 sq. ft. "live/work" space on the first floor that will provide office area, conference room, lounge and restrooms. The "live/work" space will be available to rent by residents and the public and, along with the apartment units, will meet the "mixed-use" requirements of Zone 2. The space is intended to support home-based and entrepreneurial businesses.

Block 10 is located east of Fresco Terrace and is currently comprised of two parcels. The lots will need to be replatted to a single lot for construction of the single building. The replat will be reviewed by the City Council in the future. The property is zoned PD -739, Zone 3, which allows townhouses, multiple family apartments, condominiums and assisted care facilities. The petitioners plan to construct the building with four stories on the west side and three stories on the east side. Earlier plans proposed a five-story building on this site, but the building was scaled back to better integrate the building with the townhomes and condominiums to the east and southeast of the site. A six story building would be permitted by the zoning district.

Ms. Bodmer reviewed the site plan, landscaping, grading and utility plans and addressed the public hearing concerns. She stated there are outstanding issues related to the project and staff is not ready to make a recommendation at this time.

Beth Kempel, Kaas Wilson Architects, Ted Bigos, Bigos Management, and Luke Hedberg, Bigos Management, provided additional information.

Discussion followed.

6. OTHER BUSINESS

A. Informal Work Sessions for the 2040 Comprehensive Plan

Planner Tom Lovelace stated staff is requesting that two informal work sessions be held in November to work on the draft 2040 Comprehensive Plan Update. The first session would be on November 15, 2017, at 7:00 p.m. and its purpose would be to discuss resiliency/sustainability elements of the Plan. The second informal work session would be held on November 29, 2017, at 7:00 p.m. The purpose of that meeting would be the review draft chapters of the Plan.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin approving November 15, 2017, at 7:00 p.m. and November 29, 2017, at 7:00 p.m. for informal Planning Commission work sessions. Ayes - 7 - Nays - 0.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next regular Planning Commission meeting would take place Wednesday, December 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 Schindler to adjourn the meeting at 8:25 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on _____.

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Tom Melander, Chair