CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JUNE 6, 2018

## 1. CALL TO ORDER

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

Members Present: Ken Alwin, Tim Burke, Jodi Kurtz, Paul Scanlan and David Schindler.

Members Absent: Keith Diekmann and Tom Melander.

Staff Present: City Attorney Sharon Hills, City Engineer Brandon Anderson, City Planner Tom Lovelace, Planner Kathy Bodmer, Planner/Economic Development Specialist Alex Sharpe, Civil Engineer Ahmed Omer and Department Assistant Joan Murphy.

## 2. APPROVAL OF AGENDA

Vice-Chair Burke asked if there were any changes to the agenda.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, moving item 5A – Appliance Smart Building Conditional Use Permit and Building Addition Site Plan/Building Permit Authorization – PC18-06-CB to the consent agenda. Ayes - 5 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, approving the agenda as amended. Ayes - 5 - Nays - 0.

## 3. CONSENT ITEMS

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, approving the minutes of the meeting of May 2, 2018. Ayes - 5 - Nays - 0.

Nelson Four Season Porch and Shed Setback Variances – PC18-11-V.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, recommending approval of a variance reducing the principal structure rear yard setback from 30' to 22' (8' variance) for a 224 sq. ft. four season porch addition, subject to all City Codes, and the following conditions:

1. The variance shall be applicable to Lot 6, Block 1, Pilot Knob Estates Third Addition.
2. If applicable, a Natural Resource Management Permit (NRMP) shall be obtained prior to any site disturbance including site grading.
3. Prior to issuance of the building permit, the existing shed which does not meet setback requirements shall be brought into compliance either through a granted variance or other means.

Ayes - 5 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, recommending approval of a variance on Lot 6, Block 1, Pilot Knob Estates Third Addition reducing the side yard setback for an existing accessory structure from 5' to 2' 6" (2' 6" variance) for a shed on the property, subject to the following conditions:

1. An encroachment agreement shall be obtained with the City stating that the shed will be removed if access to the easement is necessary or the shed shall be removed within one year of the approval of the variance.

Ayes - 5 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, recommending approval of a variance on Lot 6, Block 1, Pilot Knob Estates Third Addition reducing the rear yard setback for an existing accessory structure from 10' to 4' 6" (5' 6" variance) for a shed on the property, subject to the following conditions:

1. An encroachment agreement shall be obtained with the City stating that the shed will be removed if access to the easement is necessary or the shed shall be removed within one year of the approval of the variance.

Ayes - 5 - Nays - 0.

Item 5A moved to consent agenda: Appliance Smart Building Conditional Use Permit and Building Addition Site Plan/Building Permit Authorization – PC18-06-CB

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, recommending approval of a conditional use permit to allow for a 2,973-sq. ft. Class II restaurant with drive-through window service; subject to the following conditions:

- The Conditional Use Permit shall apply to property to be platted as Lot 2, Block 1, Apple Valley Retail 2nd Addition.
- Such operations shall be conducted in conformance with the site plan date stamped May 16, 2018, subject to the removal of the 23 parking spaces along the south side of the building.
- All the existing parking spaces in the north lot shall be re -striped prior to occupancy of the building addition.
- Landscaping in conformance with City Code requirements shall ne installed in all parking lot islands prior to occupancy of the building addition.

Ayes - 5 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, recommending approval of site plan/building permit authorization to allow for construction of a 7,087-sq. ft. addition to an existing 48,960-sq. ft. retail building located at 7370 153rd Street West subject to the following conditions:

- All mechanical equipment shall be screened in accordance with the City's zoning code.

- The trash enclosure shall have walls that are architecturally compatible with the exterior finish of the proposed addition.
- An existing storm sewer line that will be located under the building addition will need to be relocated to the satisfaction of the City.
- Approval and issuance of any permits shall be subject to meeting all the requirements set forth in the City Engineer's memo, dated June 1, 2018.

Ayes - 5 - Nays - 0.

## 4. PUBLIC HEARINGS

### A. Regency Centers Sign Conditional Use Permit Amendment – PC18-09-CV

Vice-Chair Burke opened the public hearing at 7:02 p.m.

Planner/Economic Development Specialist Alex Sharpe stated the existing signs do not meet several code standards, such as setbacks, height, and size and as they were existing signs, and received approval via a CUP in 1992 when variances were not required. The signs may predate code standards as the center was formerly an indoor mall in the early 1970's and are larger than code permits, but were permitted in 1992. The overall sign area is being reduced from approximately 329 sq. ft. to 267 sq. ft. This is being achieved by reducing the height from 32' 6" to 30' 7".

The property manager Regency Centers is updating the exterior of the center in the summer of 2018, and is making substantial site improvements. Elevations of the proposed renovations are included as part of the proposal. The applicant letter notes that they wish to update these signs so that they can be consistent with the other site improvements.

Vice-Chair Burke closed the public hearing at 7:08 p.m.

MOTION: Commissioner Alwin moved, seconded by Commissioner Kurtz, recommending approval of a Conditional Use Permit amendment for two major anchor signs at Apple Valley Square subject to the following conditions:

1. The signs proposed shall be consistent with the elevations, other than the face, and site plan date April 20, 2018, which detail the height, size, and general materials of the structure.
2. Per Resolution 1992-278, landscaping shall be provided around the signs, and maintained in proper health.
3. Per Resolution 1992-278, the signs shall remain in their existing locations.

Ayes - 5 - Nays - 0.

### B. Ryan Real Estate Redevelopment – PC18-13-ZCB

Vice-Chair Burke opened the public hearing at 7:09 p.m.

Planner Kathy Bodmer summarized the request by Launch Properties and CJ Ryan, LLC for consideration of an application for the redevelopment of the Ryan Real Estate property at 14750 Cedar Ave (Lot 1, Block 2 Apple Valley Commercial Addition) on the southeast corner of Cedar Ave and 147th Street W. The proposed development would include the demolition of the existing multiple-tenant office building and construction of an 11,000 sq. ft. multiple tenant building with two small restaurants, a coffee shop with a single drive-thru lane and a dental office.

The building is proposed to be situated in a north-south alignment parallel with Cedar Ave. The drive-thru lane is proposed to circulate around the north and west sides of the building in a counter clockwise direction with the pick up window on the south side of the building. The drive-thru lane provides adequate stacking space for queuing vehicles; a bypass lane is provided on the south side of the drive-thru. Functioning doors are located on the west side of the building which indicates rear deliveries are expected. Deliveries may conflict with the drive-thru lane if delivery vehicles must share the drive-thru lane to access the west side of the building.

The entrance to the businesses will be on the east side of the building with the rear of the building facing Cedar Ave. The petitioners have indicated that they intend to construct the building with 4-sided architecture in mind.

Ms. Bodmer reviewed the exterior building materials, driveway access and parking requirements. Amendments to PD-290, Zone 1, are also requested for reduced parking lot setbacks. The northeast quadrant of the County Road 42 and Cedar Avenue intersection is zoned Planned Development No. 290 (PD-290) which provides for an integrated mix of limited business and certain retail uses that support limited business uses. Within the PD, the property is zoned Zone 1 which allows limited business uses including professional offices, banks, clinics for human care, hospitals and nursing homes. A Class I restaurant and a dental clinic would be permitted uses in the zoning district. The PD would need to be amended to add Class III Neighborhood restaurants and drive-thru window service in connection with a Class III restaurant as a conditional use. Class III restaurants are less than 2,500 sq. ft. serving coffee, sandwiches, soups, baked goods and similar items that don't require the installation of a Type I ventilation hood (grease and smoke removing).

The previous development proposal for the Ryan Real Estate site revealed the need for a regional solution for the traffic issues at the 147th Street/Glazier and Cedar Ave/147th Street intersections. Street improvements include a future restricted right-in, right-out only access on 147th Street/ Glazier Ave intersection and construction of a roundabout east at the north alignment of Glazier Ave which will allow for protected u-turns from the site back to Cedar Ave.

Vice-Chair Burke referenced the staff report that some this is depending on improvements on 147$^{th}$ Street and asked which comes first, the development or the street improvements.

City Engineer Brandon Anderson answered that on the City Council agenda for June 14, will be an item to authorize City staff to start a feasibility study and start the design process on the public improvements. They would be treating the public improvements separate.

Vice-Chair Burke inquired if the parking could limit the number of seats in the restaurant.

Ms. Bodmer answered yes and on a case by case basis they would need to evaluate the number of seats and that outdoor seating could help.

Commissioner Scanlan expressed concern for the exit lane and made comparison to another recent development and that could make it work. He asked if there was concern for the trash enclosure being so close to the entry and exit when it would need to be serviced and would be blocking traffic flow. He questioned which would come first, the improvements on 147th Street or the new construction and how the left hand turns were going to be handled.

Ms. Bodmer answered it is her understanding that they would continue to go through the normal planning review process. Based on the timing, the developer and owner would be ready to go sooner than the public improvement project but could be running concurrent a little bit.

Mr. Anderson said there is an increase in traffic and there would be lengthening of turn lanes to address the stacking problems.

Peter Coyle, Larkin Hoffman, represented the owners of the property Mr. and Mrs. Ryan. He said this project is a lesser generator of traffic than the project a few months ago but it does generate more traffic.

Commissioner Scanlan said he had questions on the vehicle flow in the drive-thru.

Brian Wurdeman, Kimley Horn, said they would try to add buffer for drainage, still have adequate parking and plan to add signage for the drive-thru.

Vice-Chair Burke asked about the EFIS material and commented that there is too much of it.

Ben Patacheck, from the team, showed the materials board and said they can increase the amount of brick and decrease the EFIS.

Vice-Chair Burke asked for them to continue to work with staff.

Vice-Chair Burke closed the public hearing at 7:33 p.m.

**C. 2040 Comprehensive Plan Update**

Vice-Chair Burke opened the public hearing at 7:34 p.m.

City Planner Tom Lovelace stated all cities and counties within the seven-county Twin Cities Metropolitan Region are required to update their comprehensive plan every ten years. As required by the Minnesota Metropolitan Land Planning Act, each local jurisdiction's plan must fit within the regional goals set forth by the Metropolitan Council. The Council has established their regional goals in Thrive 2040, which is the vision for the region over the next 30 years. Thrive MSP 2040

sets the policy foundations for systems and policy plans developed by the Council, which include transportation, water resources, regional parks, and housing policy plans.

Upon completion of these policy plans, the Council prepares and distributes a system statement to each community and county in the region. This document addresses the implications of the metropolitan systems plans for each community in the region and is intended to help in the preparation or update of their comprehensive plan.

Each plan is required to contain a land use, transportation, water resources (water supply, water quality, and wastewater), parks and trails, and housing chapter and may contain an economic chapter. Drafts of the required chapters have been completed and are ready for review.

As was the case with the 2030 Comprehensive Plan Update, a draft economic chapter has been completed, which was reviewed by the City's Economic Development Authority at their May 24, 2018 meeting.

The primary focus of the 2040 Plan Update has been on updating facts and figures as the majority of the goals and policies set forth in the 2030 Plan remain relevant. The SRF Consulting Group was retained to be the lead consultant and has been responsible for the preparation of the required Land Use, Housing, and Transportation chapters; as well as Vision, and Community Context chapters. Separate consultants were retained to prepare the Water Resources and Parks and Active Living chapters.

The Planning Commission, acting as the steering committee for the project, met with the consultants on several occasions in 2017-18 to review and provide input on the Plan's chapters. During the past year the Parks and Recreation Advisory Committee discussed the Parks and Active Living chapter of the Plan at their meetings, and formal presentations of the chapter were given to the Committee by staff and Confluence, the consultant retained by the City to draft the chapter.

The consultant also attended the 2017 Home and Garden Expo, conducted an online survey, and met with several stakeholders such as DARTS, School District 196, Dakota County Community Development Agency, Apple Valley Chamber of Commerce, the Dakota County Transportation Division, and the Sustainability Alliance.

City staff attended this year's Home and Garden Expo and had Comp Plan information available for review by the attendees. And finally, two open houses were held on April 30 and May 7 at the City Council chambers where the public had an opportunity to review and discuss with staff the proposed update.

On May 24, 2018, Staff presented a draft Economic Development chapter to the City's Economic Development Authority and the City Council authorized the distribution of the draft plan to adjacent cities, Dakota County, school districts and state agencies for their review. These affected jurisdictions have up to six months to review and comment on the City's Plan.

Staff will make the appropriate changes from the comments received from those jurisdictions and public and submit the final Plan to the Metropolitan Council by December 31, 2018.

Rita Ulrich, 12444 Pilot Knob Rd, said she has an environmental and planning background. She would like provisions for wildlife and creative habitat with more native plant gardens introduced into the 2040 Comprehensive Plan.

Sharon Mason, 13646 Hannibal Circle, said she is an advocate for housing at the state level and now at the local level. She wants Apple Valley to be a welcoming community. She feels there are lots of needs out there in the community where some residents may be very close to poverty. She believes there should be plans for those at the lowest income levels. She expressed concern for developers that can purchase property, upgrade and improve and then the residents receive a 30, 60 or 90 day notice. She would like to see a plan to retain those units and incorporate protection for those low income people or help in the transition. She added Apple Valley should be a welcoming community and a desirable community.

Vice-Chair Burke closed the public hearing at 8:30 p.m.

## 5. LAND USE/ACTION ITEMS

- NONE -

## 6. OTHER BUSINESS

### A. Review of upcoming schedule and other updates.

City Planner Tom Lovelace stated that the next regular Planning Commission meeting would take place Wednesday, June 20, 2018, at 7:00 p.m.

## 7. ADJOURNMENT

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

MOTION: Commissioner Schindler moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:31 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant
Approved by the Apple Valley Planning Commission
on _____.

_____
Tim Burke, Vice-Chair