CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JUNE 20, 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, Keith Diekmann, Jodi Kurtz, Paul Scanlan and David Schindler.

Members Absent: Tom Melander.

Staff Present: City Attorney Sharon Hills, City Engineer Brandon Anderson, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer 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 Diekmann, approving the agenda. Ayes - 5 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Scanlan moved, seconded by Commissioner Alwin, approving the minutes of the meeting of June 6, 2018. Ayes - 4 - Nays - 0. Abstained – 1 (Diekmann)

4. PUBLIC HEARINGS

- NONE -

5. LAND USE/ACTION ITEMS

A. Grier Garage Variance – PC18-15-V

Commissioner Schindler arrived at 7:02 p.m.

Planner Kathy Bodmer stated the applicant is requesting a variance at 216 Edgewood Lane to reduce the front yard setback from 30' to 17' (10' variance) to construct a 340 sq. ft. garage addition subject to compliance with all City Codes and in accordance with the approved plans and conditions.

The home was constructed in 1965 with a single stall garage. The garage and home were recently damaged by fire and need significant repair. The owner would like to reconstruct the garage by

constructing a two stall garage in front of the existing garage and then creating a tandem garage stall connecting to the existing single garage stall.

The rear yard is heavily wooded with the elevation increasing 10' from the back of the house to the rear property line. The owner states that constructing the garage behind the house isn't feasible. The fact that the home is set back an additional 6' provides additional room in front of the home for an addition. Constructing the garage in front of the house rather than behind the house will minimize impervious surface area on the lot. The garage addition will replace existing impervious driveway.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Kurtz, recommending approval of a variance at 216 Edgewood Lane to reduce the front yard setback from 30' to 20' (10' variance) to construct a 340 sq. ft. garage addition subject to compliance with all City Codes and in accordance with the approved plans and the following conditions:

1. Owner shall submit overall reconstruction plans at the time of construction of the garage to confirm the size of the house vs. size of the garage.
2. At the time of application of the building permit, owner shall submit a calculation of impervious surface coverage that demonstrates that impervious coverage is less than 35% of the lot area.
3. The variance allows the property owner to have a 3-stall garage on the property. No other storage buildings may be constructed on the property.
4. Prior to any site work or tree removal, owner shall obtain a Natural Resources Management Permit (NRMP) and shall comply with the NRMP ordinance requirements.
5. The driveway grade may not exceed 10% slope. Owner shall modify plans as required to meet the maximum 10% slope requirement.

Ayes - 6 - Nays - 0.

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

Planner Kathy Bodmer stated Launch Properties and CJ Ryan, LLC request 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 new building is proposed to be oriented in a north-south alignment parallel with Cedar Ave. The number of seats in the restaurants will be somewhat limited by the number of parking spaces available on the site. At this time, 93 parking spaces are required based on the number of seats indicated; 94 parking spaces are provided. The drive-thru lane will circulate in a counterclockwise direction around the north and west sides of the building.

The drive-thru window will be located on the south side of the building. A longer bypass lane has been added.

The public hearing for the zoning amendments and conditional use permit (CUP) was held at the June 6, 2018, Planning Commission meeting. The Site Plan has been modified to address concerns raised by the Planning Commission and staff.

1. The bypass lane was expanded to 18' wide which will allow for a narrow, but functional, bypass.
2. The parking lot setbacks from 147th Street and Glazier Ave were increased to provide a minimum of 10' to meet the PD zoning requirements.

Ms. Bodmer added the City Engineer is concerned that the location of the dumpsters may cause conflicts between customers trying to enter the site and trash removal activities. Staff will continue to work with the petitioner on this issue.

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. The draft ordinance proposes to rezone the property from Zone 1 to Zone 5 which would contain many of the same limited business uses as Zone 1. Zone 5 is based on Zone 4 which currently allows Class III Restaurants and drive-thru in connection with a Class III Restaurant by conditional use permit. Zone 5 will be set up to not allow the retail uses currently allowed in Zone 4 to ensure the limited business uses are retained but to allow for the addition of the Class III restaurants and drive-thru. This zoning will not impact neighboring properties currently zoned Zone 1.

She reviewed the preliminary traffic study that was done which analyzed potential traffic impacts resulting from the redevelopment of the site. The traffic study finds that the new development will generate additional traffic in the area. Regional road improvements will be needed for the intersections of Cedar Ave and 147th Street and 147th Street and Glazier Ave north extension and south extension.

The City Council reviewed the Preliminary Engineering Study to begin to address regional road improvements in this area at its June 14, 2018, meeting.

Commissioner Scanlan inquired if there was no need for a bike rack.

Ms. Bodmer answered that could be managed under the site plan approval.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Kurtz, recommending approval of the draft ordinance rezoning the subject property from Zone 1 to Zone 5 and establishing area and setback standards for Zone 5 subject to execution of a Planned Development Agreement. Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Kurtz, recommending approval of a conditional use permit for operation of a single lane drive-thru service in connection with a Class III Restaurant with the following conditions:

1. Approval of a conditional use permit (CUP) is subject to approval of zoning amendments to allow drive-thru window service on this site.
2. The drive-thru lane shall be designed with bump outs or other treatments to minimize conflicts between the drive-thru lane and delivery vehicles.
3. The final design of the drive-thru lane shall be subject to review and approval of the City Engineer.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Kurtz, recommending approval of the Site Plan and giving Building Permit Authorization for construction of an 11,000 sq. ft. multiple tenant building in accordance with the approved plans and subject to conformance with all City Codes and the following conditions:

1. Approval of the site plan/building permit authorization is subject to approval of amendments to PD -290 and execution of a Planned Development Agreement.
2. Approval of the site plan/building permit authorization is subject to approval of the CUP for window drive-thru service.
3. A nursery bid list shall be submitted at time of application of the building permit that confirms the value of the landscape plantings meet or exceed 2½ % of the value of the construction of the building based on Means Construction Data.
4. A demolition plan shall be submitted which specifies which trees are to be removed and which are to be preserved.
5. The grading and drainage plans shall be revised to show tree protective fencing in areas where existing trees are to be protect.
6. No sign approvals are given at this time. A separate sign permit must be obtained prior to the installation of any signs on the site.
7. Civil plans are subject to final review and approval by the City Engineer at the time of application of the building permit and natural resources management permit (NRMP).
8. A lighting plan showing light levels on the site shall be submitted at the time of application of the building permit subject to review and approval by the Planner.
9. Addition of a bike rack.

Ayes - 6 - Nays - 0.

6. OTHER BUSINESS

A. The Shores Townhomes – Sketch Plan Review – PC18-16-ZB

City Planner Tom Lovelace stated no official action is needed. The owner wishes to receive feedback concerning a proposed 96-unit townhome project. It is recommended that the Planning Commission not state specifically whether or not they would approve or deny the request, but rather, identify the specific zoning questions or issues they might have with the proposed project.

Pulte Homes of Minnesota, LLC is requesting feedback on a proposed 96-unit townhome development project on 7.9 acres of property currently owned by Rockport, LLC. The site is located at the northeast corner of 157th Street West and Johnny Cake Ridge Road and is part of an over 400-acre sand and gravel mining operation.

The site is adjacent to the Quarry Ponds single-family residential development to the west, Fischer Sand and Aggregate mining area to the north, a future storm water ponding area and North Creek Greenway Trail corridor to the east, and the Regents Point single-family residential development to the south. Access to the site will be via private streets that will intersect with 157th Street West and Johnny Cake Ridge Road.

Any formal submittal for this proposed development plan will include at a minimum, a request for a rezoning, subdivision and site plan/building permit authorization.

The proposed multi-family development will provide 96 townhome dwelling units in its initial phase, with a potential of an additional 215 units in future phases. This development proposal will address the City's Livable Communities Act (LCA) principles of adding a housing product that helps provide a balanced supply and variety of housing types for people of all income levels and lifecycle stages.

The property is currently zoned "SG" (Sand and Gravel), which allows limited agricultural pursuits, including crop and plant production and commercial greenhouses and nurseries as permitted uses and sand and gravel mining as a conditional use. The applicant is indicating that they would be requesting a rezoning of the 7.9-acre site from "SG" to an "M-6" (Multi-Family Residential/6-12 units per acre).

The "M-6" districts are intended for those areas which are designated for "medium density" in the comprehensive guide plan, where a moderately high density of townhouse or apartment dwelling units is expected. Property within these districts is characterized by relatively level topography, the minimal presence of significant mature vegetation and proximity to either neighborhood or community collector roads or to arterial roads.

The site plan indicates the construction of eleven 4-unit, eight 5-unit, and two 6-unit townhouse buildings on approximately 7.9 acres. The net density for this project will be 12 dwelling units per acre.

Mr. Lovelace reviewed the access to the site, parking, setback requirements and ponding.

Paul Heuer, Pulte Homes, provided additional information.

Discussion followed.

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, July 18, 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 Diekmann moved, seconded by Commissioner Schindler to adjourn the meeting at 7:54 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

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

_____
Tom Melander, Chair