

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
DECEMBER 7, 2016

1. CALL TO ORDER

The City of Apple Valley Planning Commission meeting was called to order by Chair Melander at 7:01 p.m.

Members Present: Tom Melander, Ken Alwin, Tim Burke, Keith Diekmann, Paul Scanlan and David Schindler

Members Absent:

Staff Present: City Attorney Sharon Hills, City Planner Tom Lovelace, Planner Kathy Bodmer, Planner/Economic Development Specialist Alex Sharpe, City Engineer Brandon Anderson 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 Diekmann moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 5 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, approving the minutes of the meeting of November 2, 2016. Ayes - 5 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a 10 foot variance to the required front yard setback to allow a house to be constructed with a 20 foot setback from the front property line, subject to compliance with all City Codes. Ayes - 5 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, approved the 2017 Planning Commission Calendar. Ayes - 5 - Nays - 0.

4. PUBLIC HEARINGS

A. Palomino Highlands Replat – Public hearing to consider the subdivision by preliminary plat to adjust the common rear lot lines of three existing lots. **(PC16-43-SF)**

LOCATION: 100 and 102 Belmont Road, and 12980 Hershey Way

PETITIONER: Timothy and Carolyn Ellison, Lee and Gretchen Gilbertson, Robert Parkhill and Dennice Briol

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

Commissioner Schindler arrived at 7:02 p.m.

Planner Kathy Bodmer stated three property owners request consideration of a replat of their properties to allow them to shift their common rear lot lines. The parcels are located on the north side of Palomino Drive between Belmont Road and Hershey Way. The Ellisons at 102 Belmont Road have a shed and fence that are located on the Gilbertson property at 12980 Hershey Way. The replat is requested to shift the common rear lot line southwest so that the shed and fence are located completely on the Ellison property. Robert Parkhill and Dennice Briol would also like to adjust their rear lot line to align with the Ellison property rear lot line. No new parcels are created and no new development will occur as a result of this replat.

In connection with the replat, the owners will be requesting the vacation of the existing 10' drainage and utility easement adjacent to the rear lot lines of Lots 1 and 2, Block 4, Palomino Hills 3rd Addition (Belmont Road parcels) in order to relocate the easements adjacent to the new property line. The rear yard of Lot 4, Block 1, The Highlands has a large drainage easement in the rear yard that provides stormwater ponding and drainage. The City Engineer will need to review the request to vacate the drainage easement to determine whether vacating the easement would impact the functioning of the ponding area. At its December 8, 2016, meeting, the City Council will set a public hearing to evaluate whether the public use of the easement is still needed. Requests for vacation of easements and right-of-way are reviewed by the City Council.

Lee Gilbertson, 12980 Hershey Way, said he owns the larger lot. He stated to help out the other property owners from having to move their fence, trampoline and shed, he would agree to sell them that trunk and it made sense to do the neighbors as well. He is concerned about the easement. He does not see the correlation between the easement and the land swap. He is the least vested in this. If he says it is an all or nothing deal and he says no, then the other two property owners will be hurt. It does not affect him one way or another. He has two retaining walls that are fairly close to the line now. Again he feels there is no correlation with the easement and the property line 600 feet behind it.

Commissioner Alwin inquired if the storm sewer was open for drainage or just a pipe sitting there for future use.

Mr. Bodmer answered that it is a functioning storm sewer. She clarified that staff would be working with legal staff and the neighbors and that regarding the dedication of easements, the City has the authority to require that with platting. There is a concern with the retaining walls but staff does need to look more closely.

Chair Melander asked what happens if they just leave everything like it is.

Ms. Bodmer answered there would be no change.

Chair Melander asked if then they would not have to dedicate the easement.

Ms. Bodmer answered no. The fact that the property is being subdivided is an opportunity to address an issue.

Chair Melander closed the public hearing at 7:09 p.m.

B. Qdoba Restaurant C.U.P. – Public hearing to consider conditional use permit and variance for a Class II restaurant in a 4,567 sq. ft. multi-tenant retail building. **(PC16-38-CVB)**
LOCATION: 7525 147th Street West
PETITIONER: 7525 Cedar, LLC.

Chair Melander opened the public hearing at 7:10 p.m.

City Planner Tom Lovelace stated the applicant is requesting the approval of a conditional use permit (CUP) and variance to allow for establishment of a Class II restaurant in a proposed 4,567-sq. ft. building, located at 7525 147th Street West. This is the current location of a vacant motor fuel/convenience store. The property is currently zoned "RB" (Retail Business), which allows for Class II restaurants when located no closer than 1,000 feet from any residential or institutional use. The property is located approximately 300 feet from the Glazier Avenue Townhomes, a 15-unit townhome development located at 14641-59 Glazier Avenue; and 550 feet from the Christian Science Society church, located at 14515 Glazier Avenue.

He reviewed why Conditional Use Permits (CUP) are requested in the City and summarized why variances may be granted. He identified other locations in the City with similar approved variance requests.

He added this restaurant will be sharing space with a proposed coffee shop that will have a drive-through window that will require approval of conditional use permit. The public hearing for the drive-through land and review of the site plan/building permit authorization was held at the November 2, 2016, Planning Commission meeting. City staff requested that the applicant provide traffic forecast information for the proposed building and uses. That traffic information is currently under review by staff and the City's traffic consultant. Any recommendation on the proposed conditional use permits, variance and site plan/building permit authorization shall be made upon completion of the City's review of the development's traffic impacts.

Commissioner Diekmann asked for a clarification of a Class II restaurant.

Mr. Lovelace described a Class II restaurant and that service inside dictates how the City defines it as.

Commissioner Diekmann said he is just trying to draw a correlation between this restaurant and the Applebees across the street that is a Class I restaurant.

Commissioner Scanlan asked if the City has some specific requirements for ventilation systems for mechanics and maintenance of these systems to minimize the effect of whatever is being cooked at the location.

Mr. Lovelace answered that is correct.

Sheldon Berg, DJR Architecture, said he believes the consideration for the mechanical system is something they can maintain and does not believe this facility would have anything different than a full service restaurant would have.

Doug Torseth, Apple Valley Car Clinic, 7540 – 147th Street W., expressed concern for parking and if there would be overflow parking into his lot on the evenings and weekends which is kitty corner from this proposed project.

Mr. Lovelace said this could be addressed as part of the traffic analysis as it relates to this overall development on this site.

Chair Melander closed the public hearing at 7:23 p.m.

C. Cobblestone Lake Medical Center – Public hearing to consider the subdivision of an existing 1.97-acre lot into two lots and site plan review/building permit authorization to allow for construction of a 10,000-sq. ft. medical office building on a 1.45-acre lot. **(PC16-42-SB)**
LOCATION: 15875 Emperor Avenue
PETITIONER: Stanley Lynn, LLC

Chair Melander opened the public hearing at 7:24 p.m.

City Planner Tom Lovelace stated the applicant is proposing to subdivide an existing lot into two for the purpose of constructing a 10,236-sq. ft. office building on the 1.45-acre lot. Access to the two lots will be via Emperor Avenue, a private street located in easements, of which 35 feet of the easement area is located along the east property line of the two proposed lots. This easement provides direct access to 157th Street West and indirect access to Cobblestone Lake Parkway, two public streets.

An underground storm water infiltration system will be located in the northeast corner of the site. A maintenance agreement shall be executed prior to issuance of a building permit to ensure its ongoing function.

He reviewed site plan, landscaping plan, parking lot and temporary barrier along the south side for future development and sidewalk connections. The applicant should show the location of a bike rack on their plans. The sidewalk along Emperor Avenue should be extended south to the North Creek Greenway path located south of the subject property.

He reported the City Engineer has reviewed the grading and utility plans and there were concerns. Revisions to those plans per the Engineer's comments should be made prior to final approval.

Commissioner Scanlan asked if the second building is just a concept or the idea that it will be built in a certain period of time.

Mr. Lovelace answered there is no period of time that is proposed but that it would be a future building that would come back to the City for approval.

Commissioner Scanlan expressed concern that the design for parking is focused on the first building and if the developer comes back with something else for the second building it could be limiting for the structure than what is being shown here.

Mr. Lovelace commented that is a very good point and it was part of the discussion for the parking situation. Depends on the type of users in the first building and the amount of parking needed here could affect the size of the second building by not meeting the parking ratio needed.

Commissioner Scanlan asked if the need for the trash enclosure would support both buildings.

Mr. Lovelace answered yes that the trash enclosure would be for both buildings.

Commissioner Scanlan asked if the sidewalk would connect to the trail system.

Mr. Lovelace answered yes.

Commissioner Scanlan commented on the berm area and that there is a lack of maintenance to those areas.

Mr. Lovelace said he would express that concern to the City's Natural Resources Coordinator so the proposed materials are acceptable and not be infiltrated with weeds.

Bruce Miller, MFC Properties, referenced the parking situation and thought they would have the ability to address that concern and provide revised plans.

Jonathan Falkowski, proposed dental clinic, said they would be taking up a little less than half the building as their dental clinic. He commented that it is a great idea to have the sidewalk extend to the greenway.

Chair Melander closed the public hearing at 7:42 p.m.

5. LAND USE/ACTION ITEMS

--NONE--

6. OTHER BUSINESS

A. Times Square Sketch Plan – Review potential construction of two separate retail structures totaling 10,400 sq. ft. with two drive-thru lanes.

Planner/Economic Development Specialist Alex Sharpe stated the Sketch Plan is for the construction of two separate retail structures totaling 10,400 sq. ft. with two drive-thru lanes. This requires the demolition of the eastern portion of the south building where the former TCF Bank facility was located. Tenants have not been identified as part of this plan, but would suit the small retail and drive through markets.

The plan proposes construction of two separate retail structures totaling 10,400 sq. ft. with two drive-thru lanes. This requires the demolition of the eastern portion of the south building where the former TCF Bank facility was located. Tenants have not been identified as part of this plan, but would suit the small retail and drive through markets.

Commissioner Alwin expressed concern for the traffic flow with a drive-thru and the stacking of vehicles because of the popularity on weekends.

Chair Melander asked if there was adequate parking on the site now.

Mr. Sharpe answered yes.

Commissioner Schindler identified the conflict that the City is requiring the front face Cedar Avenue. He felt it was a tough spot with cars coming from five different directions.

Bob Levine, managing partner of Times Square Shopping Center, said he was open to discussions.

Commissioner Diekmann asked Mr. Levine what kind of image he was trying to portray with these types of buildings and how that would coincide with the City's vision with the downtown and walkable environment.

Mr. Levine answered they have a consultant and that there is huge demand for drive home facilities where people can stop and pick things up on their way home from work. He commented he has had a 10,000 sq. ft. vacancy for 15 years.

B. Review of upcoming schedule and other updates.

City Planner Tom Lovelace stated that the next Planning Commission meeting would take place on December 21, 2016, 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.

