

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
JANUARY 16, 2013

**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, Paul Scanlan, David Schindler and Brian Wasserman.

Members Absent:

Staff Present: Community Development Director Bruce Nordquist, City Attorney Sharon Hills, City Planner Tom Lovelace, Planner Kathy Bodmer, Planner Margaret Dykes, Assistant City Engineer David Bennett and Department Assistant Joan Murphy.

**2. APPROVAL OF AGENDA**

Chair Melander asked if there were any changes to the agenda.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Diekman, approving the agenda. Ayes - 6 - Nays - 0.

**3. APPROVAL OF MINUTES DECEMBER 5, 2012.**

Chair Melander asked if there were any changes to the minutes.

Commissioner Scanlan requested a comment on page 3 be rephrased.

Chair Melander asked if there were any other changes to the minutes. Hearing no further comments he called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, approving the minutes of the meeting of December 5, 2012, as amended. Ayes - 5 - Nays - 0. Abstained - 1 - Diekmann.

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

--NONE--

Commissioner Schindler arrived at 7:03 p.m.

## 6. LAND USE/ACTION ITEMS

**A. Chick-fil-A Restaurant** – Consideration of a conditional use permit, variances, and site plan building permit authorization to allow for construction of a 4,559 sq. ft. Class II restaurant with a drive-thru.

LOCATION: Southeast corner of 153rd Street West and Cedar Avenue

PETITIONER: Chick-fil-A, Inc. and SVH Realty, Inc.

City Planner Tom Lovelace presented the request of the petitioner for the restaurant and included the zoning, site plan, landscape plan, grading and utilities, building elevations, and lighting plan. He stated the petitioner eliminated a parking space and added another table to enhance the outdoor dining area. An auto turn exhibit was provided for the route deliveries would use to maneuver at the site. He reviewed the set-back variance request on the south side of the property and stated staff felt there was not a practical difficulty. He stated staff recommended denial of a setback variance. He said gaining additional land so the south side of the property would meet the setback requirements. He reviewed the signage requests and did not recommend a monument sign on the north side of the property nor a sign variance for the additional menu board as requested.

Jason Hill, Chick-fil-A, provided additional information.

Discussion followed.

MOTION: Commissioner Diekman moved, seconded by Commissioner Burke to recommend approval of a conditional use permit (CUP) to allow for a Class II restaurant on Lot 2, Block 1, CUB FOODS ADDITION. Ayes - 7 - Nays - 0.

MOTION: Commissioner Diekman moved, seconded by Commissioner Burke to recommend approval of a variance to allow for a Class II restaurant to be located closer than 1,000 feet from an institutional or residential use subject to the following findings:

- a. The residential use is located along the west side of Cedar Avenue, an A Minor Expander road with a 150-170 foot right-of-way and a traffic volume of approximately 35,000 vehicle trips per day.
- b. A sound wall has been constructed along the west side of Cedar Avenue, just south of 153rd Street West.
- c. Cedar Avenue and the sound wall will act as a barrier and mitigate impacts generated from the Class II restaurant on the residential uses located on the west side of Cedar Avenue.

Ayes - 7 - Nays - 0.

**MOTION:** Commissioner Diekman moved, seconded by Commissioner Burke to recommend approval of the site plan/building permit authorization to allow for a 4,559 square foot Class II restaurant on Lot 2, Block 1, CUB FOODS ADDITION in accordance with the development plans dated December 17, 2012, subject to the following conditions:

- a. A building setback variance shall be granted from the required 50-foot setback requirement to allow for the building to be located 32 feet from the west property line, subject to the finding that the recent acquisition of an additional 20 feet of right-of-way at the intersection Cedar Avenue and 153rd Street West.
- b. A building setback variance shall be granted from the required 40-foot setback requirement to allow for the building to be located 31 feet from the north property line, subject to the finding that the recent acquisition of an additional 15 feet of right-of-way at the intersection Cedar Avenue and 153rd Street West.
- c. Revisions shall be made to the south property line or building footprint to bring the building into conformance with the minimum required building setback of 15 feet from the south property line.
- d. The trash enclosure shall be located on the restaurant's premises in accordance with Section 50.02(A) of the Apple Valley City Code.
- e. A variance from Section 154.04(J)(1) shall be denied due to the finding that the proposed variance request does not meet the conditions as identified in section 154.07(F) of the Apple Valley City Code.
- f. The City Engineer shall approve the grading and utility plans prior to issuance of building permit, subject to the plan revisions in accordance with the City Engineer's comments contained within this report.
- g. Drip-style irrigation shall be utilized to water the spruce and arborvitae trees in the far southwest corner of the site.
- h. All onsite signage shall be in conformance with Chapter 154 of the Apple Valley City Code.

Ayes - 7 - Nays - 0.

**MOTION:** Commissioner Diekman moved, seconded by Commissioner Burke to recommend approval of a building setback variance from the required 50-foot setback requirement to allow for the building to be located 32 feet from the west property line, subject to the finding that the recent acquisition of an additional 20 feet of right-of-way at the intersection Cedar Avenue and 153rd Street West. Ayes - 7 - Nays - 0.

**MOTION:** Commissioner Diekman moved, seconded by Commissioner Burke to recommend approval of a building setback variance from the required 40-foot setback requirement to allow for the building to be located 31 feet from the north property line, subject to the finding that the recent acquisition of an additional 15 feet of right-of-way at the intersection Cedar Avenue and 153rd Street West. Ayes - 7 - Nays - 0.

**MOTION:** Commissioner Diekman moved, seconded by Commissioner Burke to recommend that the City Council direct staff to prepare amendments to Chapter 154 of the Apple Valley City Code to allow for a menu board for each drive-thru lane for a restaurant providing drive-up window service. Ayes - 7 - Nays - 0.

**B. Leach Garage Variance 2013** – Consideration of a variance to increase the maximum size permitted for a detached garage from 750 sq. ft. to 1,344 sq. ft. (PC12-41-V)

**LOCATION:** 8460 – 133rd Street Ct.

**PETITIONER:** Thomas C. Leach

Planner Kathy Bodmer reviewed the request of the petitioner to construct a 28' x 48' detached garage to store the equipment he owns and uses on the property that does not fit in the existing garage. She stated the petitioner was willing to reduce the size of the building to 26' x 48' for 1,248 sq. ft. to meet staff recommendations.

Dr. Thomas Leach provided additional information and stated he would revise his plans to meet the guidelines in the City Code for accessory buildings on residential property.

**MOTION:** Commissioner Burke moved, seconded by Commissioner Alwin to recommend approval for a 750 sq. ft. variance for a detached garage with the following conditions:

1. The 1,248 sq. ft. detached garage shall be located in the rear yard in the location depicted as “Site 1” on the Site Plan.
2. All setbacks requirement shall be met.
3. All building height requirements shall be met.
4. All other City Code and Building Code requirements shall be met.
5. Total area of all garages shall not exceed the footprint of the house.

Ayes - 7 - Nays - 0.

## **7. OTHER BUSINESS**

**A. TCF Bank Sketch Plan** – Review of a sketch plan that proposes a 2,500 sq. ft. bank building with three drive-up lanes.

**LOCATION:** Northeast corner of an existing 8-acre lot that is currently occupied by the Mount Olivet Assembly of God Church, 14201 Cedar Avenue.

**PETITIONER:** TCF Bank and Mount Olivet Assembly of God

Planner Margaret Dykes reviewed the sketch plan for a TCF Bank to be located on the Mount Olivet Assembly of God Church at 14201 Cedar Avenue. She stated the property is guided “INS” (Institutional) in the 2030 Comprehensive Plan, which allows for public and religious facilities. Commercial uses are not permitted in this designation. Any new lot for the bank would require an amendment to the Comprehensive Plan from “INS” to “C” (Commercial). She reviewed the site plan, elevation drawings, grading and landscape plans as well as pedestrian access.

Michael Kraft, HTG Architects, addressed the Commission.

Discussion followed.

**B. Review of upcoming schedule and other updates.**

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, February 6, 2013, at 7:00 p.m.

**8. ADJOURNMENT**

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Schindler to adjourn the meeting at 8:14 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 2/20/13.