

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MARCH 6, 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, 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 Alwin moved, seconded by Commissioner Diekmann, approving the agenda. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES FEBRUARY 20, 2013.

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

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the minutes of the meeting of February 20, 2013. Ayes - 5 - Nays - 0. Abstain - 1 (Wasserman)

4. ANNUAL BUSINESS MEETING

Community Development Director Bruce Nordquist acknowledged that on February 28, 2013, the City Council reappointed Commissioners Burke and Scanlan to continue to service on the Planning Commission and he congratulated them.

The Commission nominated and elected officer positions amongst themselves for Chair and Vice-Chair. The officers, given only one nomination for each office, were accepted by unanimous consent under Robert's Rules of Order:

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann to nominate Thomas Melander to continue to serve as the Chair of the Planning Commission for one year. Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin to nominate Tim Burke to continue to serve as the Vice-Chair of the Planning Commission for one year. Ayes - 6 - Nays – 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Wasserman to nominate Paul Scanlan to serve as Secretary. Commissioner Diekmann moved, seconded by Commissioner Burke to nominate David Schindler to serve as Secretary.

The Department Assistant prepared ballots and the City Attorney distributed them to the Commission who were asked to each select one name. After selections were made, they were tallied and the City Attorney announced that David Schindler received the majority of votes.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke appointing David Schindler to continue to serve as Secretary of the Planning Commission for another year. Ayes - 6 - Nays – 0.

Commissioner Schindler arrived at 7:07 p.m.

5. CONSENT ITEMS

--NONE--

6. PUBLIC HEARINGS

A. Crooked Pint Ale House Restaurant – Public hearing to consider conditional use permit and site plan/building permit authorization to allow for 5,448 sq. ft. restaurant with on-sale liquor. **(PC13-10-CB)**

LOCATION: 15668 Pilot Knob Rd

PETITIONER: DDJ Ranch Development, LLC

Chair Melander opened the public hearing at 7:08 p.m.

City Planner Tom Lovelace stated a public hearing for the proposed conditional use permit was scheduled for the March 6 Planning Commission meeting. The applicant had requested that review of this project be tabled until the March 20 meeting. The City had already advertised for public hearing; therefore, the appropriate procedure would be for the Planning Commission to open the hearing and continue it until the March 20, 2013.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann continuing the public hearing to March 20, 2013. Ayes - 7 - Nays – 0.

B. Dog Day Getaway – Finding of similar use for dog daycare in “I-2” (General Industrial) zoning district and public hearing to consider conditional use permit to allow for outdoor pet relief area in conjunction with a dog daycare operation. **(PC13-11-C)**

LOCATION: 14607 Felton Ct.
PETITIONER: Dog Day Getaway

Chair Melander opened the public hearing at 7:11 p.m.

Planner Kathy Bodmer stated the owners of Dog Day Getaway would like to move their existing pet daycare business into the newly constructed Apple Valley Business Campus, expanding their business from 6,600 sf presently to approximately 9,000 sf in the new location. They are requesting consideration of zoning interpretation of "Finding of Similar Use" for dog daycare facility in an "I-2" (General Industrial) zoning district and conditional use permit (CUP) for a 15' x 54' (810 sf) outdoor pet relief area in connection with a dog daycare facility at 14607 Felton Court.

The Apple Valley Business Campus property is located within the "I-2" (General Industrial) zoning district which allows any permitted use found in the "I-1" (Limited Industrial) zoning district. The I-1 zoning district allows animal clinics as a permitted use, with outdoor pens allowed by conditional use permit.

She said § 155.342 states that whenever a use is not specifically permitted or denied in a zoning district, a property owner may request a study by the City to determine whether the particular use is compatible with the zoning district in which it is proposed to be located. § 155.216 states "Within any I-2 district, no structures or land shall be used except for one or more of the following uses, or uses deemed similar by the City Council." When a use is not specifically stated in the zoning district, the City Council may review the proposed use and the zoning district and determine whether the use is "similar" to other uses and "compatible" with the zoning district and therefore a permitted use in the zoning district.

A conditional use permit was requested to construct a 15' x 54' (810 sf) outdoor pet relief area in connection with the dog daycare business. Fence options for the pet relief area were reviewed.

Discussion followed.

Carey Griffith Edwards, Dog Day Getaway, provided additional information.

Chair Melander closed the public hearing at 7:34 p.m.

7. LAND USE/ACTION ITEMS

A. Cobblestone Lake South Shore 8th Addition – Consideration of an amendment to the 2030 Comprehensive Plan Land Use Map, rezoning, and subdivision to allow for the development of 29 single-family lots and two (2) outlots on approximately 8 acres. **(PC13-06-PZS)**

LOCATION: Northwest corner of Cobblestone Lake Parkway and Elm Creek Lane

PETITIONER: South Shore Development Inc.

City Planner Tom Lovelace introduced the request by South Shore Development, LLC for an amendment to the 2030 Comprehensive Plan Land Use map, rezoning, and the subdivision by plat

of two existing outlots totaling approximately 7.98 acres, located in the northwest corner of Cobblestone Lake Parkway and Elm Creek Lane.

The applicant requested amendments to the 2030 Comprehensive Plan Land Use Map that would re-designate the property from "MD" (Medium Density Residential/6-12 units per acre) and "P" (Parks and Open Space) to "LD" (Low Density Residential/3-6 units per acre).

The rezoning request would change the current zoning designation of "PD-703/zone 8" (Planned Development), which allows for sand and gravel mining to "PD-703/zone 2", which allows for single family dwellings as a permitted use.

The final request was for approval of subdivision by plat of the Outlots H and I, COBBLESTONE LAKE COMMERCIAL 3RD ADDITION into 29 single family lots and two (2) outlots. Access to the platted lots would be via a public street that would intersect Cobblestone Lake Parkway.

The applicant proposed to incorporate approximately .25 acres of Outlot I into Lots 2-5 of the proposed 8th Addition approximately .06 acres of the existing Outlot H would be incorporated into Outlot A of the new subdivision, which the applicant would dedicate to the City for public park purposes. The applicant would be meeting with the Parks and Recreation staff regarding the proposed park land dedication changes and would present the proposed changes to the Parks and Recreation Advisory Committee at their March 7, 2013, meeting.

Outlot I, COBBLESTONE LAKE COMMERCIAL 3RD ADDITION currently has a park, sidewalk, trail, drainage and utility and temporary construction easement over the property. Vacation of the easement would be necessary before any property would be incorporated into the proposed development's residential lots.

Discussion followed.

Jacob Fick, Shore Shore Development, provided additional information.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke recommending approval of the amendment to the 2030 Land Use Map to re-designate Outlots H and I, COBBLESTONE LAKE COMMERCIAL 3RD ADDITION from " MD " (Medium Density Residential/6 -12 units per acre) and "P" (Parks and Open Space) to "LD" (Low Density Residential/3 -6 units per acre) and "P" (Parks and Open Space) in accordance with the proposed COBBLESTONE LAKE SOUTH SHORE 8TH ADDITION preliminary plat. Ayes - 7 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke recommending approval of the rezoning of Blocks 1 and 2 and Outlot B, COBBLESTONE LAKE SOUTH SHORE 8TH ADDITION, according to the proposed preliminary plat, from Planned Development No. 703 /zone 8 to Planned Development No. 703 /zone 2; subject to the recommendation for approval of the Parks and Recreation Advisory

Committee of the transfer of property within the proposed development for park and development purposes. Ayes - 7 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke recommending approval of the rezoning of Outlot A, COBBLESTONE LAKE SOUTH SHORE 8TH ADDITION, according to the proposed preliminary plat, from Planned Development No. 703 /zone 8 to Planned Development No. 703 /zone 7; subject to the recommendation for approval by the Parks and Recreation Advisory Committee of the transfer of property within the proposed development for park and development purposes. Ayes - 7 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke recommending approval of the COBBLESTONE LAKE SOUTH SHORE 8TH ADDITION preliminary plat, subject to the following:

- A ten -foot drainage and utility easement shall be dedicated around the perimeter of Outlot B.
- Access should be restricted from Lots 1 and 19, Block 1, Lots 1 and 10 Block 2 and Outlot B to Cobblestone Lake Parkway.
- The raised median in Cobblestone Lake Parkway South shall be removed to allow for full access to and from the proposed development from the most westerly street intersection.
- Approval of the vacation of the park, sidewalk, trail, drainage and utility, and temporary construction easement over Outlot I, COBBLESTONE LAKE COMMERCIAL 3RD ADDITION prior to approval of the COBBLESTONE LAKE SOUTH SHORE 8TH ADDITION final plat.

Ayes - 7 - Nays - 0.

B. Home Depot Temporary Outdoor Garden Center C.U.P. – Consideration of amendments to their existing temporary outdoor garden sales conditional use permit (C.U.P.) to allow for the expansion of the temporary sales area. **(PC13-07-C)**

LOCATION: 15101 Flagstaff Avenue

PETITIONER: Home Depot U.S.A., Inc.

City Planner Tom Lovelace stated the petitioner requested approval of a conditional use permit (C.U.P.) to allow for the expansion of their temporary outdoor garden sales area in the southeast corner of the parking lot, the extension of the existing temporary sales area in front of the store and the addition of bulk storage areas along the east and south side of the garden center.

Planned Development No. 679 allows for "outdoor display or sales of retail goods conducted by an occupant of a shopping center or freestanding building" and "outdoor storage of goods and merchandise provided said storage is oriented and screened as required by the City Council" as conditional uses within zone 2 of the planned development. He stated the temporary selling center area would display a selection of assorted annuals, perennials, shrubs, trees and bagged soils. A wood picket fence would be used to delineate the area in the parking lot.

Discussion followed.

- MOTION: Commissioner Burke moved, seconded by Commissioner Alwin recommending approval of a condition use permit to allow for the establishment of two temporary outdoor garden sales areas; and temporary live goods bulk storage areas subject to the following conditions:
- The permit shall apply to property located at 15101 Flagstaff Avenue and legally described as Lot 6, Block 1, HILLCREST ACRES.
 - The conditional uses shall be conducted in conformance with the approved site plan, dated March 1, 2013.
 - Only live plant material shall be allowed in the temporary sales areas located in the parking lot and area directly adjacent to the store.
 - The temporary sales area in the parking lot shall be delineated by a wood picket fence.
 - Material shall not be placed in the east/west vehicle lane located in front of the store.
 - A minimum of four (4) feet of sidewalk in the front of the garden center area shall be kept open and free of materials.
 - Adequate clearance to and from all service doors and enter/exit doors into the store and garden center shall be maintained in accordance to the City's building and fire codes.
 - The temporary sales area in the parking lot shall be allowed to operate from the second weekend in April to the second weekend in July.
 - The temporary sales areas located directly in front and west of the garden center from second weekend in April to the second weekend in October.
 - All bulk materials shall be required to be stored on pallets and that the stacking of pallets shall not be allowed.
 - All materials shall be kept outside of the drive lane located along the east side of the property.
 - Storage of live materials and bulk storage areas along the east side of the garden center shall be allowed to occur from the second weekend in March to the second weekend in July.
 - The bulk storage area along the south side of the garden center shall not extend past the end existing masonry screen wall located along the south side of that area and the materials shall not be stacked higher than the height of that wall.
 - Storage along the south side of the garden center shall be allowed from the second weekend in March to the second weekend in September.
 - All areas should be kept in neat, organized rows and the premises shall be kept free of trash and other debris.
- Ayes - 7 - Nays - 0.

- MOTION: Commissioner Burke moved, seconded by Commissioner Alwin directing staff to work with the applicant on possible screening options for the storage areas along the east side of the property prior to consideration by the City Council. Ayes - 7 - Nays - 0.

8. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, March 20, 2013, at 7:00 p.m.

9. 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 8:13 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 3/20/13.