

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
MARCH 20, 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, Keith Diekmann, Paul Scanlan, David Schindler, and Brian Wasserman.

Members Absent: Tim Burke

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. Hearing none he called for a motion.

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

**3. APPROVAL OF MINUTES MARCH 6, 2013.**

Chair Melander asked if there were any changes to the minutes. Hearing none he called for a motion.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, approving the minutes of the meeting of March 6, 2013. Ayes - 6 - Nays - 0.

**4. CONSENT ITEMS**

--NONE--

**5. 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 continued from March 6, 2013. **(PC13-10-CB)**

LOCATION: 15668 Pilot Knob Rd

PETITIONER: DDJ Ranch Development, LLC

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

City Planner Tom Lovelace stated the petitioner requested approval of a conditional use permit (C.U.P.) for on-sale liquor sales and site plan/building permit authorization to allow for construction of a 5,448 sq. ft. restaurant, 1,640-sq. ft. outdoor patio/bocce ball court and 64 surface parking spaces on a .88-acre lot. The property is located in the northeast corner of Pilot Knob Road (CSAH 31) and 157th Street West in the Cobblestone Lake Commercial development.

He said the petitioner would need to identify a bike rack location on their plans. The landscape plan and sidewalk connections were reviewed. The applicant had not submitted a preliminary grading plan. A grading and storm drainage plan would need to be submitted and reviewed by the City Engineer prior to consideration by the City Council.

Dan Peterson, DDJ Ranch Development, LLC, provided additional information.

Discussion followed.

Chair Melander closed the public hearing at 7:20 p.m.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Alwin, approving a Conditional Use Permit to allow for on-sale liquor in conjunction with a Class I restaurant for the Crooked Pint Ale House restaurant, subject to the following conditions:

- The conditional use permit shall apply to property legally described as Lot 2, Block 1, COBBLESTONE LAKE COMMERCIAL 4TH ADDITION.
- Such operations shall be conducted in conformance with the development plans dated February 6 and March 14, 2013, on file at the City offices.
- The conditional use permit shall apply to a Class I restaurant on the legally described property and such operations shall be conducted in conformance with the floor plan dated February 4, 2013, on file at the City offices.

Ayes - 6 - Nays – 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Alwin, approving the site plan/building permit authorization to allow for construction of a 5,448 sq. ft. restaurant, 1,640-sq. ft. outdoor patio/bocce ball court and 64-space surface parking lot on Lot 2, Block 1, COBBLESTONE LAKE COMMERCIAL 4TH ADDITION, subject to the following conditions:

- Construction shall occur in conformance with the site plan dated, February 6, 2013.
- Construction shall occur in conformance with the elevation plan dated March 14, 2013.
- The petitioner will need to identify a bike rack location on their plans.
- A north/south section of sidewalk should be installed from the existing pedestrian ramp located in the middle island to the new sidewalk located along the north side of the property.

- Revisions to the landscape plan shall be made per staff's comments as identified in this report at the time of submission of plans for a building permit.
- A detailed planting price list shall be submitted for verification of the City's 2½% landscaping requirement at the time of submission of plans for a building permit.
- A grading and storm water drainage plan shall be submitted for review and comment by the City Engineer prior to consideration by the City Council.
- All applicable City ordinances shall be strictly adhered to.

Ayes - 6 - Nays – 0.

**B. PD-739 Ordinance Amendments** – Public hearing to consider an amendment to PD-739 to establish area standards and requirements for Zones 3 and 4. **(PC13-18-O)**

LOCATION: Northeast Corner of Glazier Avenue and 153rd Street W.

PETITIONER: City of Apple Valley

Chair Melander opened the public hearing at 7:22 p.m.

Planner Kathy Bodmer stated that on February 28, 2013, the City Council set a public hearing for the Planning Commission to consider amendments to Planned Development No. 739 by establishing area requirements and standards. In connection with the Parkside Village development, the City Council approved Ordinance No. 938, which established new subzones, Zones 3 and 4, east of Galaxie Avenue and north of 153rd Street West. The public hearing was requested to consider an ordinance amending PD-739 to add area requirements and standards for Zones 3 and 4 including building setbacks, lot coverage, maximum height and maximum number of stories.

Discussion followed.

Chair Melander closed the public hearing at 7:26 p.m.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Schindler, approving the draft ordinance amending Planned Development No. 739 to include area requirements and standards for Zones 3 and 4. Ayes - 6 - Nays – 0.

**C. PD-290 Zoning Code Amendments and Conditional Use Permit for Bogart's/Apple Place Bowl** – Public hearing to consider an amendment to Chapter 155 of the City Code of Ordinances to define temporary seasonal outdoor recreational facility, consider an amendment to Planned Development 290, Zone 2 to allow temporary seasonal outdoor recreational facilities as a conditional use and consider conditional use permit for temporary seasonal outdoor volleyball courts at Bogart's/Apple Place Bowl, 14917 Garrett Avenue. **(PC13-14-ZC)**

LOCATION: 14917 Garrett Avenue

PETITIONER: Rich Management, Inc.

Chair Melander opened the public hearing at 7:27 p.m.

Planner Margaret Dykes stated that Chapter 155 does not define Temporary Seasonal Outdoor Recreational Facility, and these types of uses are not listed as a permitted or accessory use listed in the zoning code. It was the City Attorney's recommendation that a definition for Temporary Seasonal Outdoor Recreational Facility be added to Section 155.003. This would create the definition of these uses that could then be inserted to various zoning districts when needed.

She said the applicant requested an amendment to the zoning district to allow for the installation of seasonal outdoor volleyball courts and sundeck as a conditional use. Staff believed it was appropriate to amend the Planned Development zoning district to allow for the requested use as a conditional use in Zone 2 only. This would allow the City to place conditions on the permit, but still allow the property owner the ability to install the outdoor volleyball courts.

She stated if the zoning amendment would be approved for PD-290, Zone 2, the property owner would be requesting a Conditional Use Permit for the outdoor volleyball courts. The submitted site plan shows the installation of two outdoor volleyball courts, as well as a sundeck and service bar for beverages. The courts and deck/service bar would be located in the existing southern parking lot of Bogart's/Apple Place Bowl. The volleyball courts would be seasonal and would be installed and operated from the last week of April until the first week of September.

Rick Waggoner, manager at Bogart's/Apple Place Bowl, provided additional information.

Discussion followed.

Chair Melander closed the public hearing at 7:38 p.m.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of an amendment to Section 155.003 of Chapter 155 of the City Code of Ordinances to add a definition for Temporary Seasonal Outdoor Recreational Facility to read as follows:

"A privately owned outdoor facility or structure for recreation purposes in conjunction with a commercial use and that is readily movable and not permanently placed upon a foundation or footings or attached to a structure requiring footings. The use of the recreational facility is seasonal in that it is usable during commonly accepted months of the year, and may include facilities such as outdoor volleyball courts, bocce ball courts, basketball or other sport court, and horseshoe pits."

Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of an amendment to PD-290, Zone 2 to allow for Temporary Seasonal Outdoor Recreational Facility as a conditional use in conjunction with and conducted by an existing permitted Class I restaurant or commercial recreational facility, subject to the following conditions:

- a. The temporary seasonal outdoor recreational facilities may not be operated more than 155 days, which shall be consecutive, per calendar year.

- b. If the temporary seasonal outdoor recreational facility is located in the parking lot, it shall not result in a loss of parking spaces and drive aisles less than that required by the city code for the primary use unless it can be shown that sufficient parking spaces will be available with an approved shared parking agreement.
- c. The temporary seasonal outdoor recreational facility shall not create traffic hazards.
- d. The temporary seasonal outdoor recreational facility and all structures in connection therewith shall be compact and contiguous to the primary building or the primary use within a multi-tenant building.
- e. The temporary seasonal recreational facility shall be delineated with a temporary physical barrier subject to minimum area requirements pursuant to the Fire and Building Codes.
- f. No alcoholic beverages shall be possessed or consumed outside of the delineated area of the temporary seasonal recreational facility. No sale or consumption of alcoholic beverages shall occur within the temporary seasonal recreational facility area unless the proper on-sale alcohol license has been issued by the City permitting on-sale of alcohol within the temporary seasonal recreational facility area.
- g. During those dates when the temporary outdoor seasonal recreational facility is not in use under the Conditional Use Permit, all materials related to the temporary outdoor seasonal recreational facility shall be removed and stored within a building or off-site.
- h. Any other conditions that the City determines to be necessary for the protection of public health, safety and general welfare.

Ayes - 6 - Nays – 0.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of a Conditional Use Permit for temporary seasonal outdoor recreational facilities to consist of volleyball courts, sundeck, and service bar at Apple Place Bowl/Bogart's Nightclub, 14917 Garrett Ave., subject to all applicable City codes and standards, and the following conditions:

- a. The City Council's approval and the legal publication of a City Code zoning ordinance amendment permitting temporary seasonal outdoor recreational facility as a conditional use in Planned Development No. 290, Zone 2.
- b. There shall be no more than two (2) outdoor volleyball courts measuring 45'x80' (3,600 sq. ft.) each located at the southwest corner of the building as shown on the site plan received in City offices on February 19, 2013.
- c. The 20'x90' (1,800 sq. ft.) sundeck and 10'x20' (200 sq. ft.) service bar shall be located north of the courts compact and contiguous to the building as shown on the site plan received in City offices on February 19, 2013.
- d. No more than 24 parking spaces shall be occupied by the outdoor volleyball courts and sundeck/service bar.

- e. The outdoor volleyball courts and sundeck/service bar shall not be operated except during the period of the last full week in April to the first full week in September. Installation of the temporary outdoor volleyball courts and sundeck may be installed three weeks prior to operation. All materials associated with the temporary outdoor volleyball courts shall be removed from the parking lot and stored inside the primary building or removed from the site no later than September 30th of each year.
- f. The volleyball courts shall not be in use except during the following periods: 6:00 p.m. to 10:30 p.m. Mondays through Thursdays; and 10:00 a.m. to 10 p.m. Fridays through Sundays.
- g. The property owner shall pay all necessary SAC and WAC charges prior to use of the sundeck/service bar area.
- h. No alcoholic beverages shall be possessed or consumed outside of the delineated area of the outdoor volleyball court facility and sundeck/service bar area. No sale or consumption of alcoholic beverages shall occur within the outdoor volleyball court facility or sundeck/service bar area unless the proper on-sale alcohol license has been issued by the City permitting on-sale of alcohol within the outdoor volleyball court facility or sundeck/service bar areas.
- i. The outdoor volleyball courts shall be fenced with a woven mesh netting not to exceed 17' in height as measured from parking lot grade, and temporary lights shall be mounted on perimeter poles. Said lights shall be arranged so as not to cause light trespass at the property line, or cause glare onto adjacent roadways.
- j. The outdoor volleyball court facility or sundeck/service bar area shall be delineated with a temporary physical barrier subject to minimum area requirements pursuant to the Fire and Building Codes.

Ayes - 6 - Nays - 0.

**D. PD-703 Ordinance Amendments** – Public hearing to consider planned development ordinance amendments to allow for driveways off streets with raised medians and single-family residential driveway widths greater than 14 feet within the street right-of-way. **(PC13-12-Z)**

LOCATION: Cobblestone Lake Area

PETITIONER: City of Apple Valley

Chair Melander opened the public hearing at 7:41 p.m.

City Planner Tom Lovelace stated consideration would be for proposed ordinance amendments that address two code requirements for driveways in Planned Development No. 703. The planned development ordinance currently prohibits driveways coming off of streets with raised center medians and restricts the width of a driveway within the road right-of-way to a maximum of 14 feet. Amendments were proposed that would allow driveways to come off streets with raised medians and to increase the maximum driveway width within the right-of-way.

These zoning amendments were proposed because of some existing conditions within the planned development. Currently, a single-family lot located at the northeast corner of 158th Street West and

Cobblestone Lake Parkway, where a sales office and parking lot were constructed, had a driveway off both Cobblestone Lake Parkway and 158th Street West. This property is located within a planned development, which has uses, area requirements, and design standards specific to the planned development, variances cannot be considered. Therefore, an ordinance amendment would be required.

The second proposed amendment related to maximum driveway width within the right-of-way, which is currently 14 feet. The intention of this requirement was to lessen the visual impact of driveways along a street and incrementally increase the amount of available on-street parking, which due to the development's street widths, is generally restricted to one side of local public streets in most of the residential areas within the development.

Brent Hislop, Synergy Land Company, provided additional information.

Discussion followed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the continuance of the public hearing for two weeks. Ayes - 6 - Nays - 0.

## **6. LAND USE/ACTION ITEMS**

--NONE--

## **7. 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, April 3, 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 Schindler moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:35 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 4/17/13.