

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MAY 15, 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, and David Schindler.

Members Absent: Brian Wasserman

Staff Present: City Attorney Michael Klemm, Community Development Bruce Nordquist, 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. Hearing none he called for a motion.

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

3. APPROVAL OF MINUTES MAY 1, 2013.

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

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

4. CONSENT ITEMS

A. Andrews Covered Entry Addition Setback Variance – Consideration of a variance from the 30' front yard setback requirement to allow for a covered entry addition to be set back 25.5' from the front property line. **(PC13-25-V)**

LOCATION: 12091 Gantry Ct.

PETITIONER: Steve Andrews

MOTION: Commissioner Burke moved, seconded by Commissioner Diekman, approving a variance of up to 4.5 feet from the required front yard building setback of 30 feet in the "R-3" (Single Family Residential) zoning district to allow for the construction of a 4.5 ft. x 7 ft. covered front entry at 12091 Gantry Court due to the following:

1. The granting of the variance will not alter the general character of the locality.
2. The granting of the variance would be consistent with the comprehensive plan's goals and policies that encourage residents to make improvements to their homes as a way to help update and enhance the city's existing housing stock and livability.

Ayes - 6 - Nays - 0.

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

A. PD-703 Ordinance Amendments – Consideration of proposed 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 Development

PETITIONER: City of Apple Valley

City Planner Tom Lovelace stated consideration was for a draft of proposed amendments to Planned Development Ordinance No. 703 that would permit a driveway access from 158th Street West, a street with a raised median, to the property located at 15798 Cobblestone Lake Parkway. The proposed amendments would continue to restrict driveway access from structures to streets with raised medians with the exception of the lot located at 15798 Cobblestone Lake Parkway.

He stated this amendment was considered because of an existing condition on the property. The single-family lot located at the northeast corner of 158th Street West and Cobblestone Lake Parkway was the former location of a building that was used as a sales office. A parking lot was constructed that had a driveway off both Cobblestone Lake Parkway and 158th Street West. The sales office building was approved as a temporary use with the expectation that it would be converted to a detached garage at the time of construction of a dwelling unit on the lot. The driveway along 158th Street West was expected to be removed after the sales office ceased operations and a dwelling unit was constructed on the property. The location of the sales office/garage had made it a challenge to place a house on the property and make use of the existing accessory structure as a garage without having a driveway off 158th Street West. The amendment would allow the owners of the property to gain the most direct access to an existing structure that was once used as a sales office that would be converted to a detached garage as part of the construction of a single-family dwelling on the lot.

The raised median in 158th Street West directly in front of the driveway would remain, which would result in the driveway access being limited to right in/right out movements only. The driveway had been designed to allow vehicles to turnaround on the property, which would discourage vehicles from backing out onto the street.

The original request also included a proposed amendment to maximum driveway width within the right-of-way, for single-family homes, which is currently 14 feet. Staff did not recommend any amendment to this requirement at this time and the item would likely come back in the future once staff had done a review of existing conditions to determine if there is a significant problem with the driveway widths.

Discussion followed.

MOTION: Commissioner Burke moved, seconded by Commissioner Schindler approving the draft ordinance amendments to Planned Development Ordinance No. 703 to allow for the property located at 15798 Cobblestone Lake Parkway and legally described Lot 5, Block 2, COBBLESTONE LAKE 2ND ADDITION to have driveway access from 158th Street West, subject to the following requirements:

1. Only one driveway access to this property shall be permitted.
2. The principal dwelling structure on the property shall front Cobblestone Lake Parkway.
3. Any attached garage to the principal dwelling unit shall be oriented on the property so the door(s) for vehicle access into the garage are facing east or south.
4. The structure existing in the southeast corner on the property as of April 15, 2013 shall be existing on the property on the date a building permit application for the principle dwelling unit is filed with the City and said structure shall remain on the property thereafter and be converted for use as a detached garage.

Ayes - 5 - Nays – 1 (Scanlan).

B. Dalseth Accessory Building Setback Variance – Consideration of a variance from the 75' shoreland setback to construct 24' x 16' (384 sq. ft.) accessory building with a 245 sq. ft. wrap-around deck 26' from the OHWL of Farquar Lake. **(PC13-23-V)**

LOCATION: 4869 Dominica Way West

PETITIONER: Jennifer and Pascal Dalseth

Planner Kathy Bodmer presented the request for a variance to construct an accessory structure which would provide storage of watercraft, including a boat, personal watercraft, and other sporting equipment. A wrap-around deck was proposed to be constructed along the north and east sides of the accessory building. While the City Code has no exception for "water-oriented" structures in the SH district, the State DNR Shoreland Management rules have a provision for them.

The subject property abuts Farquar Lake and therefore lies within the "SH" (Shoreland) zoning district. The City's SH zoning district provides that all structures must meet the 75' setback requirement. The one exception is for a DNR permitted boathouse. A DNR permitted boathouse must be located within the DNR regulated portion of the lake (OHWL and lakeward). A boathouse would require a permit from the DNR for work in the beds of protected waters and a conditional use permit from the City. The Dalseth building is not proposed to be constructed within the lake bed, so this exception would not apply.

Shoreland management is the responsibility of local governments and may be more restrictive than the DNR rules. The petitioners request the variance based upon the DNR rules. Because the City rules do not contain an exception for the water-oriented structure, the variance would need to be considered in light of whether the petitioner has met the "practical difficulties" test, not the State Shoreland Management Rules.

She stated staff was not prepared to make a recommendation concerning this request and believed the petitioners would need to request a zoning code amendment to allow for the use they are requesting. Staff was seeking feedback from the Planning Commission concerning a potential code amendment and would like the Planning Commission to consider the issues and then provide direction.

Discussion followed.

Pascal Dalseth provided additional information.

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, June 5, 2013, at 7:00 p.m.

He also invited the Commissioners to put on their calendars a workshop for June 13, 2013, from 4:30 to 6:30 p.m. for the Urban Land Institute (ULI) Navigating the New Normal.

8. 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 Diekmann to adjourn the meeting at 7:43 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 6/19/13.