

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
JUNE 19, 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: none

Staff Present: City Attorney Sharon Hills, 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 Scanlan moved, seconded by Commissioner Diekmann, approving the agenda. Ayes - 6 - Nays - 0.

**3. APPROVAL OF MINUTES MAY 15, 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 15, 2013. Ayes - 5 - Nays – 0. Abstain – 1 (Wasserman).

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

**A. Quarry Ponds** – Public hearing to consider rezoning of 46 acres from “SG” (Sand and Gravel) to “PD” (Planned Development) and subdivision of 56 acres into 107 single-family lots and four (4) outlots. **(PC13-27-ZS)**

LOCATION: North side of CSAH 46 approximately ¼-mile west of Pilot Knob Road

PETITIONER: Arcon Land II, LLC and Fischer Sand and Aggregate, LLP

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

City Attorney Sharon Hills stated two letters were received by the City today and the Planning Commission should accept those letters on record. She said the Attorney's office needs time to respond to the letters and recommended the public hearing be continued to the next meeting.

**MOTION:** Commissioner Diekman moved, seconded by Commissioner Burke, continuing the public hearing until the meeting of July 17, 2013. Ayes - 6 - Nays - 0.

Commissioner Schindler arrived at 7:04 p.m.

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

**A. Dalseth Accessory Building Setback Variance** – Consideration of a 49' variance from the 75' "SH" (Shoreland) setback and a 15' variance from the 20' side yard setback to construct a 24' x 16' (384 sq. ft.) accessory building with a 245 sq. ft. wrap around deck. **(PC13-23-V)**

**LOCATION:** 4869 Dominica Way

**PETITIONER:** Jennifer and Pascal Dalseth

Planner Kathy Bodmer presented the request from the petitioner for two variances that would allow the construction of a 24' x 16' (384 sq. ft.) accessory building with a 7' x 23' and 7' x 12' (245 sq. ft.) wrap-around deck at 4869 Dominica Way West:

- A variance from the 75' "SH" (Shoreland) setback to locate the building 26' from the ordinary high water level of Farquar Lake (899.2' elevation).
- A variance from the 20' side yard setback to locate the building 5' from the side property line.

She stated the petitioners requested the variances to construct an accessory structure for storage of watercraft, including a boat, personal watercraft, and other sporting equipment. The plans show that a seven foot (7') wrap-around deck would be constructed on the north and east sides of the building. The subject property abuts Farquar Lake and lies within the "SH" (Shoreland) zoning district.

The City of Apple Valley's SH zoning district is more restrictive than the State rules and does not include an exception for water-oriented accessory buildings for boat and equipment storage. As a result, the Dalseth variances would need to be considered in light of whether the petitioner has met the "practical difficulties" test, not the State Shoreland Management Rules.

The size and shape of the property along with the placement and angles of the home limits the potential locations for an accessory building on the property. The location the petitioners selected for the building is a flat area that is part of a tiered landscape area on the west side of the property.

Discussion followed.

Pascal Dalseth provided additional information.

Motion: Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval allowing the construction of a 24' x 16' 384 sq. ft. accessory building at 4869 Dominica Way West, subject to compliance with all City Codes and the conditions as listed. Ayes - 6 - Nays - 1 - (Wasserman).

Additional discussion followed.

Ms. Hills suggested a motion be made to withdraw the first motion because the application was for a setback variance. The building structure itself would follow building permit requirements and would be followed up by the Inspection Department during construction.

Motion: Commissioner Diekmann moved, second by Commissioner Burke, withdrawing the first motion. Ayes - 7 - Nays - 0.

Motion: Commissioner Diekmann moved, second by Commissioner Alwin, recommending approval of a 49' variance from the 75' "SH" (Shoreland) setback to locate the building 26' from the ordinary high water level of Farquar Lake (899.2' elevation) with the conditions of the variance with the findings of the topography, the layout of the land and the existing structure as previously discussed. No deck shall be added. Ayes - 6 - Nays - 1 - (Wasserman).

Motion: Commissioner Diekmann moved, second by Commissioner Alwin, recommending approval of a 15' variance from the 20' side yard setback to locate the building 5' from the side property line. Ayes - 1 - Nays - 6 - (Alwin, Burke, Diekmann, Melander, Scanlan, and Wasserman). Motion failed.

## 7. OTHER BUSINESS

### A. Enterprise Rent-A-Car Parking Lot Setback Variance Sketch Plan – Discussion of proposed amendments to PD-254 for parking lot expansion located at 15136 Galaxie Avenue.

Planner Kathy Bodmer introduced the request from Enterprise Rent-a-Car, 15136 Galaxie Avenue, that they would like to expand the parking lot in order to provide additional customer drop-off parking spaces in the front of its building. Currently, customers park on the west side of the site which has a limited number of parking spaces.

She stated the petitioner would like to extend the southern curb of the drive entrance to align with the existing southern curb line of the outdoor storage area. This would expand the parking area by about 880 sq. ft. and provide approximately five additional parking spaces. The petitioner would have to obtain a code amendment in order to reduce the setback requirement due to the property being located within a Planned Development zoning district. Variances cannot be issued for properties zoned PD.

She stated no official action is requested and that the petitioner is considering applying for the necessary code amendment and would like to discuss the project with the Planning Commission.

Ben Bonde, Enterprise, provided additional information.

Discussion followed.

**B. USAgain Clothing Boxes** – Discussion on whether to amend City Code to allow for the placement of clothing recycling bins within the City.

City Planner Tom Lovelace provided for review and discussion the request from USAgain regarding possible changes to the City's zoning code to allow for the placement of recycling collection bins in the City. USAgain is a for profit clothing recycling business that collects unwanted textiles and resells them in the U.S. and abroad. The company would offer a small compensation to business/property owners who allow the bins on their property, which is about 1-2 cents per pound for the clothing. They distribute some of the clothing to secondhand clothing outlets such as thrift stores; some stays in the United States and some are sent overseas. Any non-reusable clothing is recycled into insulation or wiping rags or broken down into reclaimed fiber. The company is headquartered in Chicago with 11 division offices and operates over 10,000 collection bins in 15 states.

He stated no official action is needed and that the applicant is seeking input from the Planning Commission.

Brad Berg, USAgain, provided additional information.

Discussion followed.

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

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, July 17, 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 Diekmann to adjourn the meeting at 8:49 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy

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Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 7/17/13.