

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
JULY 17, 2013

**1. CALL TO ORDER**

The City of Apple Valley Planning Commission meeting was called to order by Vice-Chair Burke at 7:00 p.m.

Members Present: Ken Alwin, Tim Burke, Keith Diekmann, Paul Scanlan, and David Schindler.

Members Absent: Tom Melander and Brian Wasserman

Staff Present: City Attorney Michael Dougherty, Community Development Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer, Assistant City Engineer David Bennett, City Engineer Colin Manson, Public Works Director Todd Blomstrom and Department Assistant Joan Murphy.

**2. APPROVAL OF AGENDA**

Vice-Chair Burke asked if there were any changes to the agenda.

Community Development Director Bruce Nordquist suggested reordering items 5A and 6A and address the land use action item Dalseth accessory building setback variance to be discussed prior to the public hearing for Quarry Ponds.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, approving the agenda as amended. Ayes - 5 - Nays - 0.

**3. APPROVAL OF MINUTES JUNE 19, 2013.**

Vice-Chair Burke 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 June 19, 2013. Ayes - 5 - Nays - 0.

**4. CONSENT ITEMS**

--NONE--

**5. LAND USE/ACTION ITEMS**

**A. Dalseth Accessory Building Setback Variance** – Consideration of a variance to reduce side yard setback from 20' to 5' for a 24' x 16' accessory building. **(PC13-23-V)**

LOCATION: 4869 Dominica Way

PETITIONER: Jennifer and Pascal Dalseth

Planner Kathy Bodmer stated that at its June 27, 2013, meeting, the Apple Valley City Council voted to approve a variance reducing the "SH" (Shoreland) setback from the OHWL of Farquar Lake from 75' to 26' for a 24' x 16' (384 sq. ft.) accessory building at 4869 Dominica Way West.

The City Council received new information concerning the side yard setback variance at the Council meeting and asked that the Planning Commission review the side yard variance request again in light of the new information. The request by the petitioners was for a variance reducing the 20' side yard setback to locate a 24' x 16' accessory building 5' from the side property line. The accessory structure would be for storage of watercraft and other sporting equipment, 5' from the side property line. The side yard setback in the "R-1" (Single family, 40,000 min. lot) is 20'.

The petitioners asked that the City consider the following factors related to the side yard setback variance:

Locating the building 5' from the side property line would better screen the building from adjacent property to the west and as viewed from Farquar Lake. There is a grouping of mature trees on the northwest corner of the property and a line of white oak trees along the west property line that would help to screen the building. There is a mature red oak tree and locating the building 5' from the west property line will help avoid impacts to the tree.

A terraced garden, located along the west property line, serves as a rain garden which slows drainage to the lake and provides infiltration and filtering of stormwater. Locating the building 20' from the side property line would require removal of a large portion of the established rain garden.

Discussion followed.

Pascal Dalseth provided additional information.

Motion: Commissioner Diekmann moved, second by Commissioner Schindler, recommending approval of a variance reducing the side yard setback for a 24' x 16' accessory building from 20' to 5' at 4869 Dominica Way West, subject to the following conditions:

- All established rain gardens would be maintained
- Distance from the oak tree should be approved by Natural Resources staff
- Side trees need to be replaced to provide proper screening
- Oak tree if needed would be replaced with something comparable

Ayes - 5 - Nays - 0.

## 6. 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 continued. **(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

Vice-Chair Burke continued the public hearing from a previous meeting at 7:25 p.m.

City Planner Tom Lovelace stated the applicant requested a rezoning of approximately 46 acres of land from "SG" (Sand and Gravel) to "PD" (Planned Development) and the subdivision by plat of 56.64 acres of land into 107 single-family residential lots and four (4) outlots. Subdivision also would include the dedication of right-of-way for local streets to serve the individual lots within the proposed plat; and the right-of-way for Johnny Cake Ridge Road, the south half of 157th Street West, and the north half of CSAH 46 (County State Aid Highway) right-of-way, all of which would abut the development. The project site is located along the north side of CSAH 46, approximately 1/4-mile west of Pilot Knob Road.

The applicant submitted a request for an amendment to the 2030 Land Use Map to re-designate the property east of Johnny Cake Ridge Road from "MD" subject property "LD" (Low Density Residential/2-6 units per acre). The Metropolitan Council had reviewed and approved the proposed amendment to the 2030 Land Use Map. The next step is the adoption of the proposed amendment by the City Council.

A conditional use permit (C.U.P.) had been approved for the "SG" zoned property within the proposed development, which allows sand and gravel mining. The proposal would end the ability of Fischer Sand and Aggregate, the current owner, to mine the property and they would need to release the sand and gravel mining C.U.P. on the subject property.

He added that 157th Street W. should be extended from the Regatta Development through to Pilot Knob Road. A gap of land, 15-19 feet wide, exists between the proposed development and the Regatta development to the west. Ownership of the gap of land is currently in dispute, which may need to be addressed during the final platting of the subject property.

Mr. Lovelace stated Johnny Cake Ridge Road would be extended from CSAH 46 to the northern extent of the plat, identified Outlots A, B, C and D and provided information related to storm water ponding. He reviewed utility and grading plans. Water quality provisions would be identified and incorporated into the reconfiguration of the pond.

City Engineer Colin Manson provided additional information regarding ponding and traffic projections on the roadways.

Assistant City Engineer Dave Bennett summarized the City's surface water management and how it relates to this development.

Scott Johnson, President of Arcon Land, provided additional information and asked for recommendation to move forward to the next City Council meeting.

Discussion followed.

Erick Kaardal, Mohrman & Kaardal, P.A., made available information as it pertained to the strip of land currently in dispute.

Discussion followed

Vice-Chair Burke closed the public hearing at 8:10 p.m.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Alwin recommending approval of the rezoning of the Southwest Quarter of Section 35, with the exception of the southwest 9.88 acres, from "SG" (Sand and Gravel) to "PD" (Planned Development). Ayes - 5 - Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Scanlan recommending City Council direct staff to prepare planned development ordinance that includes permitted, conditional, and accessory uses; and area requirements and special performance standards consistent with the proposed development plans, including but not limited to the following:

- Establishing buffer area requirements for lots located directly adjacent CSAH 46, Johnny Cake Ridge Road and 157th Street West.
- A landscape plan shall be prepared that provides screening from arterial and collector streets.

Ayes - 5 - Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Schindler recommending approval of the QUARRY PONDS preliminary plat, subject to the following:

- The plat may be configured to have up to 110 lots and three (3) outlots.
- If the development is done in two phases as proposed, the first phase shall include development of Outlots A, B and C; Lots 9 -14, Block 1; lots 15 -20, Block 2; and Lots 1 -17, Block 7 only.
- Dedication on the final plat of the necessary right-of -way for 157th Street West.
- Dedication a ten foot (10') wide easement for drainage, utility, street, sidewalk, street lights, and tree plantings along the entire perimeter of lots within the plat wherever abutting public road right-of-ways.
- Dedication of a five foot (5') wide drainage and utility easement along all common lot lines.
- Dedication of one foot (1') wide easements which restrict direct driveway access to Johnny Cake Ridge Road and 157th Street West.
- 157th Street West shall be constructed from Pilot Knob Road to its existing roadway section located in the Regatta development within two years after approval of the final plat.
- Johnny Cake Ridge Road shall be constructed from Street A to 157th Street West within two years after approval of the final plat.

- Park dedication shall be satisfied by a cash-in-lieu of land contribution.
- Installation of municipal sanitary sewer, water, storm sewer, and street improvements as necessary to serve the plat, constructed in accordance with adopted City standards, including the acquisition of any necessary easements within and/or outside the boundaries of the plat which are needed to install connections to said necessary improvements. The Developer shall enter into an agreement with the City for payment of the design of said municipal improvements.
- Installation of left and right turn lanes within the CSAH 46 right-of-way, at the Johnny Cake Ridge Road intersection, in accordance with the City of Apple Valley and Dakota County standards.
- Dedication of the storm water ponding areas in the form of easements or land necessary to serve the plat per the approval of the City of Apple Valley Surface Water Management Plan, and subject to availability of land that may be necessary to accommodate surface water storage volume that will satisfy discharge rate requirements into the City of Lakeville.
- Drainage and utility easements shall be dedicated based upon the established high water level and emergency overflow elevation as determined by the City Engineer.
- Installation of pedestrian improvements in accordance with the City's adopted Trail and Sidewalk Policies, to consist of six foot (6') wide concrete sidewalks along both sides of all residential streets within the plat and eight foot (8') wide bituminous pathways along both sides of Johnny Cake Ridge Road and 157th Street West.
- An eight foot (8') bituminous pathway shall be constructed within Outlot C that will extend and connect with the existing pathway in Quarry Point Park.
- Dedication of pathway easement and drainage and utility easement over Outlot C.

Ayes - 5 - Nays - 0.

## 7. OTHER BUSINESS

**A. Hunter Woods Sketch Plan** – Review of a sketch plan that proposes rezoning from “R-1” (Single family, 40,000 min lot) to “R-3” (Single family, 11,000 min lot) and preliminary plat to create 13 single family lots, located at 12842 and 12866 Galaxie Avenue, by Hunter Emerson, LLC.

Planner Kathy Bodmer provided the sketch plan review of Hunter Woods, a 13-lot single family subdivision. She stated when formal application would be made, the petitioners would be requesting consideration of the following actions:

- Rezoning from "R-1" (Single family, 40,000 minimum lot) to "R-3" (Single family, 11,000 minimum lot)
- Subdivision by preliminary plat to create 13 lots for single family development.

She stated the petitioners wish to develop two large rural estate parcels located on the east side of Galaxie Avenue south of the Dahle Oaks development which is immediately south of the MN Zoo.

The two parcels total approximately 5.6 acres in size after right-of-way is dedicated for Galaxie Avenue.

She summarized some of the important issues related to the project:

- The properties are heavily wooded, so a tree inventory and tree mitigation plan would be required in connection with the development.
- There is a low area on the site which appears to be a wetland. The petitioner has had a preliminary wetland assessment conducted which would need to be evaluated by the City's Natural Resources Management staff to determine whether wetlands are present on the site. If there are wetlands, they would need to be delineated and any potential impacts evaluated.
- The site has mature trees, varied topography, and a possible wetland. The City would need to evaluate whether the "R-3" zoning is the most appropriate zoning for the parcels.
- Storm ponding and infiltration would need to be evaluated in light of whether or not there is a wetland on the site. If there is a wetland, there would be pretreatment requirements in addition to infiltration requirements.
- Sidewalk would be required on one side of the street to connect with the existing sidewalk on the south side of Frost Point Way. The petitioner would be required to dedicate an escrow for the future construction of trail along Galaxie Avenue in accordance with the City's Sidewalk and Trail Policy.

Peggy Carlson, Hunter Emerson, LLC, provided additional information.

Kurt Manley reviewed the property to the south of the proposed development.

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, August 7, 2013, at 7:00 p.m.

## **8. ADJOURNMENT**

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

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:44 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 8/21/13.