

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
AUGUST 21, 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, Paul Scanlan and David Schindler.

Members Absent: Keith Diekmann and Brian Wasserman

Staff Present: 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. Hearing none he called for a motion.

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

3. APPROVAL OF MINUTES JULY 17, 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 Scanlan, approving the minutes of the meeting of July 17, 2013. Ayes - 4 - Nays - 0. Abstain - 1 - (Melander).

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Apple Valley East Family 2nd Addition – Public hearing to consider amendments to Planned Development Ordinance No. 856 and subdivision of 14.5 acres into 34 single-family lots and one (1) outlot for future commercial/retail uses. **(PC13-32-ZSF)**

LOCATION: Northeast corner of 155th Street West and Pilot Knob Road

PETITIONER: South Shore Development, Inc.

Chair Melander opened the public hearing at 7:01 p.m.

City Planner Tom Lovelace reviewed the request by South Shore Development for completion of previously proposed amendments to the 2030 Comprehensive Plan Land Use Map, amendments to Planned Development Ordinance No. 856 and the subdivision by plat of approximately 14.5 acres of property located in the northeast corner of 155th Street West and Pilot Knob Road.

He stated the applicant requested that the City complete the proposed amendments to the Comprehensive Plan Land Use Map, which were submitted to the Metropolitan Council in 2010 as part of previous request for the subject property. The amendments would re-designate the north 9 acres from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/2-6 units per acre) and the south 5.5 acres from "MD" to "C" (Commercial).

The rezoning request would create "PD-856/zone 2" over the north 9 acres of the existing outlot and amend the existing planned development ordinance by adding uses, area requirements, and performance standards for zone 2. No zoning changes would be expected to the south 5.5 acres (future Outlot A) until a development plan would be submitted. This outlot would be reserved for future commercial/retail uses and the uses, area requirements, and performance standards for the future zone would be established at the time of submittal of a development proposal for the property.

The final request was for approval of subdivision by plat of the 14.5-acre Outlot A, APPLE VALLEY EAST FAMILY ADDITION into 34 single family lots on approximately 9 acres and a 5.5-acre outlot. Access to the platted lots would be via a public street that would intersect with Embry Path at two locations. He reviewed setbacks, grading, site, utility and landscape plans and reviewed any issues.

Jacob Fick, South Shore Development, provided additional information.

Discussion followed.

James Hagen, 14365 Embassy Way, commented there should not be parking on Embry Path.

Chair Melander closed the public hearing at 7:35 p.m.

6. LAND USE/ACTION ITEMS

A. Breuer Setback Variance - Consideration of a variance to reduce side yard setback from 10' to 5' to allow for the construction of a 14' x 19' (266 sq. ft.) 3-season porch 5' from the side property line. **(PC13-33-V)**

LOCATION: 14091 Forest Lane

PETITIONER: Stephanie and Todd Breuer

Planner Kathy Bodmer introduced the request of the petition for a 5' variance from the 10' side yard setback requirement to replace an existing deck with a 14' x 19' (266 sq. ft.) 3-season porch. The porch would be located 5' from the west side property line at 14091 Forest Lane.

The property is located within the "R-3" (Single family, 11,000 sq. ft. min. lot) zoning district which requires a minimum side yard setback of 5' for a deck, but 10' for a porch. There is a deck that is currently located 5' from the side property line that they would like to replace with a 3-season porch. She reviewed practical difficulties as they relate to the property.

Staff reviews variance applications based strictly upon the requirements of the state statutes and the City Code which require that the applicant establish that there are practical difficulties present in order for a variance to be granted, and that logical alternatives are not available.

She stated staff found that the porch cannot be constructed on the north side of the home because there is an egress window in that location. A 5' variance would allow an existing deck to be replaced with a porch which would help to make the space more useable for the property owner. A 5' variance would allow for a 14' wide porch which would make the room a more functional size. Impacts to the adjacent property are expected to be minimal.

Stephanie Breuer, 14091 Forest Lane, provided addition information.

Discussion followed.

MOTION: Commissioner Burke moved, seconded by Commissioner Schindler recommending approval of a 5' variance from the 10' side yard setback to construct a 14' x 19' 3-season porch 5' from the side property line at 14091 Forest Lane based upon the practical difficulties that an egress window is located on the rear (north side) of the home, a covered porch would make the space more functional for the property owner, and minimal impacts are expected to adjacent properties, subject to compliance with all City Codes. Ayes - 5 - Nays - 0.

7. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

City Planner Tom Lovelace stated that the next Planning Commission meeting would take place Wednesday, September 4, 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 Burke moved, seconded by Commissioner Schindler to adjourn the meeting at 7:44 p.m. Ayes - 5 - Nays - 0.

