

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
NOVEMBER 6, 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, David Schindler and Brian Wasserman.

Members Absent: Keith Diekmann

Staff Present: City Attorney Sharon Hills, City Planner Tom Lovelace, Planner Kathy Bodmer, Planner Margaret Dykes, City Engineer Colin Manson 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 Scanlan, approving the agenda. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES SEPTEMBER 18, 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 Burke, approving the minutes of the meeting of September 18, 2013. Ayes - 6 - Nays - 0.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Fiesta Mexican Restaurant – Public hearing to consider conditional use permit to allow for on-sale liquor at Fiesta Mexican Cuisine Restaurant. **(PC13-42-C)**

LOCATION: 14871 Granada Ave.

PETITIONER: MANA Restaurants, LLC

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

Planner Margaret Dykes stated the request was for a conditional use permit for on-sale liquor at Fiesta Mexican Cuisine Restaurant, 14871 Granada Avenue. The subject site is located in an "RB" (Retail Business) zoning district, which allows on-sale liquor with restaurant facilities.

She said the recently opened restaurant is considered a traditional Class I restaurant. The 5,634 sq. ft. restaurant is located in Granada Shopping Center, and would have a total of 200 seats as shown on the submitted floor plan. The Code requires 1 parking space for each 2.5 seats in a Class I restaurant. The floor plan shows 200 seats (168 in dining room and 32 in bar). Based on the 200 seats shown on the submitted plans, a total of 80 parking spaces are required for the restaurant, and 98 spaces are required for the remaining retail tenants (176 total). There are 142 parking spaces in the Granada Center lot. Though there is shortage of parking spaces, there is an approved shared parking plan for Granada Shopping Center that allows the shortage to occur. This is because the types of users in the Center stagger their parking needs. The City had not received any complaints about parking shortages on the site.

Discussion followed.

Jorge Montano, Fiesta Mexican Cuisine Restaurant, introduced himself and said he was looking forward to being a part of Apple Valley.

Chair Melander closed the public hearing at 7:07 p.m.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, recommending approval of a Conditional Use Permit for on-sale liquor in conjunction with a Class I restaurant to be located on Lot 2, Block 1, Valley Commercial Park 1st Addition as shown on the floor plans received in City offices on October 21, 2013, subject all applicable City codes and standards, and the following conditions:

1. There shall be no more than 200 total seats for patrons in the restaurant to comply with City Code Section 155.379 (Minimum Required Parking Spaces).

Ayes - 6 - Nays - 0.

B. Appliance Smart Conditional Use Permit and Building Addition – Public hearing to consider conditional use permit to allow for on-sale liquor in conjunction with a Class I restaurant and site plan/building permit authorization to allow for a 6,364 sq. ft. restaurant addition to the Appliance Smart building. **(PC13-40-CB)**

LOCATION: 7370 153rd Street West

PETITIONER: 7370, LLC

Chair Melander opened the public hearing at 7:08 p.m.

City Planner Tom Lovelace stated the applicant is requesting approval of conditional use permit for on-sale liquor in conjunction with a restaurant and site plan/building permit authorization to allow for construction of a 6,364-sq. ft. addition to an existing 49,100 sq. ft. retail building located at 7370 153rd Street West. The proposed addition would be the location of a Class I restaurant and would include a 1,400 sq. ft. outdoor patio area.

He reviewed minimum parking needs for the existing and proposed uses, access to receiving docks and path of delivery vehicles. A cross access and parking easement between the subject property and the lot directly to the east, may address any concern regarding parking adequacy. The parking demands and peak parking times for the three uses would vary, which may offset the small parking space deficiency.

Sidewalk connections were reviewed and bicycle parking would need to be provided with the installation of a bicycle rack in front of the restaurant. For security purposes, the applicant should submit a lighting plan that would ensure adequate lighting in the rear parking areas prior to issuance of a building permit. He stated the structure should be architecturally compatible with the building.

He added the proposed addition would be constructed over an existing storm sewer line, which would limit access to that line for maintenance or replacement purposes. The lines would need to be relocated prior to issuance of a building permit to the satisfaction of the City.

Discussion followed.

Tim McLaughlin, working with Grootwassink Real Estate and representing the Appliance Smart building and the addition, provided elevation drawings and additional information.

Chair Melander closed the public hearing at 7:33 p.m.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, recommending approval of a Conditional Use Permit to allow for on-sale liquor in conjunction with a Class I restaurant, subject to the following conditions:

- The conditional use permit shall apply to property legally described as Lot 2, Block 1, APPLE VALLEY RETAIL 2ND ADDITION.
- Such operations shall be conducted in conformance with the site plan dated August 14, 2013.
- 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 August 26, 2013.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval of the site plan/building permit authorization to allow for construction of a 6,364 sq. ft. building addition to the existing building on Lot 2, Block 1, APPLE VALLEY RETAIL 2ND ADDITION, subject to the following conditions:

- Construction shall occur in conformance with the site plan dated August 14, 2013, subject to the removal of the eight (8) parking spaces adjacent to the shared common drive.
- Construction shall occur in conformance with the elevation plan dated August 26, 2013.
- The petitioner shall identify a bike rack location on their plans.

- A north/south section of sidewalk should be installed along the west side of the proposed addition, from the front of the restaurant to the south end of the rear parking lot.
 - A landscape plan and detailed planting price list shall be submitted for verification of the City's 2 ½ % landscaping requirement at the time of submission of plans for a building permit.
 - A lighting plan shall be submitted that will ensure adequate lighting in the rear parking areas prior to issuance of a building permit.
 - The location and design of the new storm sewer line will need to be approved by the City prior to issuance of a building permit and the old line shall be removed prior to construction of the addition.
 - The outdoor dining area decorative fence shall have a minimum height of 48 inches.
 - All applicable City ordinances shall be strictly adhered to.
- Ayes - 6 - Nays - 0.

C. Sign Ordinance Amendment – Public hearing to consider an amendment to Chapter 154 of City Code of Ordinances (Signs) to allow for electronic message signs on ground/pylon signs **(PC13-41-O)**

LOCATION: Citywide

PETITIONER: Uponor North America

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

Planner Margaret Dykes stated Uponor North America had requested amendments to the City Code to allow for electronic changeable message sign integrated into permitted ground and pylon signs. Current Code: Chapter 154 (Signs) defines a Changeable Sign as, "A sign or portion of a sign with separate inset letters and/or symbols which can easily be removed and which are periodically changed."

The Code does not allow for electronic changeable copy, except for gasoline price signs, which may consist of digital or LED display signs. The Code also states, "No illuminated sign which changes in either color or intensity of light shall be permitted, except one giving public service information." The Code strictly prohibits any flashing signs in any zoning district.

The proposed amendments would be more restrictive regarding the type of electronic signs that would be allowed, and the length of the message. A more detailed sign review would be done if the code amendment is approved by the City.

Dan Hughes, Uponor, provided additional information.

Discussion followed.

Chair Melander closed the public hearing at 8:01 p.m.

6. LAND USE/ACTION ITEMS

A. ISD 196 ECFE/ECSE/ABE Building - Consideration of a subdivision by preliminary plat of 13.7-acre unplatted parcel and site plan review/building permit to allow for construction of a 52,000 sq. ft. building for early childhood family education, early childhood special education and adult basic education. **(PC13-35-SB)**

LOCATION: 14445 Diamond Path

PETITIONER: Independent School District 196

Planner Kathy Bodmer presented the request from Independent School District 196 for consideration of the following actions at 14445 Diamond Path:

- Subdivision of a 13.7-acre parcel into two lots.
- Site Plan Review/Building Permit Authorization to construct a 2-story, 52,000 sq. ft. building for early childhood family education (ECFE), early childhood special education (ECSE) and adult basic education (ABE).

She stated the Planning Commission held a public hearing for this project on September 4, 2013. At its September 18, 2013, meeting, the Planning Commission reviewed the public hearing comments and the responses to the comments and questions that were raised. The primary outstanding issue that needed to be resolved was potential future traffic impacts on the 144th Street and Diamond Path intersection.

After reviewing the trip generation information that was provided by the School District, the City Engineer asked the City's Traffic Engineer to analyze how the additional traffic resulting from the new ECFE building would impact the 144th Street and Diamond Path intersection.

Based upon the findings of the traffic study, it would be necessary to make improvements to the 144th Street and Diamond Path intersection. This would likely require additional right-of-way easements from the Diamond Path Elementary and Dakota Ridge School properties to widen the intersection. A cost share arrangement for the cost of improving the intersection and the necessary right-of-way easements would need to be determined.

Staff review of the project found that the proposed development substantially complies with the requirements of the City Code. Issues identified by City Staff, the Planning Commission and the public have been adequately addressed. A few minor issues remain which are addressed as conditions of approval of the project.

Discussion followed.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, recommending approval of the subdivision by preliminary plat of Rosemount School District 2nd Addition with the following conditions:

- i. If the City does not repeal Ordinance No. 433, which extends Drake Path right-of-way east through the property to Diamond Path and a portion of property for Tintah Park on the Official Map, the final plat shall include the dedication of the Drake Path right-of-way through the property east to Diamond Path and the portion of property for Tintah Park in accordance with the approved ordinance.
- ii. The intersection of 144th Street and Diamond Path shall be improved to accommodate the vehicular traffic generated from the proposed development. A development agreement shall be executed and recorded as a condition of the final plat approval between the School District and the City which provides the terms and conditions of the installation, the allocation of the payment of costs and the dedication of right-of-way easement for the 144th Street and Diamond Path intersection improvements.
- iii. To satisfy the park dedication requirements of the subdivision regulations, and to which Independent School District 196 shall receive credit the School District agrees that the Barbra Savanick Trail link shall be dedicated to the public and preserved for public use. The Development Agreement for this project shall include a provision mandating that the Barbara Savanick Trail link located on the property shall be dedicated to the public and preserved for public use. The School District shall execute an easement of a minimum of 12' in width in favor of the City for that area comprising the Barbara Savanick Trail link under which the City will maintain said trail.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, recommending approval of the site plan and give building permit authorization to construct a 2-story, 52,000 sq. ft. building for early childhood, family, adult and special education on Lot 1, Rosemount School District 2nd Addition, subject to compliance with all City Codes and the following conditions:

- i. Approval of the Site Plan/Building Permit Authorization is subject to approval of the preliminary and final plat and execution of related development agreements if required.
- ii. A nursery bid list shall be submitted at the time of application of the building permit which confirms that the value of the landscape plantings meets or exceeds 2-1/2% of the value of construction of the building based on Means Construction Data.
- iii. Truck hauling in connection with the construction project shall access the site only from the east off of Diamond Path and 144th Street and the District Service Drive on Diamond Path.

- iv. The construction shall be in accordance with the plans received in City Offices on September 13, 2013, and revised plans received October 10, 2013.

Ayes - 6 - Nays - 0.

B. Hunter Forrest – Consideration of a rezoning from “R-1” (Single family, 40,000 sq. ft. minimum lot) to “R-3” (Single family, 11,000 sq. ft. minimum lot) and subdivision by preliminary plat to subdivide three parcels with a total area of 7.41 acres to create sixteen (16) lots for single family development. **(PC13-37-ZS)**

LOCATION: 12842, 12866 and 12896 Galaxie Avenue

PETITIONER: Manley Development

Planner Kathy Bodmer stated Manley Development is requesting consideration of the Hunter Forrest development, a subdivision of three large under-developed single family lots located at 12842, 12866, and 12896 Galaxie Avenue. The following land use actions are requested:

1. Rezoning from "R-1" (Single family, 40,000 minimum lot) to "R-3" (Single family, 11,000 minimum lot).
2. Subdivision by preliminary plat to create 16 lots for single family development.

She stated the public hearing for Hunter Forrest was held on September 18, 2013. The petitioners revised their plans to address the issues raised by the Planning Commission and staff:

1. The right-of-way of Frost Point Way was widened to 54' to allow for a 32' wide street; on-street parking will be available on both sides of the street.
2. Sidewalk is shown along Frost Point Court.
3. The grading plan was revised to include a grading guide plan. The Grading and Erosion Control Plan shows the initial grading for the streets and infiltration area while the Grading Guide Plan includes the future grading of the building pad areas.
4. The tree mitigation plan was revised to calculate tree removal including the building pad areas. The Natural Resources Coordinator calculated that the minimum tree mitigation required will be 448".
5. A cross-section drawing was submitted that shows the height of the new home on Lot 8, Block 2 in relation to the existing home to the south. The landscape buffer is shown along the property line to help to create privacy between the new development and the existing neighborhood.

She reviewed outstanding issues related to grading and landscape buffer. Staff found that the proposed development substantially complies with the requirements of the City Code. The revised plans addressed the issues identified by City Staff, the Planning Commission and the public. A few minor issues remain which are listed as conditions of approval of the project.

Peggy Carlson, Manley Development, provided additional information.

Discussion followed.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Burke recommending approval of the rezoning of the three properties from "R-1" (Single family, 40,000 minimum lot) to "R-3" (Single family, 11,000 minimum lot). Ayes - 6 - Nays - 0.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Alwin recommending approval of the subdivision by preliminary plat of Hunter Forrest creating 16 lots for single family development, subject to conformance with all City Codes, and the following conditions:

- a. Approval of the subdivision is subject to approval of the rezoning of the properties to "R-3" (Single family, 11,000 sq. ft.).
- b. Outlot A is a non-contiguous undevelopable parcel which shall not be included in the final plat.
- c. Drainage and utility easements shall be dedicated over the stormwater infiltration basins on Lot 3, Block 1 and Lot 9, Block 2 and drainage swale on Lots 7, 8 and 9, Block 2, as depicted on the preliminary plat.
- d. The petitioner shall revise the tree mitigation plans to show replacement of a minimum of 448" of trees in accordance with the Natural Resources Coordinator's memo of November 1, 2013.
- e. The petitioner shall revise the Preliminary Grading and Erosion Control plan and Grading Guide Plan in accordance with the City Engineer's memo of October 24, 2013.
- f. Construction traffic shall enter and exit the site from the southern Frost Point Way intersection with Galaxie Avenue.
- g. An escrow shall be dedicated for an eight foot (8') wide bituminous pathway along Galaxie Avenue as it abuts the development.
- h. The developer and owner shall execute a document to control the use and maintenance of the land within the developer's proposed "landscape buffer" area, subject to review and approval by the City Attorney. The documents shall provide a mechanism that allows the City to enforce, in its sole discretion, the terms and obligations under the document, and further provide for the City to recover its costs in the event the City takes action to enforce the same.
- i. The existing wells and septic systems shall be sealed and/or removed in accordance with the Building Official's memo of August 27, 2013.
- j. The existing connections to sanitary sewer and water for the home at 12896 Galaxie Avenue shall be capped as required by the City Engineer.

Ayes - 6 - 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, December 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 Schindler moved, seconded by Commissioner Scanlan to adjourn the meeting at 9:04 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 12/4/13.