

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
DECEMBER 18, 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:

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Kathy Bodmer, Planner Margaret Dykes, 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 Alwin moved, seconded by Commissioner Wasserman, approving the agenda. Ayes - 7 - Nays - 0.

3. APPROVAL OF MINUTES DECEMBER 4, 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 December 4, 2013. Ayes - 4 - Nays - 0. Abstain - 3 - (Burke, Diekmann and Schindler).

4. CONSENT ITEMS

A. Wehrenberg Variance – Consider variance to reduce required front yard setback from 30’ to 25’ for construction of covered entry. **(PC13-45-V)**

LOCATION: 13971 Holyoke Path

PETITIONER: Jeffrey and Cynthia Wehrenberg

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval a variance for the single family residence located at 13971 Holyoke Path (Lot 17, Block 10, PALOMINO LAKESIDE MEADOWS 2nd ADDITION) to reduce the front yard setback from the required 30' to 25' for a covered entryway measuring 9'x7' as shown on the submitted plans received on December 4, 2013, to

alleviate ice build-up in winter and prevent erosion around the front entryway,
subject to all applicable City codes and standards.
Ayes - 7 - Nays - 0.

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

A. Amendment to “P” (Institutional) Zoning District – Consideration of amendments to the “P” (Institutional) Zoning District to allow for governmental administrative offices, maintenance facility buildings and accessory storage buildings. **(PC13-40-CB)**

LOCATION: City Wide

PETITIONER: City of Apple Valley

Planner Kathy Bodmer stated the Planning Commission is requested to consider amendments to the "P" (Institutional) zoning district to address requests received from the School District and other owners of institutionally zoned property.

The P zoning district currently has no provision for maintenance buildings, accessory storage buildings and outdoor storage of vehicles and equipment for governmental entities other than a city. From time to time staff receives requests from schools and churches to construct small accessory storage buildings to store lawn maintenance equipment.

The challenge with regulating accessory buildings in the P district is that there are several types of accessory buildings that are typically associated with parks and athletic fields, including warming houses, concession stands, restroom facilities and similar facilities. The City's Central Maintenance Facility currently has several buildings that are used for storage of municipal maintenance vehicles and equipment, police vehicles, salt storage, and the like.

The proposed amendments address the missing uses that are currently located in the P district. In addition, the proposed ordinance amendments allow for accessory storage buildings while limiting the number and size of them. One accessory storage building less than 750 sq. ft. would be allowed as a permitted accessory use. A storage building larger than 750 sq. ft., or a second accessory storage building, would require a conditional use permit. The maximum size of an accessory storage building would be limited to 1,400 square feet, except for maintenance facilities. The maximum number of storage buildings would be two, except as otherwise permitted under the permitted uses section.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Diekmann, recommending approval of the draft ordinance amending Title XV, Chapter 155, of the City Code, amending Sections 155.03, 155.246, 155.247, and 155.248, regarding the "P" (Institutional) zoning district.
Ayes - 7 - Nays - 0.

B. Sign Ordinance Amendment – Consideration of 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

Planner Margaret Dykes stated Uponor North America had requested amendments to the City Code to allow for electronic message signs 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." All changeable signs in the City are readerboards, which are manually changed. These signs are limited to a maximum of 2/3 of a permitted freestanding sign i.e., ground or pylon. Depending on the zoning district, a freestanding sign ranges from 40 sq. ft. for neighborhood commercial areas up to 180 sq. ft. for major shopping center areas. Therefore, changeable signs could range from 26 sq. ft. up to 119 sq. ft.

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." Additionally, the Code strictly prohibits any flashing signs in any zoning district.

Signs are a form of speech and, as such, are protected by federal and state constitutions. Local ordinances may regulate "time, place, and manner", but may not regulate content. A city may either allow or prohibit a type of sign, but may not restrict the message content of that sign.

Uponor requested only a change to allow for electronic message signs. The code amendment would allow them to install a 3' x 14.25' (43.5 sq. ft.) electronic message sign into their ground sign.

Discussion followed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval of the draft ordinance amending Chapter 154 (Signs) of the Code of Ordinances. Ayes - 7 - Nays - 0.

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, January 15, 2014, 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 Diekmann to adjourn the meeting at 7:18 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 1/15/14.