

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MARCH 19, 2014

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, 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 Alwin moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES FEBRUARY 19, 2014.

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 February 19, 2014. Ayes - 5 - Nays - 0. Abstained - 1 - Wasserman.

4. ANNUAL BUSINESS MEETING

Chair Melander opened the annual business meeting and asked for nominations.

The Commission nominated and elected officer positions amongst themselves for Chair and Vice-Chair. The officers, given only one nomination for each office, were accepted by unanimous consent under Robert's Rules of Order:

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan to nominate Thomas Melander to continue to serve as the Chair of the Planning Commission for one year. Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan to nominate Tim Burke to continue to serve as the Vice-Chair of the Planning Commission for one year. Ayes - 6 - Nays – 0.

Commissioner Schindler arrived at 7:02 p.m.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann to nominate David Schindler to serve as Secretary of the Planning Commission for another year. Ayes - 7 - Nays – 0.

5. CONSENT ITEMS

--NONE--

6. PUBLIC HEARINGS

--NONE--

7. LAND USE/ACTION ITEMS

A. Chapter 155 Amendments – Adopt resolution setting a public hearing to consider Amendments to Chapter 155 (Zoning) related to number of Council votes required for rezoning, conditional uses in the I-2 (General Industrial) zone, window wells, front decks with railing, and rooftop mechanical unit setback, by City of Apple Valley. **(PC14-08-Z)**

Planner Kathy Bodmer stated that the Planning Commission is requested to set a public hearing to consider amendments to the zoning code. Five minor amendments are proposed that are considered housekeeping in nature. The proposed amendments include the following:

- Revise the number of City Council votes required for rezoning and zoning amendments
- Conditional uses in the I-2 (General Industrial) zone
- Window well encroachments
- Allow decks, stoops and uncovered porches with railings in the front yard
- Rooftop mechanical unit setbacks

The following is a summary of the items that staff suggests could be included in the amendment:

1. Amend Number of Votes Required to Approve Zoning Amendment. Currently the zoning code states that the City Council must approve a rezoning of property or an amendment to the requirements of a zoning district with a four-fifths majority vote. This is inconsistent with State law which only requires a majority vote of the members ("simple majority") for most rezoning and zoning amendments. State law does require a two-thirds majority vote (essentially, four out of the five members) when rezoning from a residential zoning designation to either a commercial or industrial designation. The proposed amendment would make the City Code consistent with State Statutes.

2. Allow Same Conditional Uses in I-2 as in I-1. Right now, permitted and accessory uses in the I-1 (Limited Industrial) zone are also permitted and accessory uses in I-2 (General Industrial) zone. However, conditional uses in the I-1 are not automatically allowed as conditional uses in the I-2 zone. The proposed amendment would simply allow the conditional uses that are allowed in the I-1 zoning district to also be located in the I-2 district. The I-2 zoning district is a more intense zoning district and the proposed uses would be no more intense than what is already allowed by CUP. It should be noted that there are some supporting retail/service uses that are allowed in the I-1 zone that may not be desirable in the I-2 zone, including truck stops, motor fuel sales or child care centers. The City may decide that it is best to specifically select the conditional uses that would be allowed rather than allowing all of the conditional uses.

3. Window Well Encroachments and Setbacks. Homeowners remodeling their basements often wish to install egress windows in the side yard of their home. If the home is already set at the 10' minimum side yard setback, there is no room available to install a window well without encroaching into the required setback. The building code requires a minimum horizontal area of 9 sq. ft., with a minimum horizontal projection and width of 36". Allowing an encroachment into the setback of up to 48" into a setback would allow for the installation of a block wall of 8" to 12" and still maintain the 36" horizontal width and depth requirement. The proposed amendment would allow for encroachment into a front, side or rear setback up to 48", provided no less than 3' is maintained from a side property line and that there is no encroachment into an easement of record.

4. Allow decks, stoops and uncovered porches with railing in front yard. Right now, patios and decks may encroach 8' into the front setback as long as they are 18" or less above grade at the building line and they have no railing. This amendment removes the requirement for no railing on front decks and patios that encroach into the front setback. In addition, language is added to clarify that uncovered front porches, steps and stoops 18" or less above grade may also encroach into the front yard setback and may also have railing.

5. Reduce Setback for Roof Top Mechanical Equipment. The zoning code requires that mechanical equipment must set back a minimum of 20' from the building edge. On smaller commercial buildings, like the Crooked Pint, the setback is very difficult to meet. The code already requires that the equipment be fully screened, so the setback is less of an issue. Decreasing the rooftop mechanical equipment setback from 20' to 10' would allow for more flexibility. No other changes to the screening requirements are proposed. Two other typos in this section are fixed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan adopting the draft resolution setting a public hearing to consider amendments to Chapter 155 (Zoning).
Ayes - 7 - Nays - 0.

B. Chapter 153 Amendments – Adopt resolution setting a public hearing to consider Amendments to Chapter 153 (Subdivision), related to Council waivers, minor subdivisions, and other items for purposes of clean-up and clarification, by City of Apple Valley. **(PC14-09-O)**

Planner Kathy Bodmer identified that the Planning Commission is requested to set a public hearing to consider amendments to the subdivision chapter of the City Code. Minor amendments are proposed that are considered housekeeping in nature and include the following:

SECTION:

1. Council Waivers a Duplicate of Variance Procedure
2. Replace Term "Bulk" with "Building Massing"
3. Recorded Plats Not Meeting Dimensional Requirements
4. Waiving Public Hearings for "Minor Subdivisions"
5. Term "Preliminary Plat" not Synonymous with "Subdivision"

1. Council Waivers a Duplicate of Variance Procedure. §153.03 authorizes the City Council to waive compliance with provisions in the subdivision regulations. In effect, this is a variance provision and is redundant with the variance procedure provided later in the Subdivision Chapter. Staff would like to remove this section.

2. Replace Term "Bulk" with "Building Massing." §153.26(B)(1) uses the term "bulk" in the following phrase: "...except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the above referenced regulations as to bulk or use..." Bulk is an architectural term that is used to describe building size and massing on a lot. A more up-to-date word like building coverage and/or building massing may better communicate the City requirement in this section.

3. Recorded Plats not Meeting Dimensional Requirements. §153.32 (B) deals with instances where there is a dimensional problem after the City has approved a plat and the plat has been filed. In some cases, this is an unintentional oversight on the part of the City and the developer's engineer. In other cases, a plat may be filed at the County Recorder's Office after City review and approval that is different from what was approved by the City and which does not meet the Code requirements. This section needs to be edited to clarify the procedure for making findings of non-compliance.

4. Waiving Public Hearing for "Minor Subdivisions." §153.35 "Minor Subdivision" is a provision of the subdivision chapter of the City Code that is inconsistent with State Statutes. This section states that a subdivision that creates three or fewer lots where streets and services are already available may not be required to conduct a public hearing. This provision is contrary to State law which requires a public hearing for any subdivisions of property. This section would be removed from the Subdivision Chapter.

5. Term "Preliminary Plat" Not Synonymous with "Subdivision". Throughout §153.78 "Plat Procedure," the term "preliminary plat" or "plat" is used to describe when a public hearing is required. According to State law, a public hearing is required for a subdivision of property. A preliminary plat is a drawing that depicts the subdivision. Plats and subdivision are not synonymous terms, so this section would be revised to correct the terms.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan adopting the draft resolution setting a public hearing to consider amendments to Chapter 153 (Subdivision). Ayes - 7 - Nays - 0.

8. OTHER BUSINESS

A. Annual Report Presentation

City Planner Tom Lovelace stated that City ordinance requires that each commission or board submit to the City Council a report of its work during the preceding year. He presented the Community Development Department's annual report, which included the accomplishments for 2013 and the outlook for 2014. He stated the report provides a summary of activities during the year and a forecast of potential projects/goals in 2014.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, April 2, 2014, at 7:00 p.m.

9. 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 7:38 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 4/2/14.