

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
MAY 7, 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, Paul Scanlan, and David Schindler.

Members Absent: Keith Diekmann and Brian Wasserman

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer, Planner Margaret Dykes, Public Works Director Todd Blomstrom, 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 - 4 - Nays - 0.

**3. APPROVAL OF MINUTES APRIL 16, 2014.**

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 Scanlan, approving the minutes of the meeting of April 16, 2014. Ayes - 3 - Nays – 0. Abstained – 1 – Burke.

**4. CONSENT ITEMS**

--NONE--

Commissioner Schindler arrived at 7:01.

**5. PUBLIC HEARINGS**

**A. Quarry Ponds West** – Public hearing to consider the subdivision of 10.5-acre outlot into 33 single-family lots. (PC14-11-S)

LOCATION: Northwest corner of CSAH 46 and future Johnny Cake Ridge Road

PETITIONER: Arcon Land III, LLC and Fischer Sand and Aggregate, LLP

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

City Planner Tom Lovelace stated an application had been submitted for a preliminary plat for the subdivision of Outlot D, REGENT'S POINT, according to the proposed final plat. The applicant is proposing to plat this 10.5-acre parcel into 33 single-family residential lots.

Access to the proposed subdivision would be via 157th Street West and Johnny Cake Ridge Road, both collector streets that do not currently exist. The right-of-way for these streets would be dedicated with the REGENT'S POINT final plat. Direct access to the individual lots would be from local residential streets whose right-of-way would be dedicated with this plat. No direct access from the lots within this plat to 157th Street West and Johnny Cake Ridge Road would be allowed.

A rezoning request of the property from "SG" to a "PD" (Planned Development) was made with the earlier Quarry Ponds development request. The Planning Commission did recommend approval of the rezoning and the City Council will consider it at the same time as final consideration of the Quarry Ponds final plat, which has been renamed REGENT'S POINT. The project is proposed to be done in two phases. The most southerly 16 lots would be developed in the first phase, with the remaining 17 lots developed in the second phase.

Scott Johnson, Arcon Land III, Inc., introduced himself and offered to answer questions.

Linda Garrett-Johnson, 15681 Finch Avenue, expressed concern for the traffic on future 157th Street West that would be generated when the development is built. Her concern was for the children and residents who live there and she suggested the installation of stop signs at a minimum if a signal light cannot be installed.

Gene Rehtzigel, 6533 – 160th Street West, questioned if there was going to be gravel mining on these phases and stated he objects to the graveling mining. He inquired why he was not given notice of this development plan because he owns a strip of land that borders the development. He commented that when Regatta was developed they were not allowed to include the pond as parkland. He questioned if Fischer Sand and Gravel and Arcon Land III would be allowed to include the pond as parkland. He said that is City land. He objects to things not being done fairly and squarely. He expressed concern for lot sizes and that when Regatta was designed the Planning Commission made sure there were large lot sizes for single family homes. He thinks this development should be required to have the same lot sizes as the Regatta development and believes the property values in Regatta could be hurt. He read a letter dated May 7, 2014, he submitted to the City.

Carla Rehtzigel, 15973 Fennel Ct, commented she does not think the pond should be disturbed. Wildlife and birds exist there now.

Zack Stadem, 14644 Hayes Rd., asked why the road could not wrap around the pond instead of going through it.

Larry Russell, 15746 Finch Avenue, expressed concern for the traffic and safety of the children in the area. He said the wildlife is incredible and it would be sad to see it go. He inquired when the Greenway Trail System plans had been changed. He thought the Greenway would be going through there and that was one of the reasons he had picked the lot he did. He thought it would be more of a buffer area.

Darrin Larson, 15688 Finch Avenue, shared the same concern for the children and their safety on 157th Street. He suggested for 157th Street to have some turns on it. He believes that will slow down the traffic. There is a lot of traffic on the street and people do not stop for stop signs. He agreed with others that property values are a big concern as well.

Sara Rechtzigel, 15973 Fennel Ct., inquired what the speed limit would be on 157th Street because there is heavy traffic on Pilot Knob Road by Target and believes that is 55 mph.

Chair Melander closed the public hearing at 7:49 p.m.

## 6. LAND USE/ACTION ITEMS

**A. Chapter 155 Amendments** – Consideration of Amendments to Chapter 155 (Zoning) related to number of Council votes required for rezoning, window wells, front decks with railing, and rooftop mechanical unit setback. **(PC14-08-Z)**

LOCATION: City Wide

PETITIONER: City of Apple Valley

Planner Kathy Bodmer reviewed the request to consider an ordinance amending the zoning code which would include the following provisions:

- Revise the number of City Council votes required for rezoning and zoning amendments.
- Allow window wells to encroach into side and rear setbacks.
- Allow decks, stoops and uncovered porches that are less than 30" from grade to encroach in the front yard setback up to eight feet (8'). Remove "no railing" requirement.
- Delete setback requirements for rooftop mechanical units.

She stated staff reviewed Chapter 155 (Zoning) of the City Code and found several sections that require editing for purposes of clarification and/or consistency with State law. A draft ordinance had been prepared to address four minor edits that are considered housekeeping in nature. She summarized the ordinance amendments.

Discussion followed.

**MOTION:** Commissioner Scanlan moved, seconded by Commissioner Burke recommending approval of the draft ordinance amending Chapter 155 (Zoning) of the Code of Ordinances for purposes for consistency with State Law, clean-up and clarification with the proposed change. Ayes - 5 - Nays - 0.

## **7. OTHER BUSINESS**

**A. MVTA Layover Project** – Sketch plan review of zoning amendments to allow for a bus layover facility; rezoning of property from PD-507, zone 7b to zone 7a; proposed subdivision by preliminary plat of 10-acre site into two (2) lots; interim use permit for an approximately 230-space parking lot; and site plan review/building permit authorization for layover facility with approximately 600 sq. ft. building. **(PC14-15-ZSB)**

Planner Margaret Dykes stated the applicant is requesting comments on the following:

- Zoning amendments to PD-507, zone 7a to allow for a bus layover facility;
- Rezoning of property from PD-507, zone 7b to zone 7a;
- Subdivision by preliminary plat of the existing Apple Valley Transit Station 10-acre site into two (2) lots;
- An interim use permit for a 231-space temporary parking lot; and
- Site plan review/building permit authorization for a bus layover facility with an approximately 600 sq. ft. building.

She provided history of the property and commented that the applicant stated the bus layover facility is needed to improve the timing of transit service for the Red Line Bus Rapid Transit line, as well as MVTA local and commuter routes. Staff is supportive of the requested zoning amendment and rezoning.

Staff also supports an interim use permit for the 231-space temporary parking lot for a period of five (5) years or until 2019. After that time, if MVTA still needs the temporary parking, staff believes the City should reexamine the proposed interim use permit.

The preliminary site plan shows the construction of a bus layover facility with spaces for 14 buses and an approximately 600 sq. ft. building to be used by bus drivers.

Kraig Klund, TKDA, an architectural and engineering firm from St. Paul, stated they are working with MVTA on this project and answered questions.

Jane Kansier, Senior Project Manager for MVTA, provided additional information.

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, May 21, 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.

