

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
OCTOBER 15, 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 and Paul Scanlan.

Members Absent: David Schindler and Brian Wasserman.

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.

Community Development Director Bruce Nordquist stated item 4A – Tide Dry Cleaning, the applicant requested to have the item removed from the agenda.

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

3. APPROVAL OF MINUTES OCTOBER 1, 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 Scanlan, approving the minutes of the meeting of October 1, 2014. Ayes - 5 - Nays – 0.

4. CONSENT ITEMS

A. Tide Dry Cleaning – Review amended site plan for 3,255 sq. ft. dry cleaning operation in Time Square Shopping Center. **(PC14-19-B)**

LOCATION: 7562-7564 149th Street West

PETITIONER: CMA Architects and Time Square Shopping Center, LLC.

Item was removed from agenda.

5. PUBLIC HEARINGS

A. Miss Marie's Learning Center – Public hearing to consider amendment to a conditional use permit expanding an existing daycare facility to 3,500 sq. ft. in an “LB” (Limited Business) zoning district. **(PC14-35-C)**

LOCATION: 14510 Pennock Avenue

PETITIONER: MPZ Enterprises and Von Hanson's Properties, LLC

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

Planner Margaret Dykes reviewed the applicant's request for an amendment to an existing CUP for a private daycare. The City approved the applicant's request for a CUP in 2008 for a daycare center, and for an expansion in 2010. The applicant's business has continued to grow and she would like to expand so that she occupies the entire 3,500 sq. ft. building.

The City code defines a conditional use as one that is permitted in a zoning district provided certain criteria are met. The purpose of the conditional use permit is to determine if the proposed site has any unique characteristics that require special consideration to adequately accommodate the proposed use without adversely impacting surrounding uses. Staff's opinion is that the expanded daycare use complies with the zoning code and would not adversely affect surrounding uses.

Marie Zurick, Miss Marie's Learning Center, provided additional information.

Chair Melander closed the public hearing at 7:11 p.m.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a Conditional Use Permit for a 3,500 sq. ft. childcare facility in a "LB" (Limited Business) zoning district at 14510 Pennock Avenue (Lot 7, Block 2, Valley Commercial Park 2nd Addition) as shown on the plans received in City offices on September 9, 2014, in accordance with all applicable City codes and standards.
Ayes - 5 - Nays - 0.

6. LAND USE/ACTION ITEMS

A. Caribou Coffee Drive-Thru – Consideration of a conditional use permit and site plan/building permit authorization to allow a drive-thru in connection with Class III Restaurant in Planned Development 290, Zone 4. **(PC14-17-ZCB)**

LOCATION: 14638 Cedar Avenue

PETITIONER: Caribou Coffee Company

Planner Kathy Bodmer stated Caribou Coffee is located in the Cedar Marketplace development at 14638 Cedar Avenue. The property is zoned PD-290, Zone 4, which was recently amended to allow a drive-thru in connection with a Class III restaurant like a coffee shop. The CUP has performance standards which must be addressed in order to obtain a conditional use permit. Caribou proposes to mitigate impacts to adjacent residential properties by installing an eight foot

(8') tall masonry wall and extensive landscaping. The wall would help to block headlights and absorb noise. Caribou also provided a signage plan that shows that the vehicles using the drive-thru would be directed to queue up on the west side of the parking lot to ensure neighboring businesses are not blocked.

The City's definition of a Class III restaurant limits hours of operation from 6:00 a.m. to 11:00 p.m. The City may wish to further limit the drive-thru hours to be consistent with the noise ordinance which prohibits noisy activities like construction and use of power tools between the hours of 10:00 p.m. to 6:00 a.m. Before 6:00 a.m. and after 10:00 p.m. customers could be required to park and enter the coffee shop to place their orders.

Jerry Roper, Caribou Coffee, commented he would like to see the drive-thru hours the same as the hours of operation.

Attorney Sharon Hills commented that according to the City Code a Class III restaurant is allowed to operate from 6:00 a.m. to 11:00 p.m. daily.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, recommending approval of a conditional use permit to construct a drive-thru in connection with a coffee shop at 14638 Cedar Avenue, subject to conformance with all City Codes and the following conditions:

- a. The issuance of the Conditional Use Permit (CUP) shall be subject to the execution of a revised cross-access easement, as approved by the City, which allows for the installation of the drive-thru improvements on the property as depicted on the approved Site Plan dated October 3, 2014.
- b. The hours of the drive-thru shall be limited to 6:00 a.m. to 11:00 p.m. daily.
- c. An 8' tall by 64' long masonry wall that matches the exterior materials of the building shall be constructed along the north property line in accordance with the site plan dated October 3, 2014.
- d. The site shall be landscaped in accordance with the Landscape Plan dated September 2, 2014.

Ayes - 5 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the site plan and give building permit authorization to construct a drive-thru window, subject to conformance with all City Codes and the following conditions:

- a. Issuance of a building permit is subject to issuance of a conditional use permit (CUP) for a drive-thru lane.
- b. Signs noting the pedestrian crossing shall be posted at the entrance and exit to the drive-thru.

- c. Directional signs shall be installed within the site, in accordance with the Site Plan dated October 3, 2014, to establish a queuing lane that does not block or interfere with other businesses in the shopping center.
- d. A pedestrian crosswalk shall be painted and maintained on the south side of the drive-thru loop in accordance with the Site Plan dated October 3, 2014.
- e. A pedestrian connection shall be constructed from the site to the trail abutting Cedar Avenue as shown in the Site Plan dated October 3, 2014.
- f. The petitioner shall provide tree protection fencing during construction to protect the three existing evergreen trees located on the north side of the Caribou Coffee building. If the trees are damaged during construction, the trees shall be replaced with 8' tall evergreens as approved by the City.
- g. The grading plan shall be modified as approved by the City Engineer to provide spot elevations and a swale along the north property line to ensure stormwater drainage is directed to the west.
- h. Deliveries shall be made on the east side of the building and received through the north door of the coffee shop.
- i. The light pole shall be relocated to safely illuminate the pedestrian crosswalk.

Ayes - 5 - Nays - 0.

7. OTHER BUSINESS

A. Heartbeat Dance Studio Sketch Plan: - Sketch plan review of proposed amendment to "LB" (Limited Business) zone to allow live-work apartment units, conditional use permit for the use of cementitious fiberboard, and site plan review/building permit authorization for a 1,400 sq. ft. studio addition with 1,026 sq. ft. second story apartment, located at 7661 - 145th Street West, by Deb Lysholm.

Planner Kathy Bodmer stated the owner, Deborah Lysholm, of Heartbeat Dance Studio at 7661-145th Street West, requested a sketch plan review of a proposed 1,400 sq. ft. addition with a 1,026 sq. ft. second-story artist loft. The existing dance studio building is 5,300 sq. ft. If the project were to move forward, the following actions would be needed:

- Zoning code text amendment to allow a dwelling unit above the dance studio in an "LB" (Limited Business) zoning district
- Conditional Use Permit (CUP) to construct the exterior of the addition with cementitious fiber board siding.
- Site Plan Review/Building Permit Authorization for the building addition.

The dance studio is located in the "LB" (Limited Business) zoning district. The property owner wishes to amend the "LB" (Limited Business) zoning district to allow an apartment unit to be constructed on the second story above the studio addition.

At this time, the LB zoning district has no provision for construction of a living unit as proposed. The LB zoning district allows professional offices and professional service uses. Rectories or parsonages, as part of a "religious center," would be allowed in the LB zoning district. It would not

be uncommon for a funeral home, which is allowed by CUP in the LB zone to have an apartment unit in the building as part of its operation. The area of the proposed dance studio is a transition area from the commercial core of the City to the residential area to the north. She reviewed issues raised in other cities governing artist lofts and live-work units as well as building materials.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, November 5, 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 7:56 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 11/5/14.