

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JUNE 3, 2015

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, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: None

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer, Planner Margaret Dykes, Assistant City Engineer Brandon Anderson 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 - 7 - Nays - 0.

3. APPROVAL OF MINUTES MAY 20, 2015

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 May 20, 2015. Ayes - 6 - Nays - 0. Abstained - 1 - Schindler.

4. CONSENT ITEMS

A. ISD 196 Transportation Hub Facility – Continue public hearing for ISD 196 Transportation Hub Facility until June 17, 2015, meeting.

LOCATION: Northeast corner of Johnny Cake Ridge Road and Upper 147th Street West

PETITIONER: ISD 196

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, continuing the public hearing on the ISD 196 Transportation Hub Facility until the June 17, 2015, meeting. Ayes - 7 - Nays - 0.

B. Celts Craft House Conditional Use Permit – Authorize extension of Conditional Use Permit 2008-107 for outdoor café/seating area at Grandstay Hotel.

LOCATION: 7083 – 153rd Street W.

PETITIONER: Celts Craft House

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, recommending approval of the extension of Conditional Use Permit 2008 -107 for an Outdoor Cafe /Seating Area for Celt's Craft House at the Grandstay Hotel, 7083 -153 Street W. (Lot 2, Block 2, Village at Founders Circle). Ayes - 7 - Nays – 0.

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

A. Outlot C/Community Cares Property Rezoning – Consider rezoning of two properties from “A” (Agricultural) to “BP (Business Park) for consistency with 2030 Comprehensive Plan designation of “IND” (Industrial). **(PC15-15-Z)**

LOCATION: Southwest of Energy Way and Pilot Knob Road

PETITIONER: City of Apple Valley

Planner Margaret Dykes stated a public hearing for this item was held May 6, 2015 and a comment was received from a representative of the owner of the Community Cares site, who asked that the non-profit be allowed to operate on the site as it currently does. Staff replied that the organization currently does not comply with the zoning code. Provided the non-profit complies with the regulations of the "BP" zone, it can continue to operate. No other comments were received from the public.

Ms. Dykes reviewed the background. In 1994, the Apple Valley Economic Development Authority (EDA) acquired a 28-acre site generally located northwest of the intersection of Pilot Knob and County Road 42 from L.G.S. Concord/ Citizens Utility to facilitate the creation of a business park. This 28-acre parcel, now called Valley Business Park, was platted in 1999. Immediately to the south of Valley Business Park is a 3.54 -acre unplatted parcel that had been an old farmstead. The property is now owned by Community Cares, Inc. (5751 150th Street W.). Adjacent to the Community Cares site is a 0.18 –acre Outlot C owned by the Apple Valley Economic Development Authority. Both properties are guided "IND" (Industrial), but zoned "A" (Agricultural).

State statute (Minn Stat 473.865, Subd. 3) states that if the zoning of a property conflicts with a comprehensive plan as the result of an amendment to the plan, the zoning regulation shall be amended so as to not conflict with the comprehensive plan. The City Attorney has stated that the City should ensure that the zoning of property be consistent with its Comprehensive Plan designation.

The surrounding properties, consisting of approximately 40 acres in total area, are zoned "BP" (Business Park). The City Attorney advised that rezoning the subject properties to "BP" is necessary by state law.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Schindler, recommending approval of the draft ordinance rezoning Outlot C, Valley Business Park and 5751 – 150th Street West from "A" (Agricultural) to "BP" (Business Park) in order to remove inconsistencies between the comprehensive guide plan land use map, and the zoning map. Ayes - 7 - Nays – 0.

B. Cobblestone Lake 7th Addition – Consideration of subdivision of approximately 3.7 acres of property for the purpose of constructing 37 townhomes; and the completion of a Comprehensive Land Use Map amendment and rezoning. **(PC15-13-ZSB)**

LOCATION: Northeast corner of Eagle Bay Drive and Dodd Boulevard

PETITIONER: South Shore Development, Inc.

Planner Margaret Dykes commented the property is currently Comp Plan guided "P" (Parks and Open Space) and "MD" (Medium Density Residential/6 -12 units per acre). In 2005, the petitioner submitted an application requesting a re-designation of this property to "MD" (Medium Density Residential) as part of a 30–unit townhouse development. On June 23, 2005, the City Council approved the submittal of the Comp Plan amendment to the Metropolitan Council for their consideration and on August 1, 2005, the Met Council approved the amendment. No final action by the City Council was taken on the proposed amendment because the petitioner withdrew their request.

Rezoning the property from "A" (Agricultural) to "PD 703/zone 9" (Planned Development), a new subzone classification that would allow for multi-family townhomes as a permitted use, would be required. This new planned development zone would be part of the Cobblestone Lake development.

Approval of this new subzone would require the preparation of ordinance amendments that identify the proposed use as well as the area requirements and performance standards for the future subzone. The rezoning was also considered in 2005, and the Planning Commission recommended approval to the rezoning to "PD 703/zone 9 ", conditioned upon approval of the Comp Plan re-designation. 155th Street West, west of Eagle Bay Drive is a four-lane divided roadway with left and right–turn lanes.

Just east of the Eagle Bay Drive intersection, the street becomes Dodd Boulevard. The street at that location loses a thru lane each way and no turn lanes have been installed. Because of the volume of traffic that this street carries and loss of lanes east of Eagle Bay Drive, a right turn lane shall be installed at the intersection Dodd Boulevard and Street B.

The most southerly driveway shall be removed and replaced with non-surmountable curb. Staff recommended that a sidewalk connection be made along the south side of the northerly intersection to the Dodd Boulevard pathway and the pathway located in the Apple Valley East Park.

The revised plans show the connection to the pathway in the park but not the connection to Dodd Boulevard. They have indicated that the grades would not allow that connection to be made, which the City has verified.

She commented staff recommended that a masonry treatment be added to help add more variety to the exterior. Staff asked the petitioner to investigate the incorporation of such things as bay windows, decorative sills and headers, window shutters, and width of the lap siding to help break up the massing of the buildings. They have submitted a letter, which provides a detailed description of their building design, which addresses staff's recommendations.

Paul Heuer, Pulte Homes, provided additional information.

Discussion followed.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the amendment to the 2030 Comprehensive Land Use Plan redesignating the property located at 15450 Dodd Boulevard from "P" (Park) to "MD" (Medium Density Residential/6 -12 units per acre). Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the rezoning of the property located at 15450 Dodd Boulevard from "A" (Agricultural) to "PD-703/zone 9" (Planned Development). Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the Cobblestone Lake 7th Addition preliminary plat subject to the following conditions:

- a. A blanket drainage and utility easement shall be established over and across Lot 38, Block 1.
- b. The dedication of one-foot (1') wide easements that restricts direct driveway access to Dodd Boulevard and Eagle Bay Drive.
- c. The dedication of the necessary right-of-way along Dodd Boulevard for a right-turn lane at the intersection of Dodd Boulevard and Street B.

Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, recommending approval of the site plan building permit authorization to allow for the construction of thirty (37) townhouse dwelling units subject to adhering to applicable city ordinances and the following conditions as amended:

- a. Issuance of a building permit shall be subject to approval of the 2030 Land Use Plan re-designation, rezoning, and planned development ordinance amendments.
- b. Construction shall occur in conformance with the development plans dated May 26, 2015; subject to the construction of a right -turn lane at the intersection of Dodd Boulevard and Street B and revisions and requirements identified the Assistant City Engineer's memo dated May 28, 2015.

