

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
AUGUST 19, 2015

**1. CALL TO ORDER**

The City of Apple Valley Planning Commission meeting was called to order by Vice-Chair Burke at 7:00 p.m.

Members Present: Ken Alwin, Tim Burke, Keith Diekmann, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: Tom Melander.

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Margaret Dykes, Assistant City Engineer Brandon Anderson and Department Assistant Joan Murphy.

**2. APPROVAL OF AGENDA**

Vice-Chair Burke asked if there were any changes to the agenda. Hearing none he called for a motion.

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

**3. APPROVAL OF MINUTES AUGUST 5, 2015**

Vice-Chair Burke 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 August 5, 2015. Ayes - 4 - Nays - 0. Abstain - 1 - Diekmann

**4. CONSENT ITEMS**

A. Set public hearing for September 16, 2015, 7:00 p.m. to consider amendments to the "PD" (Planned Development) zoning district.

LOCATION: City Wide

PETITIONER: City of Apple Valley

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, adopting **Resolution 2015-02** setting public hearing for September 16, 2015, at 7:00 p.m. to consider amendments to the "PD" (Planned Development) zoning district. Ayes - 5 - Nays - 0.

B. Set public hearing for September 16, 2015, 7:00 p.m. to consider zoning ordinance amendments pertaining to alcoholic beverage production establishments.

LOCATION: City Wide

PETITIONER: City of Apple Valley

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, adopting **Resolution 2015-03** setting public hearing for September 16, 2015, at 7:00 p.m. to consider zoning ordinance amendments pertaining to alcoholic beverage production establishments. Ayes - 5 - Nays - 0.

Commissioner Schindler arrived at 7:01 p.m.

## 5. PUBLIC HEARINGS

--NONE--

## 6. LAND USE/ACTION ITEMS

**A. Karamella Addition** – Consider zoning amendment to allow for ancillary retail in conjunction with a permitted use in the “I-1”, “I-2”, and “BP” zoning districts, subdivision by preliminary plat of a 21.58-acre site to create one (1) lot and one (1) outlot, and site plan/building permit authorization for an approximately 69,500 sq. ft. manufacturing and warehouse facility, and attached 4,200 sq. ft. ancillary retail facility. **(PC15-26-ZSB)**

LOCATION: Northwest of Johnny Cake Ridge Road and 147th Street W.

PETITIONER: HBP Property Holdings, LLC, and Karamella, LLC

Planner Margaret Dykes stated the property, located northwest of Johnny Cake Ridge Road and 147th Street W., is zoned "I -2" (General Industrial). It does not allow for ancillary retail sales. The applicant is requesting an amendment to the zoning code to allow for ancillary retail sales in conjunction with the manufacturing facility. The City Attorney has drafted zoning code amendments that would allow ancillary retail sales as a permitted accessory use in conjunction with a permitted use provided the retail does not exceed 15% of the total floor area or 5,000 sq. ft., whichever is smaller. This would allow a tenant to have a retail operation to sell products manufactured or warehoused on the site. In staff's opinion, allowing a small amount of retail in conjunction with a manufacturing or retail facility does not detract from the overall industrial use of the property.

She said the applicant is requesting a subdivision by preliminary plat of the subject 21.58-acre site into one lot and one outlot. The revised preliminary plat shows Lot 1 would be 11.11 acres, and Outlot A is shown as 8.21 acres. A 26' wide drainage /utility easement is now shown on the plat along Johnny Cake Ridge Road; however, it should be modified so that it allows for the installation of a bike trail in this area. An 8'-wide bike trail must be constructed on the applicant's property within the easement. The bike trail would be installed at the time of road improvements for Johnny Cake. A stormwater infiltration area has been incorporated into Lot 1 and a drainage/utility

easement has been placed over it. All necessary drainage and utility easements are shown on the preliminary plat, though some may need to be modified.

The site plan shows an approximately 69,500 sq. ft. manufacturing/warehouse facility, and attached 4,200 sq. ft. ancillary retail facility. The total building area is about 73,700 sq. ft. The plan shows a layout for a future expansion, which would increase the building area by approximately 85,280 sq. ft., bringing the maximum building area to 158,939 sq. ft.

The revised site plan shows a right-in/right-out access to Johnny Cake, due to the traffic volume. An island in this drive will prevent illegal left turns into the site at this location. Future improvements to Johnny Cake, including a signal, will be monitored by the City and made when it is determined the improvements are needed. There are two driveways accessing 147th Street W. (also a collector), which will provide full access. Driveway widths meet City requirements. Right-turn lanes are shown 147th Street, as required.

Discussion followed.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of the draft ordinance amendment to allow for ancillary retail in conjunction with a permitted use in the "I -1" (Limited Industrial), "I -2" (General Industrial), and "BP" (Business Park) zoning districts. Ayes - 6 – Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of the preliminary plat of Karamella Addition, a subdivision of a 21.58-acre parcel to create one (1) lot and one (1) outlot as shown on the plans received in City offices on August 12, 2015, subject to all applicable City codes and standards, and the following conditions:

- a. All necessary drainage and utility easements shall be dedicated on the plat for any existing and future public utility infrastructure.
- b. The property owner shall dedicate a 26'-wide trail/drainage/utility easement along the east side of the property to accommodate future bike trail improvements.
- c. The property owner shall provide for park dedication for the manufacturing building, which shall be in cash-in-lieu of land and paid prior to the release of the final plat for filing.
- d. No building permit shall be issued until the final plat of Karamella Addition is filed with Dakota County Recorder's Office, a Development Agreement is executed by the developer and City and all the conditions of the executed Development Agreement have been met by the applicant.

Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Schindler, recommending approval of Site Plan/Building Permit Authorization for an approximately 69,500 sq. ft. manufacturing and warehouse facility, and attached 4,200 sq. ft. ancillary retail facility, as shown on the plans received in City offices on

August 12, 2015, subject to all applicable City codes and standards, and the following conditions:

- a. There shall be no operation of the ancillary retail until the adoption and publication of the amendment to Chapter 155 (Zoning) allowing for ancillary retail in conjunction with a permitted use.
- b. The subject building shall be located on Lot 1, Block 1, Karamella Addition.
- c. There shall be a minimum of 196 parking spaces constructed in the first phase of the development. Any future phases shall require additional parking to meet the needs of the development per City code.
- d. No building permit shall be issued until a Natural Resources Management Permit has been obtained.
- e. Submission of a nursery bid list that confirms the landscape materials and irrigation system meet or exceed 1 percent of the value of the construction of the building based on Means Construction Data.
- f. The property owner shall install bike racks at the retail store.
- g. Additional pedestrian connections from 147th Street shall be made to the retail store.
- h. The trash enclosure shall be constructed of the same materials as the primary building.
- i. A lighting plan shall be submitted to ensure compliance with the City's photometric requirements of 1.0 footcandles at the property line, and all lighting shall be arranged and shielded so as to deflect light away from any adjoining residential uses or public roads.
- j. The property owner shall address the comments raised by the Assistant City Engineer in his memo dated August 14, 2015.
- k. The property owner shall address the comments raised by the Fire Marshal in his memo dated July 21, 2015.

Ayes - 6 - Nays - 0.

## **7. OTHER BUSINESS**

### **A. Continue Discussion of the Mixed Business Campus Comprehensive Plan Designation.**

Community Development Director Bruce Nordquist commented that a review and discussion is planned over the next few months at Planning Commission meetings concerning the Mixed Business Campus designation in the 2030 Comprehensive Plan.

The 2030 Comprehensive was adopted by the City Council on January 14, 2010. A prior action taken by the City Council in May, 2009, directed staff "to review and update the City Council every five years on development and continued viability of the Mixed Business Campus."

### **B. Review of upcoming schedule and other updates.**

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, September 2, 2015, at 7:00 p.m.

**8. ADJOURNMENT**

Hearing no further comments from the Planning Staff or Planning Commission, Vice-Chair Burke asked for a motion to adjourn.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Diekmann to adjourn the meeting at 7:38 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 9/16/15.