

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
OCTOBER 7, 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, Keith Diekmann, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: Tim Burke.

Staff Present: City Attorney Sharon Hills, City Planner Tom Lovelace, Planner Kathy Bodmer, Code Compliance Inspector Elena Shulman, 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 Alwin moved, seconded by Commissioner Diekmann, approving the agenda. Ayes - 5 - Nays - 0.

**3. APPROVAL OF MINUTES SEPTEMBER 16, 2015**

Chair Melander asked if there were any changes to the minutes. Hearing none he called for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, approving the minutes of the meeting of September 16, 2015. Ayes - 5 - Nays - 0.

Commissioner Schindler arrived at 7:01 p.m.

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

--NONE--

## 6. LAND USE/ACTION ITEMS

### A. Zoning Ordinance Amendments – Alcoholic Beverage Production Establishments – Consider zoning ordinance amendments pertaining to alcoholic beverage production establishments. (PC15-27-Z)

LOCATION: City Wide

PETITIONER: City of Apple Valley

City Planner Tom Lovelace stated that due to recent changes in Minnesota state law, the City Clerk's office has begun updates to the City Code to allow liquor licenses for alcoholic beverage production establishments, such as brewer taprooms, cocktail rooms, microdistilleries, and small breweries. The City Code currently allows breweries in the "I-2" (General Industrial) district. To expand these uses to be consistent with State law and surrounding cities, the Zoning Code will need to be amended to allow for the above-listed uses in both the "I-1" (Limited Industrial), and "I-2" districts. These uses, due to their industrial nature, would not be permitted outside of these zoning districts. The City Attorney's office has drafted an ordinance amendment to address these uses.

The Planning Commission held a public hearing on this item on September 16, 2015. No comments were received from the public, but the Commission requested revisions to the draft ordinance to limit the size of taprooms and cocktail rooms to ensure these uses would remain ancillary to the primary use of brewery or microdistillery. The City Attorney has drafted revisions that would limit the size of taprooms or cocktail rooms to no more than 30% of the floor area of the primary use of brewery or microdistillery.

Discussion followed.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Alwin, recommending approval of the draft ordinance amending Chapter 155 (Zoning) to allow for Alcoholic Beverage Production Establishments in the "I-1" and "I-2" zoning districts. Ayes - 6 - Nays - 0.

### B. Cobblestone Lake South Shore 9th Addition - Consider Comprehensive Land Use Map amendments, rezoning, zoning amendments, and preliminary plat for a 7.78-acre development that will create 44 single-family lots. (PC15-30-PZS)

LOCATION: SE corner of 157th Street W and Cobblestone Lake Pkwy S

PETITIONER: Cobblestone Lake Development, LLC

City Planner Tom Lovelace stated for your consideration is a request by South Shore Development, LLC for amendments to the 2030 Comprehensive Plan Land Use Map, rezoning, and the subdivision by plat of two existing outlots totaling approximately 11.51 acres. The proposed development is located in the southeast corner of Cobblestone Lake Parkway South and 157th Street West.

The amendments to the 2030 Comprehensive Plan Land Use Map would re-designate the property from "HD" (High Density Residential /12+ units per acre) and "P" (Parks and Open Space) to "LD" (Low Density Residential /3 -6 units per acre) and "P" (Parks and Open Space).

The rezoning request would change the current zoning designation of "PD-703 /zones 6 and 7" (Planned Development), which allows for commercial and park uses to the following:

- Blocks 1-4, and Outlot A, COBBLESTONE LAKE SOUTH SHORE 9TH ADDITION "PD-703 /zone 2A ", which allows for single-family dwellings as a permitted use.
- Outlot B, COBBLESTONE LAKE SOUTH SHORE 9TH ADDITION "PD-703 /zone 7", which allows for parks /open space.

The applicant is requesting approval of subdivision by plat of the Outlots F and G, COBBLESTONE LAKE COMMERCIAL 3RD ADDITION into 44 single-family lots and two (2) outlots. Access to the platted lots will be via public streets that will intersect with Cobblestone Lake Parkway South.

Rob St. Sauver, South Shore Development, provided additional information.

Discussion followed.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of the amendment to the 2030 Land Use Map to re-designate Blocks 1-4 and Outlot A from "HD" (High Density Residential/6-12 units per acre) to "LD" (Low Density Residential/2-6 units per acre) and Outlot B to "P" (Parks and Open Space); subject to the following:

- The section of property located north of Lots 6-10, Block 1, currently contained in Outlot F, shall be incorporated into those lots.

Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of the rezoning of Blocks 1-4 and Outlot A, COBBLESTONE LAKE SOUTH SHORE 9TH ADDITION, from Planned Development No. 703/zone 6 to Planned Development No. 703/zone 2A subject to the following:

- The section of property located north of Lots 6-10, Block 1, currently contained in Outlot F, shall be incorporated into those lots.

Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of the rezoning of Outlot B, COBBLESTONE LAKE SOUTH SHORE 9TH ADDITION to Planned Development No. 703/zone 7 subject to the following:

- The section of property located north of Lots 6-10, Block 1, currently contained in Outlot F, shall be excluded.

Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of COBBLESTONE LAKE SOUTH SHORE 9TH ADDITION preliminary plat, subject to the following conditions:

- The plat shall be configured to have 44 residential lots and two outlots.
- Outlot B shall be dedicated for public park purposes.
- The dedication on the final plat of draining and utility easements within the plat sufficient to serve all units within the development, either as defined or blanket easements.
- Dedication on the final plat of a draining and utility easement over Outlot A.
- The dedication of a one foot (1') wide easement that will restrict direct driveway access to Cobblestone Lake Parkway South.
- A 24-foot wide private drive shall be constructed within Outlot A.
- On-street parking along the private street within Outlot A shall be prohibited.
- Parking shall be allowed on one side of all public streets in accordance with the parking plan, subject to the removal of parking spaces in front of fire hydrants and within street intersection sight triangles.
- The maximum width of a driveway at the street shall be 14 feet.
- The raised median, at the intersection of Cobblestone Lake Parkway South and Street A shall be removed.
- Curb modifications along the south side of Cobblestone Lake Parkway South shall be made at the public street intersections.
- Revisions shall be made to the grading and utility plans to the satisfaction of the City Engineer.
- A berm shall be constructed in the side yard of Lot 6, Block 1 and the rear yards of Lots 7-10, Block 1.
- Landscaping shall be installed in accordance with the landscape plan dated September 29, 2015; subject to the replacement of the crabapple trees with a row of spruce trees in the rear yards of Lots 11-20, Block 1, and planting all trees outside of the street right-of-way.
- ~~An eight-foot trail shall be installed along the side lot line of Lots 16 and 17, Block 1.~~
- ~~A ten-foot wide pathway easement, five feet on either side of the common side lot line of Lots 16 and 17, Block 1, shall be dedicated with the final plat.~~

Ayes - 6 - Nays - 0.

**C. Freiberger Setback Variance** - Consider variance to reduce street side setback from 20 feet to 17.5 feet to add a third garage stall. **(PC15-33-V)**

**LOCATION:** 6816 - 135th Street West

**PETITIONER:** Dan Freiberger

Code Compliance Inspector Elena Shulman reviewed the request of the applicant, Dan Freiberger, 6816 - 135th Street West, for a variance to the street side setback from 20' to 17.5' to add a third stall to his garage. The property is located at the corner of 135th Street West and Fordham Avenue,

where the side yard abuts Fordham Avenue, and the driveway is entered from 135th Street West. Currently, there is 8.6' available to meet the 20' side street setback, which would not accommodate a third vehicle to park in the proposed stall. The 2.5' variance would allow space for a third vehicle. The proposed garage addition would not severely impact the neighborhood character, as other homes nearby have three car garages, and it is a reasonable use for the property.

She said staff recommends that the variance for the Freiburger garage be approved based upon the following practical difficulties:

1. The petitioner wishes to use his property in a reasonable manner.
2. A parking pad is currently located on the east side of the existing garage. The owner uses the parking pad for the outside parking of vehicles.
3. A garage stall will provide additional enclosed storage.
4. A third garage stall will not alter the essential character of the neighborhood.
5. Able to construct 8.5' addition, but 1.1' would allow for the parking of a vehicle.

Discussion followed.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of a 2.5' variance reducing the street side setback from 20' to 17.5' to construct an 11' x 20' (220 sq. ft.) garage addition based on the findings noted above, subject to compliance with all City Ordinances and the following conditions:

1. No commercial automobile repair shall occur on the property as regulated by the Zoning Code.
2. The property owner shall repair the dilapidated fence along the east property line on a schedule to be approved by the Code Compliance Specialist.
3. All debris and unused landscape material in the rear yard shall be properly stacked and stored behind the fence.

Ayes - 6 - Nays - 0.

## **7. OTHER BUSINESS**

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

City Planner Tom Lovelace stated that the next Planning Commission meeting would take place Wednesday, October 21, 2015, 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 Alwin moved, seconded by Commissioner Scanlan to adjourn the meeting at 7:42 p.m. Ayes - 6 - Nays - 0.

