

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
FEBRUARY 17, 2016

**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, City Planner Tom Lovelace, 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 - 6 - Nays - 0.

**3. APPROVAL OF MINUTES FEBRUARY 3, 2016**

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

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of February 3, 2016. Ayes - 5 - Nays - 0. Abstain – 1 (Schindler)

**4. CONSENT ITEMS**

**A. 7525 - 147th Street Retail Building Variance Amendments** – Consider amendments to recently approved variances to clarify building setbacks from the Cedar Avenue and 147th Street W. (PC16-06-V)

LOCATION: 7525 - 147th Street West

PETITIONER: 7525 Cedar, LLC

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval amending a building setback variance of 16 feet to 17 feet from the required building setback of 50 feet from Cedar Avenue for a 7,512-sq. ft. retail building on Lot 4, Block 3, VALLEY COMMERCIAL PARK 1ST ADDITION. Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval amending a building setback variance of 16 feet to 45 feet from the required building setback of 50 feet from Cedar Avenue for the south 5 feet of the east elevation of a 7,512-sq. ft. retail building on Lot 4, Block 3, VALLEY COMMERCIAL PARK 1ST ADDITION. Ayes - 6 - Nays - 0.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval amending an existing building setback variance of 10 feet to 25 feet from the required building setback of 40 feet from 147th Street West for a 7,512-sq. ft. retail building on Lot 4, Block 3, VALLEY COMMERCIAL PARK 1ST ADDITION. Ayes - 6 - Nays - 0.

**B. Trey Point Townhomes – aka Cobblestone Lake 7th Addition** – Consider model home building permit. **(PC15-13-ZSB)**

**LOCATION:** 15433-39 Eames Way  
**PETITIONER:** Pulte Homes of MN

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval for authorization of model home permit on Lots 11-14, Block 1, COBBLESTONE LAKE 7TH ADDITION. Ayes - 6 - Nays - 0.

## 5. PUBLIC HEARINGS

**A. Amendment to Planned Development Ordinance 342/zone 1** – Public hearing to consider amending the maximum building coverage for residential dwellings in zone 1 of Planned Development No. 342. **(PC16-02-Z)**

**LOCATION:** Southeast corner of Johnny Cake Ridge Road and 142nd Street West  
**PETITIONER:** City of Apple Valley

Vice-Chair Burke opened the public hearing at 7:01 p.m.

City Planner Tom Lovelace stated that staff initiated a request for a proposed amendment to the approved maximum 20% building coverage requirement set forth in Planned Development 342/zone 1 after staff become aware of a problem of a resident living in the Scottsbriar residential development who submitted a building permit application recently for a small addition to his existing dwelling unit. During the review of the building permit application, staff became aware that the existing structure exceeded the maximum 20% building coverage allowed in the planned development zoning district. Preliminary research of properties in the development found that there might be other properties that may be very close or may exceed the current allowable maximum building coverage in the planned development zoning district.

The normal course of action for a property owner in a standard typical zoning district would be to submit a variance request for consideration by the City. However, because the property is located in a planned development, which is a zoning district whose specific uses, area requirements and

performance standards have been negotiated between the City and developer, the variance procedure cannot be utilized. Therefore, an amendment to the planned development ordinance becomes the proper procedure.

Any amendment to the maximum building coverage requirement would affect 186 single-family properties generally located south of 142nd Street West, along and west of Euclid Avenue, along and north of 144th Street West, and east of Johnny Cake Ridge Road.

Mr. Lovelace commented additional time is needed to complete the research and analysis for this proposed amendment request. Staff is requesting that the public hearing be continued to the March 16, 2016, Planning Commission meeting.

**MOTION:** Commissioner Diekmann moved, seconded by Commissioner Alwin, continuing the public hearing to March 16, 2016. Ayes - 6 - Nays - 0.

**B. Cobblestone Retail II** – Public hearing to consider approval of a final plat of an outlet, zoning amendment to allow for a drive-up window in conjunction with a restaurant, and site plan/building permit authorization to allow for construction of a 6,288-sq. ft. retail building on a .98-acre lot. **(PC16-04-ZFB)**

**LOCATION:** Northwest corner 157th Street West and Cobblestone Lake Parkway

**PETITIONER:** Bear Cobblestone 2, LLC

Vice-Chair Burke opened the public hearing at 7:06 p.m.

City Planner Tom Lovelace stated the proposed project is consistent with the Comprehensive Plan. No amendment is required. The proposed use is consistent with the rezoning, with the exception of the request for a drive-up window for a proposed restaurant. Staff has concerns about allowing this, which may open the door for allowing freestanding restaurants with drive-up windows.

A way to prevent that would be to allow drive-up windows in conjunction with a restaurant subject to the following condition that they be located in a multi-tenant building, occupy no more than 50% of a multi-tenant building and not exceed 3,000 sq. ft. in building area.

The proposed project will share parking and access with the lot to the north, which has two additional driveways and 55 parking spaces. Access and parking will be sufficient to serve both properties.

There is a shared access and parking agreement among all properties within the Cobblestone Lake Commercial development, which allows for additional access drives and parking for the proposed project.

The planned development ordinance requires that parking lots with fifteen (15) or more parking spaces shall provide for parking for bicycles adjacent to the front of the building at a location that will not impede use of any sidewalk. The applicant shall identify a bike rack location.

The site plan does not identify the location of a trash enclosure to serve the site. The applicant will need to provide information on if they will store trash in the building or outside. If it is stored outside, it shall be stored and screened within a trash enclosure constructed of the same material as the building.

He stated the City Engineer had reviewed the drive-up lane design and had concern about the ability of a garbage truck or commercial vehicle maneuvering in and out especially with any vehicle staking. Recommendation was that the drive-up lane be modified to prevent vehicle conflicts. He reviewed the site plan, landscape plan, utility plan and building elevation plan

Commissioner Alwin commented he did not see on the rendering the menu board and how that might affect the queuing of the cars in the lane.

Mr. Lovelace said that would be looked at through the sign ordinance as to the size and location of the menu board.

Commissioner Scanlan asked for a history of why there were not drive-up lanes in the Cobblestone Lake Development area.

Mr. Lovelace replied that it was because of making the Cobblestone Lake development a walkable neighborhood type and commercial entity of part of the overall 320-acre development and trying to discourage the kind of conflicts with drive-up windows as it relates to walkability and pedestrian friendly.

Commissioner Scanlan asked if Pizza Ranch requested a drive-up window.

Mr. Lovelace did not believe they did and said they were asking for a pick-up location if customers ordered ahead of time.

Commissioner Scanlan inquired as to when Edina Realty was developed and that took away the original plan for the park in that corner and how does that relate to what was originally conceived in terms of size in configuration.

Mr. Lovelace answered that he would have to look back at that.

Commissioner Scanlan commented that he feels the drive-up lane disrupts that whole space where you have a circle area that is a seating area and there would be cars driving right by with exhaust fumes. He did not feel it was realistic that people would want to sit there with vehicles driving by. He also had concern for where the take-out window would be with the proximity to the park area. He questioned what kind of sound travel there would be for the two recently approved single-family residential home locations on the west side of Cobblestone Lake. He expressed concern of approving a drive-up window in this commercial area and if that would be opening the door for additional requests in the future. He would like to see the development retain curbside pick-up rather than drive-up windows which were never the design of the original concept for Cobblestone Lake.

Commissioner Diekmann asked for clarification of PD-703, zone 6 and what areas of commercial it entailed.

Mr. Lovelace described the surrounding zoning and said there was the opportunity to rezone some properties.

Scott Nelson, architect with DJR, provided additional information and addressed how trash would be removed.

Vice-Chair Burke asked what the distance was between the drive lane and the outdoor seating area.

Mr. Nelson answered about four feet.

Terry Jennings, Costa Vida Fresh Mexican Grill, described their restaurant operation.

Commissioner Diekmann asked Mr. Jennings if he could explain the operation of the drive-thru and if there was a menu board or call ahead order.

Mr. Jennings replied that customers place orders both on-line or drive-thru order board. Technology has changed how orders are placed. The drive-thru is also used for the orders placed on-line.

Commissioner Scanlan expressed concern that from the architectural side the Cobblestone Development was built around walkability for residents and he does not feel a drive-thru fits in with the original concept of the neighborhood. He believes a compromise would be to use the same delivery features and use the same model as with Pizza Ranch and have dedicated parking for people that can pull up and walk in to get their items versus having the disruption with a drive-thru and with the park area that has the component that has been a feature with this development from the very beginning. He asked for that to be taken into consideration.

Mr. Jennings said he understands the scope of the vision and the planning that went in to develop Cobblestone has resulted in a neighborhood that is extremely convenient for the residents of the neighborhood and those that visit. He suggested that as a development evolves, it needs to keep pace with the comfort, convenience and safety of those people that are frequenting the businesses. They have found that is a primary concern for the people using the drive-thru not at the exclusion of the people who want to walk but making the opportunity for the people that want to use the drive-thru. He said their decision is not being driven by the fact that this is a drive-thru opportunity but feel it is a viable market with or without the drive-thru. The added level of convenience and what they have found it does for their guests is part of what makes him believe that it would give them the highest possibility and potential for success as they initially launch into the market. They are trying to put their very best foot forward for their customers and the potential customers that might be at Cobblestone.

Mr. Lovelace read a comment he received from Dave Labno, 15695 Duck Pond Way, that he would like to see the unique nature of their development preserved and urge the Commission to not approve a drive-in variance as it is opposed to the foundational ideas behind the zoning.

Vice-Chair Burke closed the public hearing at 7:45 p.m.

**6. LAND USE/ACTION ITEMS**

--NONE--

**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, March 2, 2016, 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 Schindler moved, seconded by Commissioner Scanlan to adjourn the meeting at 7:47 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

                  /s/ Joan Murphy                    
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on           3/2/16          .