

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
MARCH 16, 2016

**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, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: Keith Diekmann

Staff Present: City Attorney Sharon Hills, City Planner Tom Lovelace, Planner Kathy Bodmer, 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 - 6 - Nays - 0.

**3. APPROVAL OF MINUTES MARCH 2, 2016**

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 March 2, 2016. Ayes - 6 - Nays - 0.

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

**A. Amendment to Planned Development Ordinance 342/Zone 1** – Continue public hearing to consider amendments to Planned Development No. 342 to address building coverage and impervious surface area. **(PC16-02-Z)**

LOCATION: Southeast corner of Johnny Cake Ridge Road and 142nd Street West

PETITIONER: City of Apple Valley

Chair Melander continued the public hearing at 7:02 p.m.

Planner Kathy Bodmer stated that on February 17, 2016, the public hearing for the PD-342 amendment was opened and continued to allow for additional research.

The Scottsbriar neighborhood is located within Planned Development No. 342, Zone 1, which allows reduced minimum lot sizes and at the same time restricts the maximum building coverage to 20%. The Scottsbriar neighborhood is located between Johnny Cake Ridge Road and Pilot Knob Road, south of 142th Street W. The single family residential neighborhood was constructed in the mid to late 1980s. Over time, owners have constructed additions onto their homes that have resulted in lots with over 20% building coverage.

A home owner submitted a building permit for a small addition onto the rear of his home and it was found that his home was well over the 20% building coverage requirement. Typically, a homeowner would seek relief by requesting a variance. However, variances are not available for PD zoned properties; instead, the PD zoning district must be amended. When staff reviewed the Scottsbriar neighborhood, it was discovered that several lots have exceeded the 20% building coverage requirement.

Today the City regulates building coverage in the "R" residential zoning districts by restricting the maximum impervious surface area coverage to 35%. Restricting impervious surface area is important to reduce stormwater runoff and improve water quality. As PD-342 stands today, there is no limit to the amount of impervious coverage that could be constructed on the lots within the Scottsbriar neighborhood. As a result, staff believes a more effective and meaningful tool would be to restrict overall impervious surface area rather than just building area.

Staff proposes to amend the PD-342 zoning district by deleting the building coverage requirement and replacing it with a maximum impervious surface coverage of 35%. Instead of increasing the allowable impervious surface area coverage up to 40% for all lots in the neighborhood, staff proposes adding an exception that would allow an increase in impervious coverage by 5% (up to 40%), with the condition that the City reviews and approves a suitable method for infiltrating the additional stormwater. Natural Resources, Engineering and Legal staff are working to devise language that would address this issue. A draft amendment is attached for discussion purposes.

Commission Scanlan inquired how rain gardens could be tied into the property and how that was done in the past. He asked what mechanism ties into the Dakota County records so it becomes a permanent part of the property so that if it is sold it becomes the responsibility for the next owner to be maintained as well. So we do not agree to it and then it disappears.

Ms. Bodmer stated that there are a couple ways this can be managed. She said in the past the City would require a maintenance agreement and then have it recorded at Dakota County with the deed. Those two items would be tools that would help the City keep track of that.

Commission Burke asked what could be done besides rain gardens.

Ms. Bodmer answered that the approach would be to wait for the homeowners to come up with ideas and strategies. She commented that staff may have to come up with a list for property owners.

City Engineer Brandon Anderson commented there are a lot of different stormwater tools that have been tried and each site is a little bit different. The City has looked at tree trenches, rainwater gardens, and permeable pavers which have some limitations where those can be used. There are some other tools besides just a rainwater garden. The key to these things being functional is really in the maintenance agreement. Not every type of stormwater solution works. There will have to be a variety of tools and the City will need to look at them on an individual basis. One of the key components is to be able to carry this through to maintain and keep them up. Maintenance is one of the most critical parts of any stormwater system being successful.

Commissioner Alwin asked if staff is considering that they only need to mitigate the difference in the percentages between 35% and 40%.

Ms. Bodmer answered that has been the discussion among staff.

Chair Melander closed the public hearing at 7:12 p.m.

## **6. LAND USE/ACTION ITEMS**

**A. Uzlik Porch Variance** – Consider variance to reduce the front setback from 30' to 24' to construct a 6' x 20' covered porch addition. **(PC16-10-V)**

LOCATION: 12163 Gantry Lane

PETITIONER: Brad Uzlik

Planner Kathy Bodmer reported Brad Uzlik, 12163 Gantry Lane, wishes to remodel the front of his home to relocate the front entry from a side-loaded entry to a front-loaded entry. At the same time, he would like to add 6' to an existing 4' covered porch to create a fully functioning covered front porch. The addition would be 6' x 20' and would require a 6' variance from the 30' front setback requirement.

Currently, Mr. Uzlik's porch functions more as a stoop and entrance walk to the side loaded front entry than a porch. Relocating the front door and placing it under a gable roof will allow the home owner to create a more prominent front entry that will update and enhance the appearance of the home. At the same time, extending the porch 6' will allow the home owner to place chairs and other items to make the porch a functional sitting area.

Discussion followed.

**MOTION:** Commissioner Burke moved, seconded by Commissioner Scanlan recommending approval of a variance to reduce the front yard setback from 30' to 24' (6' variance) to construct a 6' x 20' porch addition at 12163 Gantry Lane, subject to compliance with plans submitted March 7, 2016, and compliance with all City Codes, based upon the following findings:

- The proposed covered entryway updates and enhances the front elevation, providing increased curb appeal.

- The porch addition will create a useable porch area which will promote front yard activity and social interaction.
- The proposed covered porch addition is consistent with the goals and policies of the comprehensive plan for reinvesting in and improving the City's existing housing stock and neighborhoods.
- The size of the porch addition and covered front entry are consistent with other approved front porch and entryway variances.
- The proposed porch addition will not negatively impact adjacent properties.

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, April 6, 2016, 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 Schindler moved, seconded by Commissioner Alwin to adjourn the meeting at 7:18 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission  
on 4/6/16.

/s/ Tom Melander  
Tom Melander, Chair