

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JULY 20, 2016

1. CALL TO ORDER

The City of Apple Valley Planning Commission meeting was called to order by Vice-Chair Burke at 7:01 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 Kathy Bodmer, Civil Engineer Aaron Kellas 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 JULY 6, 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 Alwin, approving the minutes of the meeting of July 6, 2016. Ayes - 5 - Nays - 0. Abstain - 1 (Schindler)

4. CONSENT ITEMS

Community Development Director Bruce Nordquist introduced Civil Engineer Aaron Kellas.

A. Pennock Center Revised Site Plan – Consider revised site plan for 5,400 sq. ft. building for coffee and non-food retail. **(PC16-21-VB)**

LOCATION: 7668 150th Street West

PETITIONER: Java Capital Partner 7668 150th Street LLC.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the revised site plan dated June 20, 2016, for a 5,400 sq. ft. building containing a Class III restaurant with drive-thru lane and non-food retail or small office, subject to compliance with all City Codes and the following conditions:

- a. A nursery bid list shall be submitted at time of application of the building permit that confirms the value of the landscape plantings meet or exceed 2-1/2% of the value of construction of the building based on Means Construction Data.
- b. The owner shall execute a License to Encroach Agreement with the City to construct four parking stalls and the drive aisle within the City easement.
- c. The owner shall execute a maintenance agreement for the long-term maintenance of the retention area.
- d. No sign approvals are given at this time. A separate sign permit must be obtained prior to the installation of any signs on the site. The signs shown on the site plan do not meet the sign requirements and must be revised at the time of application of the building permit.
- e. The petitioner shall revise the plans at time of building permit application to address the City Engineer's memo of June 10, 2016.
- f. The petitioner shall revise the plans at time of building permit application to match the June 20, 2016, Revised Site Plan.

Ayes - 6 - Nays – 0

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

A. Temporary Health Care Dwellings Ordinance – Consider adopting an ordinance to opt-out of the state law requiring that cities allow temporary health care dwellings as a use in residential zoning districts. **(PC16-20-O)**

LOCATION: Citywide

PETITIONER: City of Apple Valley

Planner Kathy Bodmer stated a Minnesota State law was recently enacted that requires cities to allow homeowners to obtain a permit to place a mobile residential dwelling structure on their property to serve as a "temporary health care dwelling." A temporary health care dwelling is a small (less than 300 sq. ft.) portable dwelling unit that can be placed in the yard or driveway of a single family residential lot to provide short-term care for an ailing relative. The new law has a provision that allows cities to opt-out of the temporary home health care permitting requirement. If an opt-out ordinance is not enacted prior to the law's effective date of September 1, 2016, a city would be required to allow the structures through a permitting process until such time as the opt-out ordinance is in effect.

Staff is sensitive to the desire to provide temporary care housing for family members, but believes there are other options available that do not require placing a temporary structure on the driveway or rear yard for an extended period of time. The following is a list of issues staff has identified concerning Temporary Health Care Dwellings:

- Temporary health care dwellings are large structures that could be imposing on neighborhoods when placed either on a driveway or in the rear yard.
- This is an untested type of dwelling unit in Minnesota. Very few units are actually in use in Minnesota at this time.
- The permitting process may require the City to collect data that is private under the healthcare privacy laws.
- This State law would supersede City zoning authority.
- Temporary services would be connected to primary home with temporary, above-ground electrical cord and hose.
- The temporary dwelling's septic system would require regular pumping. Access to the rear of the yard behind the primary home to pump could be an issue.
- There are other options available to families.
- Many provisions of the zoning code are in conflict with these types of units: minimum home width, connection to City services, placed on a permanent foundation, and the fact that the units would be classified as a type of recreational vehicle.

City Council's preference is to opt out of the State Law provisions, but to explore ways to assist families to care for ailing family members including expanding the provisions of the Accessory Unit Dwelling (AUD) ordinance.

She reviewed the comments presented at the public hearing on July 6, 2016.

Discussion followed.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of the draft ordinance "opting -out" of application of the requirements of Laws 2016, Chapter 111, section 3, codified at Minn. Stat. § 426.3593. Ayes - 6 - Nays - 0

7. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place on August 3, 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 7:31 p.m. Ayes - 6 - Nays - 0.

CITY OF APPLE VALLEY
Dakota County, Minnesota
Planning Commission Minutes
July 20, 2016
Page 4 of 4

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on 8/3/16.

/s/ Tim Burke
Tim Burke, Vice-Chair