



**Meeting Location: Municipal Center
7100 147th Street West
Apple Valley, Minnesota 55124**

November 5, 2025

Planning Commission Tentative Agenda

7:00 PM

1. Call To Order
2. Approve Agenda
3. Consent Agenda
Consent Agenda Items are considered routine and will be enacted with a single motion, without discussion, unless a commissioner or citizen requests to have any item separately considered. It will then be moved to the regular agenda for consideration.
 - A. Approve Minutes of September 3, 2025 Regular Meeting
4. Public Hearings
 - A. Planned Development No. 290 - Zone 4 Text Amendment - PC25-14-Z
Consider an Ordinance Amendment to Planned Development No. 290 - Zone 4 to exempt a cannabis retailer from the special use setback buffer requirements set forth in §155.320 of the City Code.
LOCATION: 14638 Cedar Ave #130
APPLICANT: Mike Malik
5. Land Use / Action Items
6. Other Business
 - A. Review of Upcoming Planning Commission / City Council Meeting Schedules and Other Updates
Planning Commission - Wednesday, November 19, 2025 - 7:00 p.m.
Planning Commission - Wednesday, December 3, 2025 - 7:00 p.m.
City Council - Thursday, November 13, 2025 - 7:00 p.m.
City Council - Tuesday, November 25, 2025 - 7:00 p.m.
7. Adjourn

Regular meetings are broadcast, live, on Charter Communications Cable Channel 180 and on the City's website at www.applevalleymn.gov



ITEM:
MEETING DATE:
SECTION:

3.A.
November 5, 2025
Consent Agenda

Description: Approve Minutes of September 3, 2025 Regular Meeting	
Staff Contact: Breanna Vincent, Department Assistant	Department / Division: Community Development

Action Requested:
Approve minutes of the regular meeting of May 7, 2025.

Summary:
The minutes of the regular Planning Commission meeting is attached for your review and approval.

Background:
State statute requires the creation and preservation of meeting minutes which document the official actions and proceedings of public governing bodies.

Budget Impact:
N/A

Attachments:
1. 090325 PC MINUTES

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES

September 3, 2025

1. CALL TO ORDER

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

Members Present: Paul Scanlan, Dave Schindler, Phil Mahowald, Becky Sandahl, Jeff Prewitt, and Douglas Hlas

Member(s) Absent: Jodi Kurtz

City Staff: Community Development Director Tim Benetti, City Planner Terri Dill, Assistant City Engineer Evan Acosta, City Attorney Sharon Hills, and Department Assistant Breanna Vincent.

2. APPROVAL OF AGENDA

Vice Chair Scanlan asked if there were any changes to the agenda – None.

MOTION: Commissioner Schindler moved, seconded by Commissioner Hlas, approving the agenda. Roll call vote: Ayes - 6 – Nays – 0.

3. CONSENT ITEMS

A. Approval of Minutes of August 6, 2025

MOTION: Commissioner Schindler moved, seconded by Commissioner Hlas approving the minutes of August 6, 2025. Roll call vote: Ayes - 6 – Nays – 0.

4. PUBLIC HEARING

None

5. LAND USE

A. Valley Station Apartments

City Planner Dill provided a brief presentation.

Commissioner Mahowald asked for clarification on the densities approved in the 2040 Comprehensive Plan relating to the SIHD designation.

City Planner Dill stated that the area was designated as high density in the Comp Plan and that no increases were made.

Commissioner Mahowald asked what range of units per acre constitutes “high density”.

City Planner Dill stated that the 2040 Comp Plan allows up to 48 units per acre under SIHD.

Vice Chair Scanlan asked what the “trash pad” that is noted on the Floor Plan is.

City Planner Dill stated that the trash is kept inside the building and the trash pad is the location where staff would pull the dumpster to on the pick-up day.

Commissioner Mahowald asked what the units per acre on Chasewood Townhomes is.

City Planner Dill stated it is 10.9 units per acre.

The applicant, Blaine Barker (Real Estate Equities) provided a brief presentation.

Commissioner Hlas asked if the parking spaces would be available to tenants at no additional charge.

Mr. Barker stated that was correct.

Commissioner Mahowald asked if the green space shown in the renderings is accurate to what will be on the site.

Mr. Barker stated it was not fully accurate and does not incorporate the 6’ fence that would be on the site. The main point of the rendering is to show the building height change.

Commissioner Mahowald asked what ages the playground equipment would serve.

Mr. Barker stated that playground equipment typically serves two age groups of either 2-5 or 5-12 and they are open to providing equipment for either group if the City has a preference. The indoor play area would likely serve the younger group.

Vice Chair Scanlan requested that the applicant provide more accurate renderings showing the surrounding space at future meetings. Vice Chair Scanlan asked how snow storage would be handled on the site.

Mr. Barker said they have no intent to lose any parking spaces during the winter and exhibits will be provided to City staff for snow storage. If deemed inadequate, snow would be hauled from the site.

MOTION: Commissioner Prewitt moved, seconded by Commissioner Sandahl, to recommend approval of the Planned Development No. 507 ordinance amendments. Roll call vote: Ayes – 5 – Nays – 1 (Mahowald).

MOTION: Commissioner Hlas moved, seconded by Commissioner Sandahl, to recommend approval of the Site Plan/Building Permit Authorization for Valley Station Apartments subject to conditions 1-21 in the draft resolution. Roll call vote: Ayes – 5 – Nays – 1 (Mahowald).

6. OTHER BUSINESS

A. Review of Upcoming Schedule and Other Updates

The next Planning Commission meeting is scheduled for Wednesday, September 17, 2025, 7:00 p.m. The next City Council meeting is Thursday, September 11, 2025 at 7:00 p.m.

7. ADJOURNMENT

Vice Chair Scanlan asked for a motion to adjourn.

MOTION: Commissioner Schindler moved, seconded by Commissioner Hlas, to adjourn the meeting at 7:52 p.m. Roll call vote: Ayes – 6 – Nays – 0.

Respectfully submitted,



Breanna Vincent, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on 11/05/2025.

Jodi Kurtz, Chair



ITEM:
MEETING DATE:
SECTION:

4.A.
November 5, 2025
Public Hearings

Description: Planned Development No. 290 - Zone 4 Text Amendment - PC25-14-Z Consider an Ordinance Amendment to Planned Development No. 290 - Zone 4 to exempt a cannabis retailer from the special use setback buffer requirements set forth in §155.320 of the City Code. LOCATION: 14638 Cedar Ave #130 APPLICANT: Mike Malik	
Staff Contact: Carter Hayes, Planner	Department / Division: Community Development

Action Requested:

Open the public hearing, receive comments, and close the public hearing.

It is the policy of the Planning Commission not to take action on an item the same night as its public hearing. However, if the Commission finds sufficient information has been presented and the hearing has fulfilled its purpose, staff offers the following options regarding the requested amendment:

1. Amend PD-290-4 to exempt cannabis retailers from buffer requirements:

Recommend approval of the draft ordinance amending Chapter 155, Appendix F, adding Section A2-5(C) to exempt cannabis retailers in Zone 4 of this planned development from the special use setback buffers in Section 155.320.

2. Do not amend PD-290-4 to exempt cannabis retailers from buffer requirements:

Recommend denial of the draft ordinance amending Chapter 155, Appendix F, adding Section A2-5(C) to exempt cannabis retailers in Zone 4 of this planned development from the special use setback buffers in Section 155.320.

Staff Recommendation:

The Commission must consider whether the subject cannabis retail operation under licensing consideration should be exempt from the special use setback buffers in City Code Section 155.320.

Cannabis retailers are otherwise permitted in PD-290-4. However, because the proposed location intersects the buffers in Section 155.320, staff is recommending denial of the text amendment request. Approval would conflict with the purpose of Section 155.320, introduce zoning inconsistencies, and compromise protections for nearby protected uses. Denial of the request maintains consistency with adopted regulations.

Summary:

Mike Malik, owner of The Tobacco Shop, has requested to amend Planned Development No. 290-Zone 4 to exempt a cannabis retailer from the special use setback buffers set forth in Section 155.320. Cannabis businesses, including cannabis retailers, are prohibited from operating under Section 155.320 when located within 1,000 feet of a school, 1,000 feet of an existing cannabis business, 500 feet of a park, 500 feet of a daycare, or 500 feet from residential treatment facilities.

Cannabis retailers are typically permitted in planned development districts (or zones within) that allow freestanding or multi-tenant retail stores and shops. The applicant's proposed location (14638 Cedar Ave #130) is within a multi-tenant retail development that would otherwise permit a cannabis retailer; however, the property intersects with both the 1,000-foot school buffer and the 500-foot daycare buffer, making it ineligible under current regulations.

The applicant is currently working through the State application process regulated by the Office of Cannabis Management (OCM) for licensing and operating a cannabis-related business. As part of this process, the applicant must identify a business location that complies with local zoning for cannabis uses. The applicant has received preliminary approval for a cannabis microbusiness license with a retail operation endorsement and wishes to operate at 14638 Cedar Avenue, Suite 130, where they currently operate a tobacco shop. The proposed amendment, if approved, would make this site eligible for cannabis registration under applicable zoning regulations.

The proposed amendment would apply to all properties within PD-290-4, which include 14638 & 14658 Cedar Ave (multi-tenant retail buildings), 14678 Cedar Ave (Applebee's), and 7493 147th St W (Apple Valley Family Dentistry). The effect of the ordinance amendment would exempt cannabis retailers within PD-290-4 from being prohibited within the buffer distance of schools, existing cannabis businesses, parks, daycares, and residential treatment facilities.

Background:

The City adopted the Cannabis Businesses, Hemp Businesses, and Temporary Cannabis Events ordinance on October 24, 2024. The ordinance established regulations on the time, place, and manner of operation for cannabis businesses, hemp businesses, and temporary cannabis events within the City. Within Section 155.320, the City prescribes separation requirements, consistent with State Statute, that prohibit cannabis businesses from operating within specified distances of protected uses. These distance standards include 1,000 feet from schools and existing cannabis businesses, and 500 feet from parks, daycares, or residential treatment facilities. Staff has created an unofficial map intended to help visualize the buffer areas throughout the City.

PD-290-4 is designed to accommodate a mix of limited business and community-scale retail uses. The current mix of uses within the zone includes restaurants, retail storefronts, and personal services such as a dental office and hair salon.

Under Section 155.320, a Cannabis Retailer is defined as: "A business that sells immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp products, and other products authorized by law to customers and patients, including a cannabis microbusiness with a retail operations endorsement, cannabis mezzobusiness with a retail operations endorsement, and medical cannabis combination business to the extent it is engaged in retail sales exclusively at a

location off-site of its cultivation or manufacturing operations, selling only its cultivated cannabis or manufactured cannabis products.”

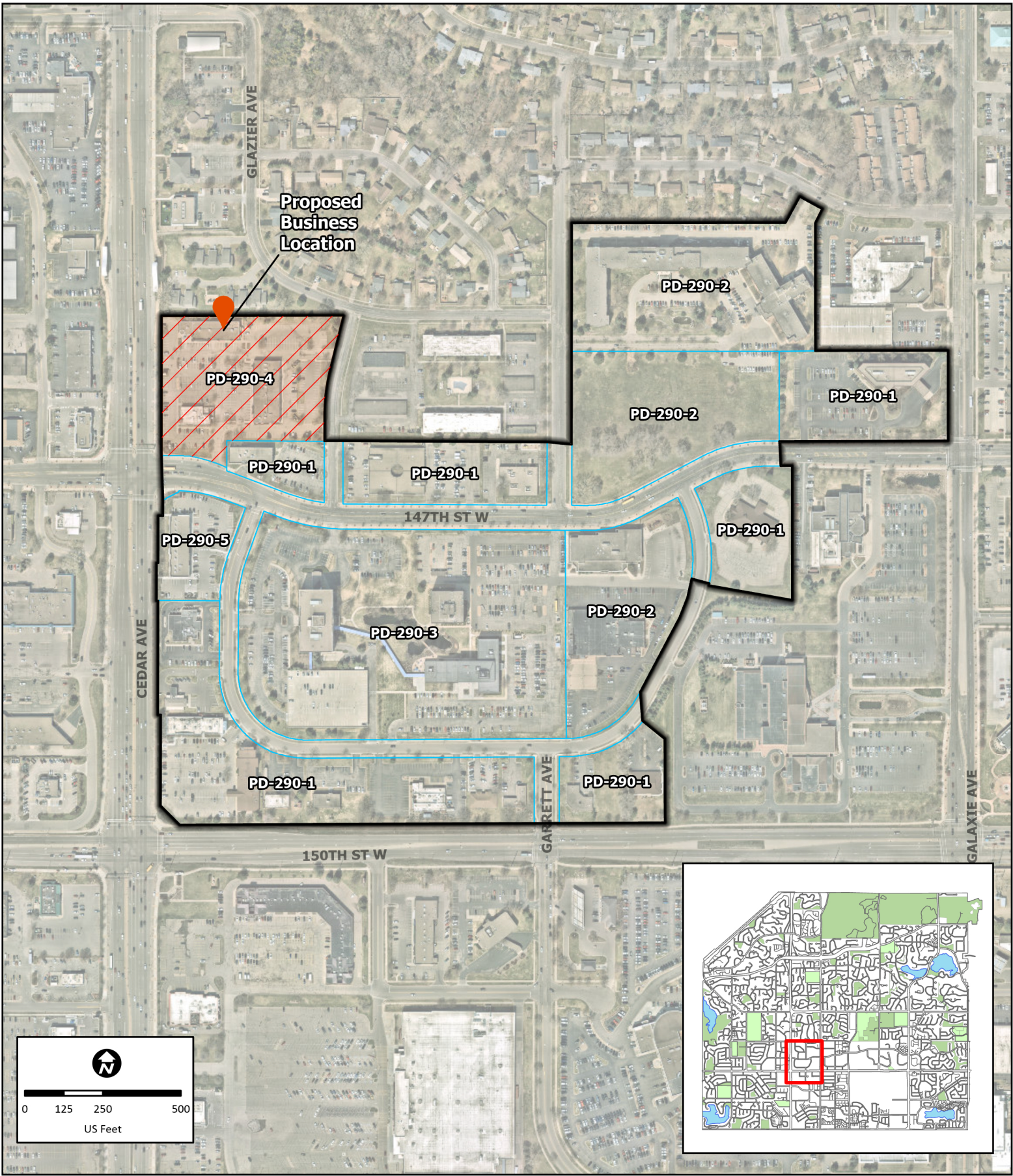
Staff has prepared a draft ordinance for the Planning Commission's consideration that would amend PD-290-4 to allow a cannabis retailer to operate in the zone, exempt from the buffer requirements from protected uses defined in Section 155.320. If approved, this amendment would apply to all properties within PD-290-4, enabling cannabis retailers to operate from the otherwise required separation distances from protected uses.

Budget Impact:

N/A

Attachments:

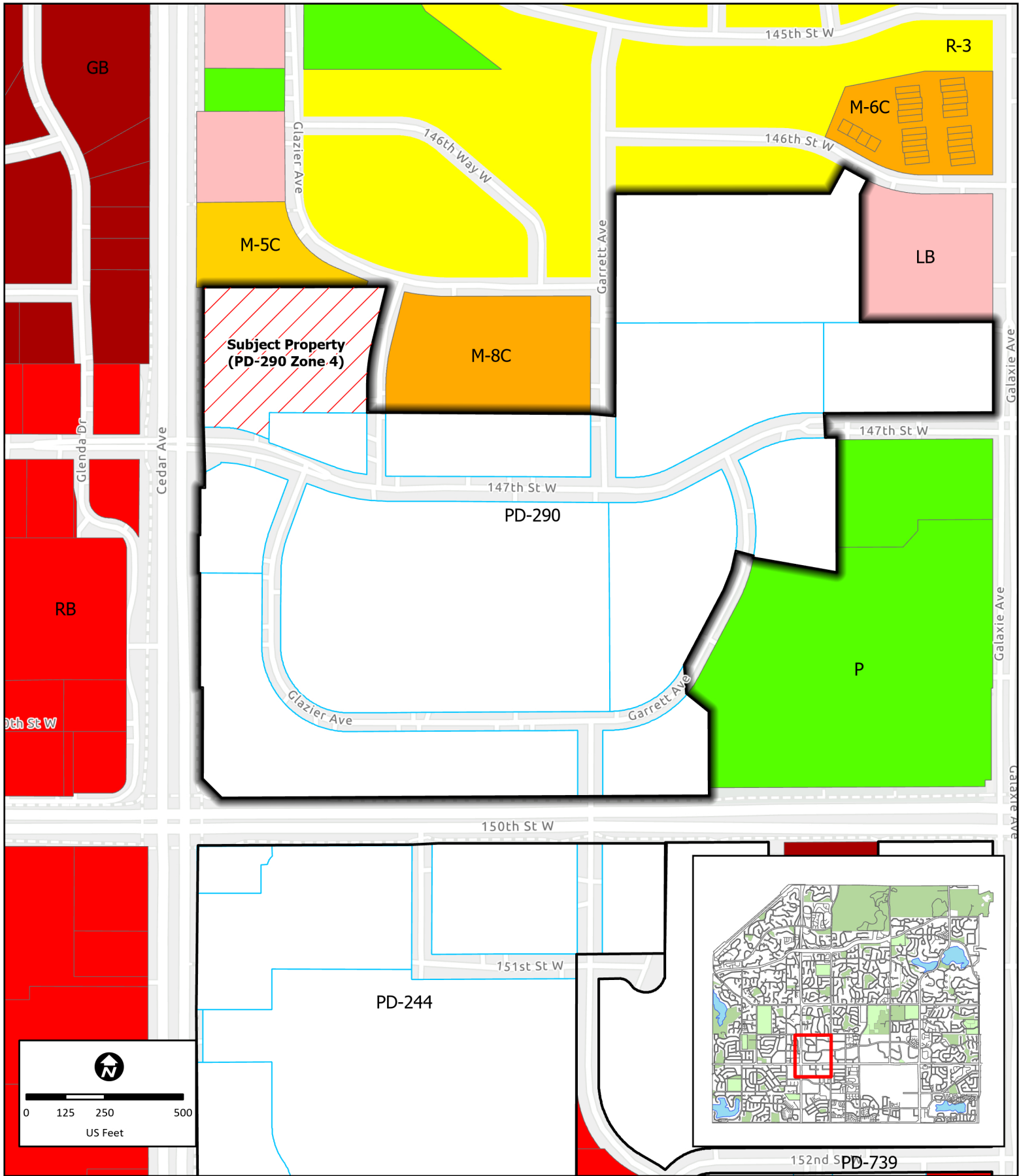
- 1. Location Map
- 2. Zoning Map
- 3. PD-290 Buffer Map
- 4. Cannabis Use Buffer Map
- 5. Applicant Narrative
- 6. Draft Ordinance



LOCATION MAP

PD - 290 Zone 4

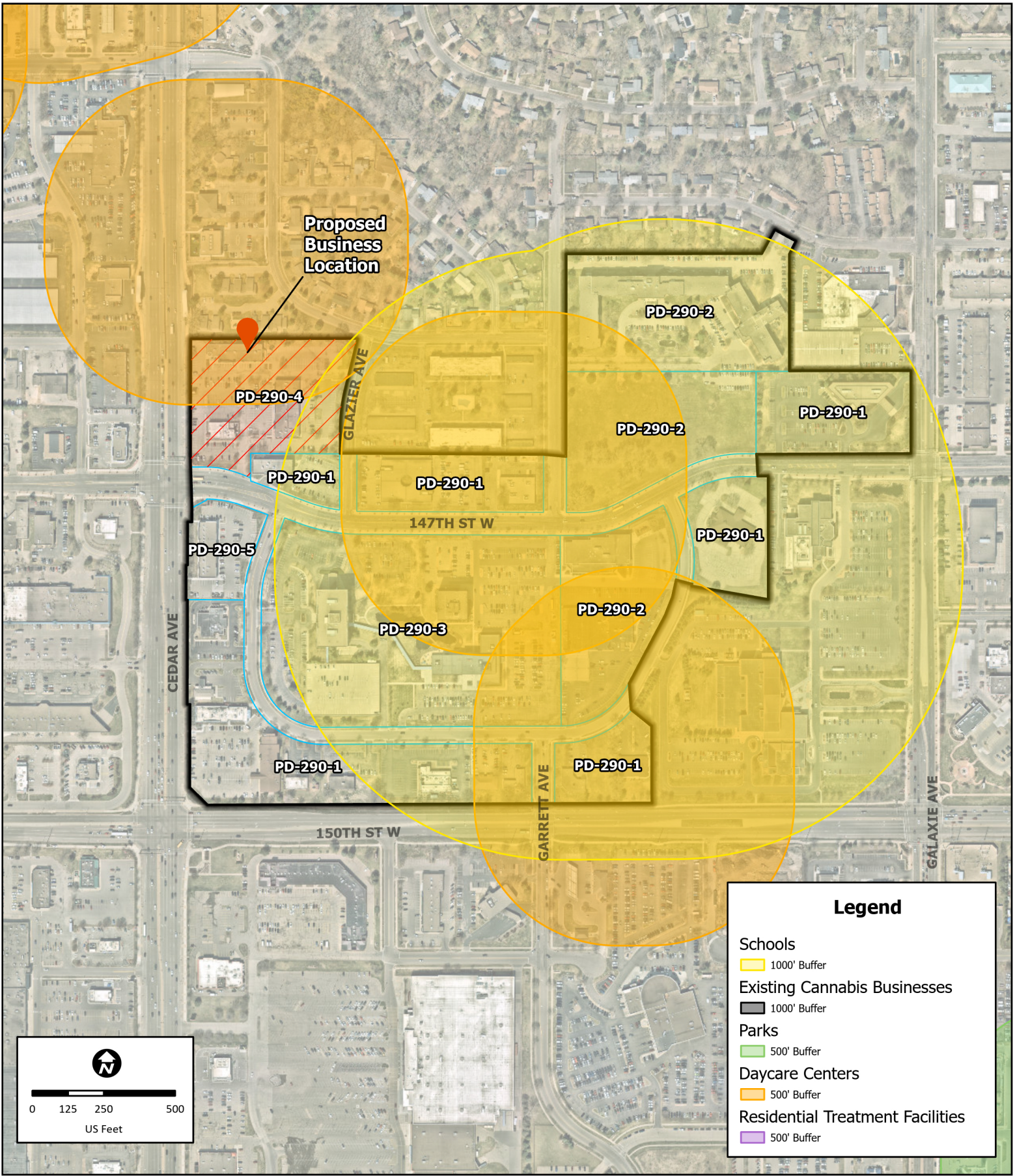
CITY OF APPLE VALLEY



ZONING MAP

CITY OF APPLE VALLEY

PD - 290 - 4



Legend

- Schools
 1000' Buffer
- Existing Cannabis Businesses
 1000' Buffer
- Parks
 500' Buffer
- Daycare Centers
 500' Buffer
- Residential Treatment Facilities
 500' Buffer



SPECIAL USE SETBACK BUFFERS

PD - 290 Zone 4

CITY OF APPLE VALLEY

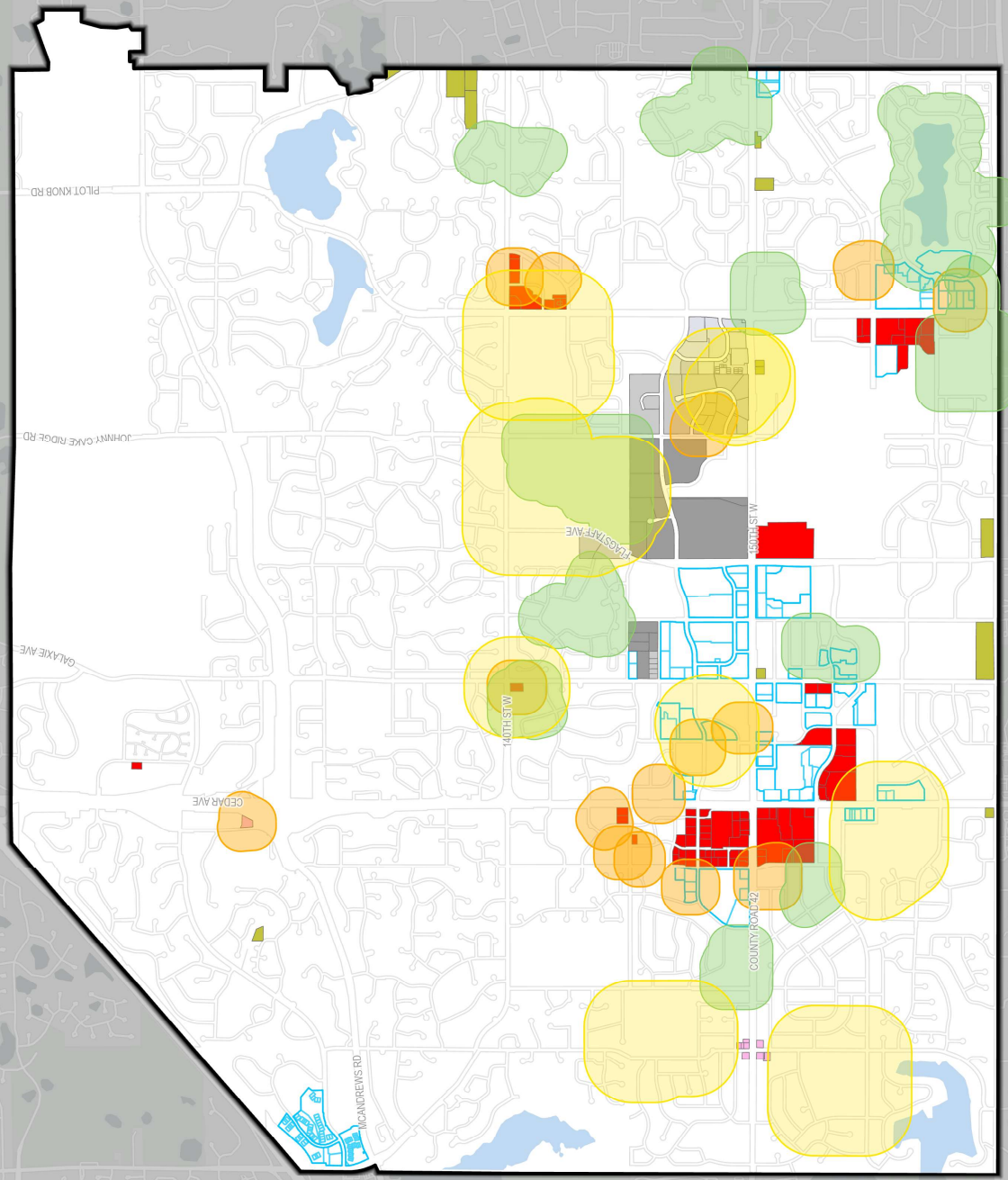
Schools

- 1000' Buffer
- Daycare Centers
- 500' Buffer
- Parks
- 500' Buffer
- Residential Treatment Facilities
- 500' Buffer
- Existing Cannabis Businesses
- 1000' Buffer
- Permitted Zoning Districts
- NCC - Neighborhood Convenience Center
- RB - Retail Business
- BP - Business Park
- I-1 - Limited Industrial
- I-2 - General Industrial
- A - Agricultural
- PD-R - Planned Development Zone (Underlying Retail Use)

0 0.3 0.5 1 Miles

This map illustrates the required buffer zones for Cannabis Businesses and Temporary Cannabis Events (per Ordinance 155,320) in Apple Valley. The map is subject to change and does not reflect the most current regulations or conditions. The City of Apple Valley provides no warranty, express or implied, as to the performance, merchantability, or fitness of the data for any particular purpose. Please contact the Community Development Department at communitydevelopment@applevalleymn.gov to verify that a location meets current zoning regulations.

NOTE: Some buffers have been omitted in areas of the city where the zoning district already does not permit Cannabis Businesses.



Date: 8/11/2025 3:38 PM



CANNABIS BUSINESS & TEMPORARY CANNABIS EVENT BUFFER MAP
CITY OF APPLE VALLEY

Personal Statement

I (Mike Malik) currently own/operate 'The Tobacco Shop...' [MC2 Tobacco LLC] located at 14638 Cedar Ave #130, Apple Valley, MN. I currently hold following tobacco & cannabis licenses & endorsements:

1. Apple Valley Tobacco License: TB-2024-01
2. HDCP Registration: 5925
3. OCM Cannabis Microbusiness License – Retail Endorsement: Micro-A25-000672

14638 Cedar Ave #130 is within a Planned Development (PD); a zoning classification that allows for more flexible and varied uses than a typical zoning district. Specifically, this site is in PD-290, Subzone 4, which permits cannabis retail operations endorsement linked to an OCM Cannabis Microbusiness License.

Note: Manufacturing, cultivation and packaging are neither permitted in PD nor being requested.

Furthermore, PD defines cannabis microbusiness with retail endorsement as a retailer that sells immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp products, and other products authorized by law to customers and patients.

As for **co-locating** cannabis retail and tobacco retail operations, it is my understanding, that the City of Apple Valley does not make determinations regarding separation between these uses. It is also my understanding that any requirements for co-location are established by the State. I plan to work directly with OCM regarding their requirements for co-locating cannabis and tobacco retails operations.

I would greatly appreciate it if PD zoning text could be amended to specifically exempt PD-290 Subzone 4 from the buffer requirements outlined in Section 155.320 [**Note:** This request is for **Subzone 4 ONLY!**] It will serve a greater public interest, contribute to local economy, and will go a long way in conveniently & lawfully providing quality cannabis & tobacco products in a controlled environment. Thanks for your consideration. Regards, Mike Malik

CITY OF APPLE VALLEY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA, AMENDING CHAPTER 155-APPENDIX F, SECTION A2-2(D) OF THE CITY CODE TO EXEMPT “CANNABIS RETAILER” FROM THE BUFFER REQUIREMENTS OF § 155.320 WITHIN PLANNED DEVELOPMENT 290-ZONE 4

The City Council of Apple Valley ordains:

Section 1. Chapter 155-Appendix F of the Apple Valley City Code is amended by adding Section A2-5(C) to read as follows:

(C) Cannabis Retail Business. The special use setback buffers for cannabis businesses as set forth in the cannabis businesses, hemp businesses, and temporary cannabis events regulations in this Chapter does not apply to cannabis retail businesses located and operated in Zone 4 of this Planned Development.

Section 2. Filing. A copy of the ordinance shall be filed in the office of the City Clerk. This copy shall be available for inspection by any person during regular office hours.

Section 3. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the Office of the City Clerk.

Section 4. Effective date. This ordinance shall take effect upon its passage and the publication of its title and the official summary.

PASSED by the City Council this ____ day of _____, 2025.

Clint Hooppaw, Mayor

ATTEST:

Christina M. Scipioni, City Clerk



ITEM:
MEETING DATE:
SECTION:

6.A.
November 5, 2025
Other Business

Description: Review of Upcoming Planning Commission / City Council Meeting Schedules and Other Updates Planning Commission - Wednesday, November 19, 2025 - 7:00 p.m. Planning Commission - Wednesday, December 3, 2025 - 7:00 p.m. City Council - Thursday, November 13, 2025 - 7:00 p.m. City Council - Tuesday, November 25, 2025 - 7:00 p.m.	
Staff Contact: Breanna Vincent, Department Assistant	Department / Division: Community Development

Action Requested:

N/A

Summary:

Next Planning Commission Meetings:

Wednesday, November 19, 2025 - 7:00 p.m.

Applications due by 9:00 a.m. on Wednesday, October 22, 2025.

Wednesday, December 3, 2025 - 7:00 p.m.

Applications due by 9:00 a.m. on Wednesday, November 5, 2025.

Next City Council Meetings:

Thursday, November 13, 2025 - 7:00 p.m.

Tuesday, November 25, 2025 - 7:00 p.m.

Background:

N/A

Budget Impact:

N/A

Attachments:

None