

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
SEPTEMBER 21, 2016

**1. CALL TO ORDER**

The City of Apple Valley Planning Commission meeting was called to order by Chair Melander at 7:01 p.m.

Members Present: Tom Melander, Ken Alwin, Angela Polozun, and Paul Scanlan

Members Absent: Tim Burke, Keith Diekmann and David Schindler

Staff Present: City Attorney Mike Dougherty, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner/Economic Development Specialist Alex Sharpe, City Engineer Brandon Anderson and Department Assistant Joan Murphy

**2. APPROVAL OF AGENDA**

Chair Melander asked if there were any changes to the agenda.

MOTION: Commissioner Alwin moved, seconded by Commissioner Polozun, to move item 6B Grage Window Well Setback Variance to the consent agenda. Ayes - 4 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the agenda as amended. Ayes - 4 - Nays - 0.

**3. APPROVAL OF MINUTES AUGUST 17, 2016**

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of August 17, 2016. Ayes - 3 - Nays - 0. Abstain – 1 (Polozun)

**4. CONSENT ITEMS**

**6B. Grage Window Well Setback Variance** - Consider a variance to allow a window well to encroach into the required ten-foot side yard setback where the house is approximately 5 feet from the property line. **(PC16-35-V)**

LOCATION: 264 Walnut Lane

PETITIONER: Zachary Grage

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval of a variance to the side yard setback allowing a 2 foot encroachment where

a 5 foot setback is required for 264 Walnut Lane, subject to compliance with all City Codes, based on the following practical difficulties with the following conditions:

1. The window well shall obtain a building permit for final inspection.
2. The property owner shall identify the western property line and have this clearly marked for inspection.

Ayes - 4 - Nays - 0.

## 5. PUBLIC HEARINGS

**A. Uponor Expansion** – Public hearing to consider rezoning vacation of drainage and utility easements, replatting of two existing lots, and site plan review/building permit authorization to expand the Uponor Annex building at 14800 Everest Avenue onto 14751 Energy Way. **(PC16-34-ZGFB)**

LOCATION: 14751 Energy Way

PETITIONER: Uponor North America

Chair Melander opened the public hearing at 7:03 p.m.

Planner/Economic Development Specialist Alex Sharpe stated the applicant Uponor NA Asset Leasing, Inc. is requesting consideration of the following land use actions to authorize construction of a 57,818 s.f. addition to the Uponor annex building located at 14800 Everest Ave/14751 Energy Way:

1. Rezoning from “BP” – Business Park to “I-1” Limited Industrial to allow contiguous zoning for the proposed parcel.
2. Final Plat/Replat of the two parcels to combine them into one parcel, allowing the expansion of the existing building.
3. Vacation of Drainage and Utility Easements which were created as property line perimeter easements and will no longer be adjacent to property lines
4. Site Plan Review/Building Permit Authorization for consideration of a building addition including office and warehouse totaling 57,818 s.f.

He reviewed the rezoning and commented that Uponor is requesting that this parcel be rezoned to “I-1” – Limited Industrial so that the proposed combined parcel has one zoning classification. Spot zoning is not an issue as this request creates a contiguous “I-1” – Limited Industry zone. As both parcels are guided for industrial use a comprehensive plan amendment is not required.

He stated Engineering staff has met with Uponor’s engineering team and is making progress.

With a Final Plat, the Planning Commission does not review or recommend actions on a vacation. The most practical way of removing the section of easements, which are no longer needed, is to vacate all of the easements established with the prior plats. These easements will be reestablished and dedicated through the new final plat as needed.

Uponor is seeking to begin construction on this facility in 2016. To accommodate this goal City staff is working with the applicant's engineering team to submit materials for review in advance of final approval/decisions.

Chair Melander asked it was all glass or if it was spandrel glass.

Mr. Sharpe said he believes it is all glass.

Commissioner Alwin inquired if the entrances to the new facility would be employee only or would those be visitor as well in terms of parking.

Dan Hughes, Director of Real Estate for Uponor, answered that the access to the building that Commissioner Alwin inquired about is primarily an employee entrance with employee services in that area. The main entrance for the business will remain at the main building on Johnny Cake Ridge Road.

Commissioner Scanlan thanked Mr. Hughes for their continued expansion in Apple Valley. He inquired if Uponor plans to maintain their current standards regarding landscaping as they have with the existing facility.

Mr. Hughes answered that they would.

Chair Melander closed the public hearing at 7:17 p.m.

**B. Quarry Point Park Communications Tower** – Public hearing to consider a request for a conditional use permit to allow for 79-foot tall cell tower in Quarry Point Park. **(PC16-31-C)**  
LOCATION: 15725 Pilot Knob Road  
PETITIONER: Verizon Wireless and the City of Apple Valley

Chair Melander opened the public hearing at 7:18 p.m.

City Planner Tom Lovelace stated the request is for approval of a conditional use permit to allow for the construction of a 79-foot tall communications tower, equipment platform, and generator on 779 sq. ft. of property in Quarry Point Park. The 39-acre public park is located along the north side of 160th Street West, just west of Pilot Knob Road.

The proposed project appears to meet all requirements for tower and antenna design and maintenance set forth in the City zoning code, with the exception of the required setback from the park's east property line. A setback variance would need to be part of any approval of this project.

The City is in the process of platting the park parcel with the property directly adjacent to the east into one lot of record. The platting of the property will eliminate the need for a setback variance. Access to the site will be via a 12-foot wide bituminous drive that will intersect with the existing 15-foot wide driveway that provides access to the City's water tower from CSAH 46. The access

drive will be located in a proposed 20-foot wide "Access and Utilities Rights-of Way Easement", which will need to be approved by the City.

The applicant proposes to construct an eight-foot high vinyl fence that will screen the equipment platform and generator. Landscaping that provides year round screening should also be installed around the perimeter of the site. The applicant shall submit a landscaping for review and approval by the City prior to any permit issuance.

Grading of the site will be needed to establish a roadbed and pad site for the tower and equipment. If approved, the applicant shall be required to submit a grading plan for review and approval by the City Engineer prior to issuance of a building permit.

Commissioner Scanlan asked if a maintenance plan is needed for the landscaping once the landscaping is put in.

Mr. Lovelace answered yes, that it is an expectation and the City can certainly write that into the resolution that some type of maintenance plan be in place. There is a standard condition within the site plan/building permit that already addresses the ongoing upkeep and maintenance of the property.

Commissioner Scanlan inquired if there is particular color the City would like to see here to minimize the impact.

Mr. Lovelace said if it is a lighter blue color it has a tendency to blend in with the sky.

Ralph Wyngarden, Faulk and Foster, representing Verizon Wireless, thanked staff for their guidance in drafting the project. He provided additional information and said they would be happy to work with the City on landscaping requirements.

Chair Melander closed the public hearing at 7:32 p.m.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval of a conditional use permit allowing for the construction of a 79-foot tall cell tower, equipment platform, and generator on 779 sq. ft. of property in Quarry Point Park, subject to the following conditions:

- The Quarry Point Park and Water Tower property shall be platted into one lot.
- A 20-foot wide access and utilities rights-of way easement shall be prepared and approved by the City.
- A landscaping plan that identifies landscaping that will provide year round screening shall be submitted for review and approval by the City prior to any permit issuance.
- A grading plan shall be submitted for review and approval by the City Engineer prior to any permit issuance.
- All applicable ordinances and regulations shall be strictly adhered to.

Ayes - 4 - Nays - 0.

## 6. LAND USE/ACTION ITEMS

**A. Larson Fence Variance** – Consider a variance to allow an 8-foot tall fence in the front yard where a 3.5-foot fence is permitted. **(PC16-33-V)**

LOCATION: 12500 Dorchester Trail

PETITIONER: Mark J. Larson

Planner/Economic Development Specialist Alex Sharpe stated Mark Larson, applicant and property owner has requested a variance to construct an 8' fence in the front yard where 3.5' are permitted by City Code. The stated purpose of the fence is to act as a noise barrier and screening from McAndrews Road.

The Staff reviews variance applications based strictly upon the requirements of the state statutes and the City Code which require that the applicant establish that there are practical difficulties present in order for a variance to be granted, and that logical alternatives are not available.

An existing mature conifer tree line is currently screening the property, the applicant intends to retain these trees and bolster their intended effect as screening with the fence line. These trees will need to be trimmed for installation of the fence, but will be allowed to grow and provide further screening in the future.

A neighborhood identification sign was present on the site in the northwest corner. This sign was installed at the time the houses were being built and has not been maintained since that time. An association was supposed to be created for the neighborhood to address the ongoing lighting and maintenance of the sign. Staff found no evidence of an association, or an easement for the sign. The ongoing lighting and maintenance of this sign has been placed upon the property owner. Mr. Larson has applied for a demolition permit for the sign, which the City has issued. This variance is not impacted by the removal of the sign.

At this time staff has not received any concerns or been contacted by any surrounding property owners.

In order to grant a variance, the City considers factors to determine whether the applicant established that there are practical difficulties in complying with the provision(s) of this Chapter.

Commission had no questions.

**MOTION:** Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval of a variance for an 8 foot fence in the front yard where 3.5 feet are permitted for 12500 Dorchester Trail, subject to the following conditions:

1. The fence shall have 2''- 5'' ground clearance to allow for proper drainage.

