

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
NOVEMBER 2, 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, Tim Burke, Keith Diekmann and Paul Scanlan

Members Absent: David Schindler

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer, 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. Hearing none he called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the agenda. Ayes - 5 - Nays - 0.

**3. CONSENT ITEMS**

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of October 19, 2016. Ayes - 5 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval for model home permit with a six-space surface parking lot on Lots 6 and 7, Block 2, Embry Place Second Addition. Ayes - 5 - Nays - 0.

**4. PUBLIC HEARINGS**

**A. Christ Church Communications Tower** – Public hearing to consider a request for a conditional use permit amendment to allow for an 87-foot tall cell tower. **(PC16-40-C)**

LOCATION: Christ Church, 12925 Johnny Cake Ridge Road

PETITIONER: Verizon Wireless and Christ Church

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

Planner/Economic Development Specialist Alex Sharpe reported that Verizon Wireless has applied for a Conditional Use Permit Amendment for an 87-foot tall Wireless Communication Tower at 12925 Johnny Cake Ridge Road (Christ Church).

Verizon Wireless has applied to amend the Conditional Use Permit (CUP) for a Wireless Communication Tower (cell tower). In 2010 Clearwire wireless applied for, and was approved for a 90' tower on the eastern portion of the lot. The property is zoned "P" Institutional, which conditionally permits cell towers.

The location of the approved CUP is on the eastern portion of the lot, and was incorporated into a parking lot light pole. The proposed location is on the western portion of the property, behind the church building. The tower is incorporating stealth technologies, allowing for a sleeker and less visually impacting appearance.

Commissioner Alwin inquired as to what the color of the tower could be.

Mr. Sharpe answered that the color could be changed but the standard color is grey and it could blend in with most backgrounds.

Rob Viera, Buell Consulting, commented that the color could be dark brown to blend into the woods or could be a light blue or even yellow.

Chair Melander inquired for clarification that Verizon does not just build a tower because they want to spend the money to build it and that there is a need for this.

Mr. Viera confirmed that there is a need for it.

Commissioner Diekmann asked if the tower would only be used for Verizon.

Mr. Viera answered that it could be used by other carriers too.

Commissioner Scanlan inquired if the location near the church rather the tree line would be better.

Mr. Viera answered that it is disguised pretty well behind the church. Shelter is there at the base.

Commissioner Scanlan commented that back in 2010 when another cell tower was reviewed and inquired if there was another cell tower fairly close to this.

Mr. Viera answered yes, in Hagenmeister Park but Verizon cannot get the height they need on that one for their signal to co-locate.

Commissioner Burke inquired if they ever thought about putting the mechanical below ground.

Mr. Viera said they would get water in there and with the freeze-thaw cycle it is needed to be above ground.

Chair Melander asked if there was any thought of putting the tower inside a structure like the steeple cross in a Burnsville church.

Mr. Viera answered that would be more sleek but feels it stands out even more.

Chair Melander commented that with a light blue color it would blend in even more.

Mr. Sharpe stated that a steeple cross would count as signage unless connected with the building and would change the dynamics.

Commissioner Scanlan asked staff about color preference.

Mr. Sharpe answered that from a staff perspective he did not have a preference but would like to see what it would look like to back yards and if there were residents here that would have a preference.

Chair Melander closed the public hearing at 7:16 p.m.

**B. Mount Olivet Church Communications Tower** – Public hearing to consider a request for a conditional use permit amendment to construct an 84-foot cell tower. **(PC16-39-C)**  
LOCATION: Mount Olivet Church, 14201 Cedar Avenue  
PETITIONER: Verizon Wireless and Mount Olivet Church

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

Planner Kathy Bodmer stated Verizon Wireless and Mount Olivet Assembly of God Church request consideration of a conditional use permit to construct an 84-foot tall wireless communications tower (cell tower) west of the youth building at 14201 Cedar Avenue. The tower is requested in order to improve network capacity and improve coverage along Cedar Avenue. The construction of the cell tower will include construction of an equipment platform and a generator. The tower and equipment will be located within a 21.5' x 25' area with an 8' tall cedar fence around the perimeter.

The property is zoned "P" (Institutional) which allows a cell tower by conditional use permit, subject to a number of performance standards. In order to obtain a conditional use permit, the petitioner must demonstrate that all of the performance standards of the zoning code are met.

Verizon Wireless provided a letter that elaborates on why this site was selected. The zoning code requires co-location on existing towers within the 1/2 mile area. The only available existing tower is located at Apple Valley High School. According to the letter, the antenna centerline height and terrain of the area would not meet Verizon's offload or coverage needs.

Commissioner Alwin asked if there were any concerns of impervious surface with the TCF bank going in.

Ms. Bodmer answered that it was not something they reviewed yet in detail and said the surface area where there is not equipment is actually crushed gravel and that it would be permeable.

Commissioner Scanlan asked about the position they have it shown on the island and if there was another location that was more centrally located to screen it better.

Ms. Bodmer answered that is not something they looked at yet in detail. There is a quite mature tree east of the site and staff is hopeful that could remain and provide good screening from Cedar Avenue. She added there is a line of landscaping behind the parking lot and then there is quite a dip in elevation. She believes there is quite a bit of opportunity for additional screening west of the site that would help to screen the area over time and staff could explore.

Commissioner Scanlan asked about the tower at Apple Valley High School that was too short and if that was a Verizon tower or a competing carrier.

Mr. Viera answered that it was a competing carrier.

Commissioner Scanlan inquired about the site selection especially with the commercial area that is just south of the church.

Ms. Bodmer reported that some of the taller office buildings in the City are a location for cell towers but are outside of that ½ mile search area.

Commissioner Burke inquired about other towers and how close they were to residential houses.

Ms. Bodmer said there was a tower at the City's Central Maintenance Facility by Cedar Isles Estates neighborhood and staff could do a search for others.

Chair Melander said both locations are churches and a source of income for the parishes. He understands that it is part of Mr. Viera's job to search thoroughly for sites.

Ms. Bodmer said yes.

Commissioner Scanlan asked about the site selection and if there was any reason Verizon could not bring in another tower at the high school location.

Ms. Bodmer answered that the issue is with the available height of that tower.

Commissioner Scanlan asked with the limitations of the existing tower could Verizon bring in a separate tower.

Ms. Bodmer said staff would have to look at that. The City does not have any provision in the zoning code for separation or minimum number of towers, but for the neighbors of that area it might be kind of a burden for them to have another tower nearby. It is something that could be explored.

Chair Melander commented that the water towers are covered with cell towers and that they cover those areas.

Ms. Bodmer added that the coverage they are trying to get to is the traffic on Cedar Avenue.

Mr. Viera stated that typically he is given a search radius to find a location but this time he was given a particular property. Verizon wanted the church because of the elevation and it was close to commercial, north and south along Cedar Avenue. There is so much demand along Cedar Avenue now that Verizon has to have this location. Typically he searches for a site but this time was given the location to pursue.

Commissioner Scanlan asked what other options are available south in the commercial area versus the residential area where the church is and understands that this is the ideal optimum spot that Verizon wants to put the tower. What other options do we have available here. He would like Verizon to come with and provide additional leeway. He said he would like to look at some other options too to see that the City is covering their bases.

Mr. Viera answered that this location was where Verizon wanted it. The high school property was too far to the west by at least ¼ mile.

Janet Malz, 14242 Glencove Trail, commented this will be an unsightly tower and is opposed to the construction of it. It would greet visitors to the community along Cedar Avenue. It would lower property values of the homes near it. She would like Verizon and the City to consider other non-residential areas for the location. She started an on-line petition. She contacted Verizon. She added that Apple Valley is a pleasant place to live, understands the need for cell towers and does not think they should be in residential neighborhoods.

Chair Melander closed the public hearing at 7:35 p.m.

**C. 7525 147<sup>th</sup> Street Building** – Public hearing to consider a conditional use permit to allow for a drive-thru window in conjunction of with a proposed coffee shop and site plan/building permit authorization to allow for a 4,567 sq. ft. building. **(PC16-38-CVB)**

LOCATION: 7525 147<sup>th</sup> Street West

PETITIONER: 7525 Cedar, LLC

Chair Melander opened the public hearing at 7:36 p.m.

City Planner Tom Lovelace stated the applicant is requesting approvals of a conditional use permit, site plan/building permit authorization and several building and parking setback variances to allow for construction of a 4,567-sq. ft. building, 48 surface parking spaces, and drive-through window for a coffee shop. The site is located at 7525 147th Street West, the current location of a vacant motor fuel/convenience store.

He reviewed the site plan, traffic flow, sidewalk connections and required setback variances. He also reviewed the landscaping, grading and utility plans. All mechanical equipment shall be screened in accordance with City code requirements. Final grading and erosion control plans, and specifications shall be submitted for approval by the City Engineer prior to issuance of a Natural Resources Management Permit.

Commissioner Scanlan inquired about the trash enclosure and noted it had previously been set to the west corner versus being in the center and if there was any concern for that.

Mr. Lovelace answered it should not be of concern and that it would be located in the center in the back and would be constructed of the same material as the structure itself. He did not see an issue related to that and thought additional landscaping in the back could be added to soften the look.

Commissioner Scanlan asked about the parking numbers.

Mr. Lovelace said parking calculations would have to meet expectations with the seats inside the restaurant. He also noted that there was outdoor seating provided at this location for the restaurant to the south and decorative fencing is shown there. Staff would want to be sure the decorative fencing would be providing that kind of barrier between the drive aisle and the outdoor seating area. He added they also show some seating in front of the coffee shop.

Commissioner Diekmann asked about the concrete space in front of the coffee shop only being 5 feet and that it was mentioned early that 4 feet with 1.5 foot overhang is not enough to make it a usable walkway and that with seating it is not a usable walkway either.

Mr. Lovelace agreed that could be the case so staff would have to look at that.

Commissioner Burke inquired if it would be reasonable to have the same hours as the drive-thru on the west side of Cedar Avenue as the east side of Cedar Avenue (Caribou).

Mr. Lovelace answered that he could review those hours.

Sheldon Berg, DJR Architecture, stated he worked with Paul Graffunder, the seller of the property with a program and some uses for the space. Things changed, they had to make some adjustments and had to find additional tenants.

Commissioner Diekmann asked why the existing pylon sign would remain and if it would be altered at all.

Mr. Berg answered that the tenants would like the sign to remain and have a little visibility for the site. They would adjust the sign to just be two panels for the two tenants. Comparing the total amount of the signage that is there now may be reduced a little bit going forward.

Commissioner Diekmann asked if this was going to be a new sign on the same pole.

Mr. Berg answered yes, there would be new cabinets but on the same pole.

Chair Melander commented that even since this is a smaller building it is a tougher fit for the site.

Mr. Berg said he did not think so based on the length and width. The north and south sides were reduced to accommodate the drive-thru. They also added additional landscaping on the east side and will work with City staff to add some more as well as buffering on the north.

Chair Melander asked if there would be room for the sidewalk issue talked about earlier.

Mr. Berg answered he thinks they could work that out.

Chair Melander closed the public hearing at 8:02 p.m.

**5. LAND USE/ACTION ITEMS**

--NONE--

**6. 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 December 7, 2016, at 7:00 p.m.

**7. ADJOURNMENT**

Hearing no further comments from the Planning Staff or Planning Commission, Chair Melander asked for a motion to adjourn.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:04 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission  
on 12/7/16.

/s/ Tom Melander  
Tom Melander, Chair