

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JANUARY 4, 2017

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 and Keith Diekmann

Members Absent: Paul Scanlan and 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 Diekmann moved, seconded by Commissioner Burke, approving the agenda. Ayes - 4 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the minutes of the meeting of December 7, 2016. Ayes - 4 - Nays - 0.

B. Palomino Highlands Replat – Consider the subdivision by preliminary plat to adjust the common rear lot lines of three existing lots. **(PC16-43-SF)**

LOCATION: 100 and 102 Belmont Road, and 12980 Hershey Way

PETITIONER: Timothy and Carolyn Ellison, Lee and Gretchen Gilbertson, Robert Parkhill and Dennice Briol

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the preliminary plat of Palomino Highlands in accordance with the preliminary plat dated November 18, 2016, subject to compliance with all City Codes and the following condition that perimeter drainage and utility easements shall be dedicated on the three properties as depicted on the draft Final Plat of Palomino Highlands. Ayes - 4 - Nays - 0.

4. PUBLIC HEARINGS

--NONE--

5. LAND USE/ACTION ITEMS

A. Christ Church Communications Tower – 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

Planner/Economic Development Specialist Alex Sharpe stated Verizon Wireless has applied to amend the Conditional Use Permit (CUP) at 12925 Johnny Cake Ridge Road (Christ Church) for an 87' tall 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. Staff is recommending that the City amend the prior approval, rather than rescind the CUP. Conditions from the prior resolution that apply have been brought forward.

The property is zoned "P" Institutional, which conditionally permits cell towers. Conditional uses are permitted within a zone, with standard and site specific conditions. By state law these conditions must be reasonable to the site to mitigate any adverse impacts. If the applicant is able to address these conditions the use is permitted within the zone.

Garrett Lysiak, P.E. of Owl Engineering, provide additional information.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of a conditional use permit (CUP) amendment for an eighty-seven foot (87') tall wireless communication tower at Christ Church at 12925 Johnny Cake Ridge Road, subject to compliance with all City Codes and the following conditions:

1. The Conditional Use Permit shall apply to property located at 12925 Johnny Cake Ridge Road, legally described at Lot 1, Block 1, CHRIST CHURCH.
2. All conditions and findings approved in Resolution No. 2010-131 shall hereby be amended; the following conditions shall direct apply for the conditional use.
3. The wireless communication tower shall be constructed in accordance with the site plan (sheet A-1), and the elevation plant (sheet T-1) and Landscape plan (sheet A-1.2) dated October 11, 2016.
4. The antennas shall be flush mounted to the communication tower in accordance with the elevation plan (sheet T-1) dated October 11, 2016.
5. A building permit shall be obtained from the Building Inspections Department prior to any construction on the site.
6. The telecommunication service applicant shall provide verification of written final authorization/agreement with the landowner for the placement of the communication tower on the property prior to issuance of a building permit.
7. A nursery bid list shall be submitted that confirms that the value of landscape plantings meets or exceeds 2.5% of the value of the construction of the communications tower per city ordinance.

8. The landscape plan dated October 11, 2016 (sheet A-1.2) shall be revised to replace the 8' Colorado Blue Spruce with 8' Black Hills Spruce.
9. Tower construction, maintenance, and operation shall comply with the communications tower requirements set forth in the City code, Section 155.3 85.
10. The cedar fencing and equipment platform shall be maintained to prevent visual deterioration.
11. Construction plans which are certified by a qualified and licensed professional engineer to be in conformance with: the latest structural standards: acceptable engineering methods and practices and the National Electrical code; designed in all aspects to accommodate both the operator's antenna and on additional user shall be provided prior to the issuance of a building permit.
12. The conditional use permit may be revoked upon any violation of City Code, the conditions set forth in this permit, or any applicable federal or state law or regulation.

Ayes - 4 - Nays - 0.

B. Mount Olivet Church Communications Tower – 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

Planner Kathy Bodmer reviewed the request of Verizon Wireless and Mount Olivet Assembly of God Church for consideration of a conditional use permit to construct an 84' tall wireless communications monopole west of the youth building at 14201 Cedar Avenue. The monopole is requested in order to improve network capacity and improve coverage along Cedar Avenue. The construction of the monopole will include construction of an equipment platform and a generator. The monopole 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 wireless communications 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. The City may place reasonable conditions on a conditional use to mitigate any adverse impacts associated with the use.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of a conditional use permit (CUP) to construct an eighty-four foot (84') wireless communications monopole at 14201 Cedar Avenue subject to compliance with all City Codes and the following conditions:

1. The monopole shall be constructed in accordance with the Site Plan (Sheet A-1) dated October 24, 2016 and the Enlarged Site Plan (Sheet A-2) dated October 24, 2016.

2. The antennas shall be flush -mounted to the monopole in accordance with the South Elevation Plan (Sheet T-1) dated October 24, 2016.
3. A building permit and electrical permit shall be obtained from the Building Inspections Department prior to any construction on the site.
4. The telecommunication service applicant shall provide verification of written final authorization/agreement with the landowner for the placement of the tower on the property prior to issuance of the building permit.
5. A nursery bid list shall be submitted that confirms that the value of the landscape plantings meets or exceeds 2 ½% of the value of the construction of the monopole and antennas.
6. The site shall be constructed consistent with Landscape Plan (Sheet A-4) dated November 17, 2016, subject to replacing the 8' Colorado Blue Spruce with 8' Black Hills Spruce. The landscape plan is further subject to final review and approval by the Natural Resources Coordinator prior to issuance of the building permit.
7. Tower construction, maintenance, and operation shall comply with the communications tower requirements set forth in the City code, Section 155.385.
8. A qualified and licensed professional engineer shall submit certified construction plans which are in conformance with the following: the latest structural standards; acceptable engineering methods and practices and the National Electrical code.
9. A qualified and licensed professional engineer shall certify that the cell tower is designed in all aspects to accommodate both the operator's antenna and one additional user.
10. The co-location certification letter shall be revised to state the following: "... and there is no disruption to the service provided, except disruption as may be necessary for normal maintenance and employee safety."
11. The eight foot (8') cedar fence securing and screening the equipment platform shall be maintained in accordance with the requirements of § 155.351(C).

Ayes - 4 - Nays - 0.

C. 7525 147th Street Building – 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 147th Street West

PETITIONER: 7525 Cedar, LLC

D. Qdoba Restaurant C.U.P. – Consider conditional use permit and variance for a Class II restaurant in a 4,567 sq. ft. multi-tenant retail building. **(PC16-38-CVB)**

LOCATION: 7525 147th Street West

PETITIONER: 7525 Cedar, LLC.

City Planner Tom Lovelace stated the applicant is requesting approval of two conditional use permits, site plan/building permit authorization and several building and parking setback variances to allow for construction of a 4,567-sq. ft. building that will have a Class II restaurant and a Class III restaurant/coffee shop with a drive-through window. The site is located at 7525 147th Street West, the current location of a vacant motor fuel station/convenience store operation.

There are currently four access driveways from public streets to the site, two each off Glenda Avenue and 147th Street West. The original plans showed the removal of the most-easterly driveway along 147th Street West and the southern driveway off Glenda Avenue. The City retained a traffic consultant to review the proposed plans and they have recommended that the remaining 147th Street West access be closed and a south driveway along Glenda Avenue be relocated a minimum of 60 feet north of 147th Street West.

The applicant will be required to blend the curb, sidewalk, and install applicable streetscape amenities at the closed driveways.

Discussion followed.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a conditional use permit to allow a drive-through window in conjunction with a coffee shop (Class III) on Lot 1, Block 1, Giselle's Corner. Ayes - 4 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a conditional use permit to allow for a Class II restaurant on Lot 1, Block 1, Giselle's Corner. Ayes - 4 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a variance to allow a Class II restaurant to be located closer than 1,000 feet from an institutional or residential use. Ayes - 4 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a site plan/building permit authorization to allow for construction of a 4,567-sq. ft. building on Lot 1, Block 1, Giselle's Corner subject to the following conditions:

- a. A variance of 12 feet from the required 15-foot parking setback from a public street.
- b. A variance of 4 feet from the required 50-foot building setback from Cedar Avenue.
- c. A variance of 14 feet from the required 40-foot building setback from 147th Street West.
- d. Approval and issuance of a building permit shall be subject to the recording of the Giselle's Corner final plat
- e. Construction shall occur in conformance with the site plan dated December 16, 2016.
- f. The existing driveways along 147th Street West shall be removed.

- g. The south driveway along Glenda Drive shall be relocated a minimum 60 feet north from 147th Street West.
- h. The developer shall blend all curb, sidewalk and streetscape amenities at the closed driveways along 147th Street West and Glenda Drive.
- i. The three most southerly parking spaces shall be removed.
- j. Construction shall occur in conformance with the landscape plan dated December 16, 2016; subject to submission of a detailed landscape planting price list for verification of the City's 2 ½% landscaping requirement at the time of building permit, the addition of landscaping along the north and east side of the site and relocation of trees in the filtration areas to the satisfaction of the Natural Resources Coordinator.
- k. Construction shall occur in conformance with the elevation plan dated December 16, 2016.
- l. Site grading shall occur in conformance with a final grading plan to be submitted for review and approval by the City Engineer prior to issuance of a Natural Resources Management Permit (NRMP).
- m. Utility construction shall occur in conformance with a final utility plan to be submitted for review and approval by the City Engineer prior to issuance of NRMP.
- n. Construction shall be in conformance with the requirement that any site lighting shall consist of downcast, shoebox lighting fixtures or wallpacks with deflector shields, which confines the light to the property.
- o. A separate application and signage plan in conformance with the sign regulations must be submitted for review and approval to the City prior to the erection of any signs.
- p. The property owner shall execute a maintenance agreement or other suitable agreement to be filed with the deed that ensures the perpetual maintenance of the filtration basins.
- q. Decorative maintenance free fencing shall be installed around the perimeter of south outdoor seating area.
- r. The sidewalk along the north side of the building shall be extended west to the end of the parking lot island and a crosswalk be striped in the drive aisle directly to the west of the sidewalk.
- s. All applicable ordinances shall be strictly adhered to.

Ayes - 4 - Nays - 0.

E. Cobblestone Lake Medical Center – Consider the subdivision of an existing 1.97-acre lot into two lots and site plan review/building permit authorization to allow for construction of a 10,000-sq. ft. medical office building on a 1.45-acre lot. **(PC16-42-SB)**

LOCATION: 15875 Emperor Avenue

PETITIONER: Stanley Lynn, LLC

City Planner Tom Lovelace stated the applicant is proposing to subdivide an existing lot into two for the purpose of constructing a 10,236-sq. ft. office building on the 1.45-acre lot. Access to the

two lots will be via Emperor Avenue, a private street located in easements, of which 35 feet of the easement area is located along the east property line of the two proposed lots. This easement provides direct access to 157th Street West and indirect access to Cobblestone Lake Parkway, two public streets.

He reviewed the infiltration system, site plan, parking requirements, sidewalk connections and landscaping plan.

Discussion followed.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of the Cobblestone Lake Commercial 7th Addition preliminary plat. Ayes - 4 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of the site plan/building permit authorization approval to allow for construction of a 10,236-sq. ft. single-story office building and 68 surface parking spaces on Lot 1, Block 1, Cobblestone Lake Commercial 7th Addition; subject to the following conditions:

- a. Approval and issuance of a building permit shall be subject to the recording of the Cobblestone Lake Commercial 7th Addition final plat.
- b. Construction shall occur in conformance with the site plan dated November 4, 2016; subject to the installation of a crosswalk and pedestrian ramps across Emperor Avenue, at the end of the proposed sidewalk along the west side of the street and an internal sidewalk connection from the two lots.
- c. The property owner shall execute a cross access and parking agreement.
- d. Construction shall occur in conformance with the landscape plan dated November 4, 2016; subject to submission of a detailed landscape planting price list for verification of the City's 2 ½% landscaping requirement at the time of building permit application and the replacement of some of the sugar maples with different species to the satisfaction of the Natural Resources Coordinator.
- e. Construction shall occur in conformance with the elevation plan dated December 7, 2016.
- f. Site grading shall occur in conformance with a final grading plan to be submitted for review and approval by the City Engineer prior to issuance of a Natural Resources Management Permit (NRMP).
- g. Utility construction shall occur in conformance with a final utility plan to be submitted for review and approval by the City Engineer prior to issuance of NRMP.
- h. The property owner shall execute a maintenance agreement or other suitable agreement to be filed with the deed that ensures the perpetual maintenance of the underground infiltration system.
- i. Construction shall be in conformance with the requirement that any site lighting shall consist of downcast, shoebox lighting fixtures or wallpacks with deflector shields, which confines the light to the property.

- j. A separate application and signage plan in conformance with the sign regulations must be submitted for review and approval to the City prior to the erection of any signs.
- k. A bike rack shall be installed in front of the building at a location that will not obstruct the use of any sidewalk.
- l. All applicable ordinances shall be strictly adhered to.

Ayes - 4 - Nays - 0.

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 January 18, 2017, 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 Diekmann to adjourn the meeting at 8:07 p.m. Ayes - 4 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on 1/18/17.

/s/ Tom Melander
Tom Melander, Chair