

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MAY 18, 2011

1. CALL TO ORDER

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

Members Present: Tom Melander, Tim Burke, David Schindler, Ken Alwin, Paul Scanlan, and Brian Wasserman

Members Absent: Keith Diekmann

Staff Present: Community Development Director Bruce Nordquist, City Planner Tom Lovelace, City Attorney Sharon Hills, Assistant City Engineer David Bennett, and Department Assistant Barbara Wolff

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 Scanlan, to approve the agenda. The motion carried 6-0.

3. APPROVAL OF MINUTES OF MAY 4, 2011

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

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, to recommend approval of the minutes of the May 4, 2011, meeting. The motion carried 5-0. Commissioner Schindler abstained.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

- A. Augustana Master Plan – Consideration of rezoning, planned development ordinance amendments, preliminary plat approval, master site plan approval, and site plan/building permit authorization for a 13-acre site that would include 257 future senior housing units and the expansion of the existing nursing home that would include a 40-unit transitional care unit (TCU) facility. (PC11-01-ZSB)**

City Planner Tom Lovelace stated that the applicant is requesting the following:

- Rezoning from Planned Development 290/zone 1 to Planned Development 290/zone 2, which allows for a maximum building coverage of 30%.
- An amendment to Planned Development 290 zoning ordinance to include a continuum of care retirement community as a permitted use within zone 2 of the planned development.
- A preliminary plat that will combine two existing lots into one lot of record.
- Site plan/building permit authorization to allow for the construction of a two-story, 40-unit transitional care unit (TCU) facility that will be attached to the existing three-story 200-unit long term care facility (LTC) and 35-space surface parking lot.

- Master site plan approval that identifies conceptual plans that include development of:
 1. The existing 208-unit apartment building and 200-unit long term care facility (LTC) with a 90-space surface parking lot and 60 underground parking spaces.
 2. Reconfigured existing surface parking that will have 103 surface parking spaces.
 3. A 34,020 sq. ft. two-story, 40-unit transitional care unit (TCU) facility that will be attached to the existing three-story 200-unit long term care facility (LTC) and 32-space surface parking lot. The addition of these 40 units will reduce the number of units in the LTC by 40 units.
 4. A four-story assisted living facility (ALF) that will be attached to the TCU facility. Thirty-two units on the top two floors of the 64-unit building will be designated for dementia care. The building will have 96 underground parking spaces.
 5. A four-story, 37-unit senior apartment, with 18 surface and 27 underground parking spaces.
 6. A four-story, 124-unit independent living facility (ILF) with 96 underground parking spaces and 47 surface parking spaces. Approximately 5,200 sq. ft. and 2,300 sq. ft. of the first floor of this building will be used as a town center and wellness center respectively.

New vehicular accesses, as well as a modification to their existing access drive of Garrett Drive are being proposed to accommodate their expansion plans. This existing 40-foot wide divided entrance is being proposed to be reduced to 24 feet and will be realigned to accommodate additional parking and on-site storm water retention.

A future 24-foot wide north/south access drive is proposed that will have direct access off 147th Street. The drive approach will be aligned with the existing Garrett Avenue/147th Street West intersection located to the south of the site. This access drive will provide direct access to the underground parking in the proposed buildings and new 35-space surface parking lot. It will also intersect with the realigned east/west drive. Finally, two new drive approaches are proposed for Garrett Avenue that will provide access to the future 69-space parking lot.

The 69-space parking lot shows a circular turnaround in front of the ILF building. This should be properly designed to accommodate the City's emergency vehicles.

An 84"-90" inch underground storm sewer line runs east/west along the southern portion of the property and is located within a 15-foot wide drainage and utility easement. The proposed buildings will be located 15-20 feet from the sewer line. There is some concern regarding the City's ability to access the storm pipe.

The proposed master plan will have a building coverage of 28%, which is the maximum allowed in its current planned development zoning designation. The petitioner is requesting that the site be rezoned to zone 2 of the planned development zoning district, which currently allows for a maximum building coverage of 30%.

There is an existing 84"-90" storm sewer line that runs east/west along the southern portion of the site. This pipe is located within a 15-foot drainage and utility easement. Because of the size and depth of the pipe, staff is recommending that the easement be increased to 30 feet. Also, drainage and utility easements shall be established along the perimeter of the new lot.

The 47-space parking lot shows a circular turnaround in front of the ILF building. This should be properly designed to accommodate the City's emergency vehicles.

The applicant should provide the City with tree removal details as required by city code and make the necessary revisions to their landscape plan per the Coordinator's comments.

Revisions will need to be made to the utility plan per the Assistant City Engineer's comments as outlined in his memo dated May 11, 2011.

Lovelace asked for comments or concerns from the Planning Commission.

Chair Melander asked if a rain garden feature could correct the water problem.

Lovelace replied that the underground infiltration system should correct the problem. He said that the City's Assistant City Engineer is working with Augustana's engineers on the project.

Hearing no further comments from the Commission, Chair Melander asked for the petitioner to come forward.

David Shaw, Campus Administrator at Augustana Health Care Center of Apple Valley, stated that several hospitals have asked for them to provide transitional care or short-term stay rehab care. He said that 12 years ago they were providing 125 admissions a year and that number has increased to 700 admissions per year for short-term care. Mr. Shaw stated that the consumer is now requesting single bed units instead of two- or three-bed units so the first phase is to provide more single bed rooms. He said the business is not changing, just the manner in which they provide the care.

Chair Melander stated that he is happy to see Augustana Health Care expanding.

Hearing no further comments from the Planning Commission Chair Melander opened the hearing for public comment.

Marian Brown, 7754 – 142nd Street West, said it will be wonderful to have transitional care in Apple Valley and is delighted to see this expansion.

Dan Zimmerman, 7311 – 146th Way West, stated there are 387 students at Paideia Academy and Augustana allows them use of the green space for physical activities. He said he is concerned about potential increased traffic, commotion and safety for the students and those crossing the street, by the proposed expansion. He said at the very least he believes there should be a trigger activated or manual crossing light for the safety of the students. He also stated that the notice of public hearing letter was deceiving because from the letter it appeared to be the one building but now he sees there is a master plan for the whole area.

Commissioner Alwin asked Lovelace if the existing undeveloped green space of Augustana is designated as park or have any easements that would force it to be preserved as green space.

Lovelace said that it is zoned Planned Development 290, zone 1, so there was intention to develop in some manner. He said the zoning change is only for an 8% increase in building coverage.

Commissioner Alwin clarified that in its existing status, it could be developed for commercial.

Lovelace responded that is correct.

Commissioner Scanlan asked that the concerns for the pedestrian crossing be looked at.

Lovelace said he would have traffic and public works staff take a look at that and provide comments at the next Planning Commission meeting.

Commissioner Schindler said his children attend Greenleaf Elementary and they have crossing guards with flags. He suggested that the parents talk with the school to see if this can be provided by older students or the teachers.

Mr. Zimmerman said that it is a magnet school and so students are coming from other schools, but he can certainly speak to the school about it.

Commissioner Schindler said he is 100% on board with the dangers of crossing that street. He commented that the teachers could certainly help in the crosswalk.

Tiffany Field, 7291 – 146th Way West, said she works at Paideia Academy and is working on the crosswalk issue. She said that she took it to the Traffic Safety Committee and they did a traffic study and there wasn't quite enough traffic yet to do something. She stated that she is working on making it a school crossing but it is a very long process. Ms. Field also stated that the notice of public hearing letter was deceiving because from the letter it appeared to be the one building but now she sees there is a master plan for the whole area.

Lovelace stated that there was never any intent to deceive the public with the hearing notice.

Assistant City Engineer David Bennett stated that the crossing at 147th Street did go before the Traffic Safety Advisory Committee. He said they can bring in those results and also an update with the proposed facility and see if there would be any modifications that the committee could review.

Chair Melander said that would be helpful.

Mr. Shaw said they attempted to have a neighborhood meeting the previous week by notifying the neighborhood by letter. He said their intention is to be as transparent as possible with their plans. Mr. Shaw said that the citizens' concerns are their concerns as well and they would be happy to share the master plan. They want folks to be safe and for this to be a good development for the community.

Hearing no further comments Chair Melander closed the public hearing. He stated that it is the policy of the Planning Commission not to act on a public hearing item the night of the public hearing.

6. LAND USE/ACTION ITEMS

A. Cobblestone Lake South Shore 5th Addition – Consideration of Comprehensive Plan Amendment, rezoning, and proposed subdivision of an eleven acre parcel into 53 single-family lots. (PC11-14-PZS)

City Planner Tom Lovelace stated that South Shore Development, LLC is requesting an amendment to the 2030 Comprehensive Plan Land Use Map, rezoning, and the subdivision by plat of approximately 11.4 acres of property located in the northeast corner of 160th Street West (CSAH 46) and Elmhurst Lane.

The applicant is requesting an amendment to the 2030 Comprehensive Plan Land Use Map that would redesignate the property from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/3-6 units per acre).

The rezoning request would change the current zoning designation of "PD-703/zone 8" (Planned Development), which allows for sand and gravel mining to "PD-703/zone 2", which allows for single family dwellings as a permitted use.

The final request is for approval of subdivision by plat of the 11.4-acre Outlot K, COBBLESTONE LAKE COMMERCIAL 3RD ADDITION into 53 single family lots and one (1) outlot that is the current location of an 8-foot pathway. Access to the platted lots will be via public streets that will intersect Cobblestone Lake Parkway and Elmhurst Lane.

The residential lots will vary in size from 5,707 sq. ft. to 13,032 sq. ft., which meet or exceed the minimum requirements with the exception of two corner lots (Lots 6 and 21, Block 1). Lot 6 has an area of 7,180 sq. ft. and Lot 21 has 6,683 sq. ft. Adjustments have been made to bring these into conformance.

The applicant shall dedicate a 30-foot wide scenic/conservation easement over the rear yard area of lots abutting 160th Street West to preclude removal of earth berms and landscaping installed adjacent to the roadway.

Dakota County will require an access restriction easement that restricts access to CSAH 46 be recorded on the plat, which the applicant has identified on the preliminary plat. Staff is also proposing that similar access restriction easements be established along Cobblestone Lake Parkway, Elm Creek Lane, and Elmhurst Lane.

The applicant is proposing to develop this site in two phases, which will result in the construction of public streets that will dead-end in the first phase. Temporary turnarounds at the end of the roads will need to be installed. These turnarounds shall be adequately designed to accommodate not only passenger vehicles but also maintenance and service vehicles such as snow plows and garbage trucks. An option to the temporary turnarounds would be to complete construction of the streets during the first phase.

Dwelling units on Lots 10-21, Block 1 will front on Cobblestone Lake Parkway and Elmhurst Lane, with their garages located behind the dwellings adjacent to Street A and the proposed dwelling units located on Lots 3-8, Block 2 will front on Street A. The applicant shall provide the city with building layouts and elevations for the before-mentioned lots in Blocks 1 and 2 to ensure compatibility prior to any recommendation. Also, for emergency response purposes it will be required that the dwelling units on these lots will need to be clearly addressed on both the front and back of the dwelling unit/garage.

A trails and regional infiltration project around Cobblestone Lake does accommodate approximately 1/3 of the site's infiltration requirement. The applicant will need to provide for infiltration of the remaining 2/3 of the site within the development or an agreement shall be required between the City and appropriate parties to allow for this infiltration somewhere within the overall Cobblestone Lake Development.

The City's traffic consultant has reviewed the Cobblestone Lake Parkway/Street B intersection and has concluded that due to the low volume of traffic projected in the development's Alternative Urban Areawide Review (AUAR), as well as the anticipated speed of vehicles using the roundabout, the location of the intersection does pose a risk. Also, parking on Street A and B shall be limited to one side of the street.

The Natural Resources Coordinator has reviewed the proposed landscape plan and the Assistant City Engineer has reviewed the preliminary plat, grading, and utilities plans and recommended several revisions, which the applicant should make prior to City approval.

Lovelace asked for comments or concerns from the Planning Commission.

Commissioner Scanlan asked if Lots 18-21 would face Elmhurst Lane.

Lovelace replied yes.

Commissioner Scanlan asked where the no parking would be on the streets.

Lovelace stated no parking would occur on the inside of both Street A and Street B.

Commissioner Scanlan said he has an issue with the higher density in this development and the continuous issue of people parking in the "no parking" areas and he said it is compounded with the removal of snow and the lack of area to put it in the winters.

Lovelace stated it is the same street width design that is consistent throughout the whole development.

Commissioner Scanlan said that it is an issue he thinks the City should look.

Lovelace stated that staff has not received or heard of many complaints from the neighborhood.

Commissioner Scanlan asked if there will be an association.

Jacob Fick, representative of South Shore Development, LLC, stepped forward to state that there will be a sub-association for the single-family homes within this development and they will also be a part of the master association.

Commissioner Scanlan asked if more visibility can be brought to the crosswalk at the roundabout.

Assistant City Engineer David Bennett said that the City of Apple Valley along with all other municipalities follow the manual on how to assign crosswalks on roundabouts. He said that staff can review it to ensure that it complies with the manual.

Commissioner Scanlan said there is not a posted speed limit and he would like to see a lower speed limit of 25 m.p.h. posted to control the speed of drivers.

City Attorney Sharon Hills said that the City does not have the authority to post the speed limit so even if the City looked to lower the speed below the statutory limit the state would determine whether that would happen. She said that the City does not have that control.

Commissioner Schindler asked what the distance is between the crosswalk and the intersection of Street B and Cobblestone Lake Parkway.

Mr. Fick said approximately 180 feet.

Commissioner Schindler asked if there is a minimum distance guideline between two streets.

Bennett said that the speed of the vehicle leaving Street B traveling eastbound will be at a very low speed and should have plenty of sight distance to make a stop if there is a pedestrian in the walkway.

Chair Melander said that roundabouts are fairly new to Minnesota. He asked if there is any data on them reducing traffic accidents.

Bennett said he does not have that data, although they are going in all over the metro.

Mr. Fick said that an advantage of the roundabouts is that high angle/high impact accidents drop dramatically.

Commissioner Scanlan asked if there are any common areas within or around the development.

Mr. Fick said that there is a park corridor on the east side of the development and a park installed on the north side of Cobblestone Lake Parkway. He stated that there is no internal private park.

Commissioner Scanlan said that if this development moves forward, it will be the only development not interconnected with all the other developments within the community of Cobblestone Lake. He said that the whole concept of Cobblestone Lake to have interaction take place.

Mr. Fick said he understands the point of interconnectivity. He said it is a challenge with this property because of the surrounding infrastructure.

Commissioner Scanlan said there is no sidewalk access on the southeast or northwest corner of the development.

Mr. Fick said that every street has a sidewalk on both sides of it within Cobblestone Lake development. Also, he said that the home in the furthest corner is 350 ft. from a sidewalk and/or trail connection.

Chair Melander commented that he lives on a cul-de-sac and there is a narrow section of asphalt between two homes leading out of the neighborhood which is used quite often. He suggested a bituminous path between lots 6 and 7 and consideration of another between lots 17 and 18, to address Commissioner Scanlan's connectivity issue. He stated that walkability is an increasing issue and desirability within our community.

Mr. Fick stated that he would challenge anybody to find a community with more walkability than Cobblestone Lake. He said he understands Commissioner Scanlan's point although creating a mid-street crosswalk is not a desirable attribute.

Commissioner Schindler said that personally he thinks there are enough sidewalks.

Chair Melander stated that Tradition has done a great job of developing this area and the City doesn't want to discourage more development.

Commissioner Alwin said that he is comfortable with the walkability for this development, acknowledging that it is slightly different than the rest of the neighborhood.

Mr. Fick said they can take a look at making a trail or connection in the corner of the development. He said he understands the concern, but the site is surrounded by infrastructure that limits their capabilities.

Commissioner Schindler said that it may be worthwhile to have a trail between two homes if there was a park to get to or some other amenity, but to get from one street to another is not useful.

Commissioner Scanlan said that he is passionate about the neighborhood and the inter-connectivity between developments within Cobblestone Lake. He asked if a connection could be made in the northwest corner.

Mr. Fick said they can take a look but he doesn't think it would fit well.

Commissioner Wasserman said that he is satisfied with the trail and sidewalk system and connections. He said his biggest concern is the roundabout, although he is satisfied with the engineer's recommendation.

Chair Melander called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, to recommend approval of the amendment to the 2030 Land Use Map to redesignate Outlot K, Cobblestone Lake Commercial 3rd Addition from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/3-6 units per acre). The motion carried 6-0.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, to recommend approval of the rezoning of Outlot K, Cobblestone Lake Commercial 3rd Addition Planned Development No. 703/zone 2. The motion carried 6-0.

MOTION: Commissioner Scanlan moved, and the motion failed for lack of a second, to recommend approval of the Cobblestone Lake South Shore 5th Addition preliminary plat, subject to the following:

- A conservation easement shall be dedicated over the south 30 feet of Lots 6-21, Block 5.
- An access easement shall be established that restricts direct driveway access to Cobblestone Lake Parkway from Lots 1 and 9-18, Block 1.
- An access easement shall be established that restricts direct driveway access to Elmhurst Lane from Lots 18-21, Block 1 and Lot 21, Block 3.
- The two parking spaces on the east side of Elmhurst Lane, south of Street B shall be removed.
- The first two on-street parking spaces on the south side of Cobblestone Lake Parkway, west of Street B shall be removed.
- An agreement between the City and South Shore Development, LLC shall be approved that identifies how storm water infiltration will be addressed for this subdivision.
- Necessary temporary turn-arounds shall be included as part of Phase I.
- Restriction of fences to not exceed four (4) feet in the rear yards of Lots 10-21, Block 1.
- Require a pedestrian access in the northwest corner of the development.

The motion failed 1-5.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin, to recommend approval of the Cobblestone Lake South Shore 5th Addition preliminary plat, subject to the following:

- A conservation easement shall be dedicated over the south 30 feet of Lots 6-21, Block 5.
- An access easement shall be established that restricts direct driveway access to Cobblestone Lake Parkway from Lots 1 and 9-18, Block 1.
- An access easement shall be established that restricts direct driveway access to Elmhurst Lane from Lots 18-21, Block 1 and Lot 21, Block 3.
- The two parking spaces on the east side of Elmhurst Lane, south of Street B shall be removed.
- The first two on-street parking spaces on the south side of Cobblestone Lake Parkway, west of Street B shall be removed.

- An agreement between the City and South Shore Development, LLC shall be approved that identifies how storm water infiltration will be addressed for this subdivision.
- Necessary temporary turn-arounds shall be included as part of Phase I.
- Restriction of fences to not exceed four (4) feet in the rear yards of Lots 10-21, Block 1.

The motion carried 5-1. Commissioner Scanlan opposed because he wanted to include a requirement for a pedestrian access in the northwest corner of the development.

7. OTHER BUSINESS

A. Review of the Upcoming Schedule and other Updates.

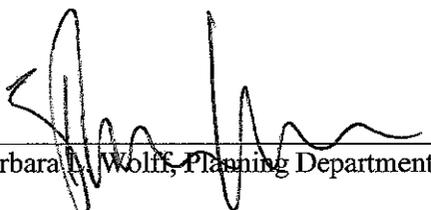
Community Development Director Bruce Nordquist stated that there is a new state statute for looking at variances. He said it will appear on the agenda in June for the Planning Commission to review.

8. ADJOURNMENT

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

MOTION: Commissioner Schindler moved, seconded by Commissioner Alwin, to adjourn the meeting at 9:08 p.m. The motion carried 6-0.

Respectfully Submitted,



Barbara L. Wolff, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 6-1-11.