

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
OCTOBER 20, 2010

1. CALL TO ORDER

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

Members Present: Jeannine Churchill, Tom Melander, David Schindler, Ken Alwin, Tim Burke, Keith Diekmann and Paul Scanlan

Members Absent: None.

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

2. APPROVAL OF AGENDA

Chair Churchill asked if there were any changes to the agenda. Hearing none she called for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, to approve the agenda. The motion carried 6-0. Commissioner Melander abstained.

3. APPROVAL OF MINUTES OF SEPTEMBER 15, 2010

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, to recommend approval of the minutes of the September 15, 2010, meeting. The motion carried 5-0. Chair Churchill and Commissioner Melander abstained.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

--NONE--

7. OTHER BUSINESS

A. Trail and Sidewalk Plan 2010.

Associate City Planner Kathy Bodmer presented the trail and sidewalk plan for the City of Apple Valley. She said that the plan was accepted by the City Council at their meeting of September 23, 2010. Bodmer

stated that it was a short, but intensive study, funded by Minnesota's State Health Improvement Program (SHIP). The key deliverables were:

- Gap analysis and cost estimates for priority segments.
- New construction.
- Lifetime maintenance cost.
- Sidewalk and trail cross-section prototypes related to available rights-of-way.
- Concepts for supporting trail and sidewalk amenities, wayfinding, and signage.

Input to the plan included:

- Presentations to the Planning Commission, the Parks & Recreation Advisory Committee, and the Traffic Safety Advisory Committee.
- Direct input from the Task Force.
- Community meeting at outset.
- Open house meeting to review concepts.
- Interviews with stakeholder groups.

Creating a stronger sense of community through walking and biking; the plan presented overarching principles:

- Enhance opportunities to live more active lives by reducing barriers and by introducing features that encourage walking and biking.
- Enhance the safety, convenience, and attractiveness of walking and biking for children.
- Integrate walking and bicycling more directly into the patterns of land use.
- Improve multi-modal access for the Downtown to enhance its economic potential.
- Allow Apple Valley to evolve as a suburban and suburban-intensified, walkable place to create a diverse, sustainable, and interesting community.
- Encourage connectivity through systems that promote walking and bicycling, and offer convenient and comfortable alternatives.
- Enhance trail and sidewalk elements that aid in navigation, build a greater sense of community, and establish a sense of place.
- Commit to maintenance that supports a safe, convenient, and comprehensive system of non-motorized transportation.
- Establish a match between capital funding and maintenance/repair/replacement funds.

The gap analysis considered:

- Land use.
- Transportation.
- Connections.
- Barriers.

And assigned a weighting to each factor and analyzed each gap identified. A total of 40 gaps were identified.

The plan guides the development of the trail and sidewalk network to make it a true community asset with an orientation to:

- Connectivity and mobility.
- Community health.
- Navigation.
- Identity.
- Hierarchy.
- Community.

- Core routes.
- Areas of concentration.
- Connections to transit.
- Support facilities.

Best practices for trails and sidewalks focused on:

- Pedestrian enhancements.
- Trail enhancements.
- Bicycle enhancements.
- Wayfinding.
- Land use and urban design.

Recommendations for improvements:

- Recognize that sidewalks and trails reasonably serve most of the community.
- Focus on creating a more complete system in portions of the Apple Valley community.
- Identify the need for robust funding for maintenance of trails and sidewalks.
- Encourage the implementation of elements that support trail and sidewalk use while lending identity to Apple Valley.

Bodmer concluded her presentation and asked for questions or comments from the Planning Commission.

Commissioner Melander praised the work that was done.

Chair Churchill asked if the Commission should refer to this document, as is done with the Comprehensive Plan, as new development and redevelopment comes forward.

Bodmer said that this will not be included as part of the Comprehensive Plan, although it does complement several of the City's goals.

Chair Churchill commented that the Commission will need to be reminded by staff that this document has been adopted by the City Council and that it is an important part of the Planning Commission's development considerations. She thanked Bodmer for the presentation.

B. Minnesota Supreme Court Opinion on 60-Day Timeline for Zoning Requests.

City Planner Tom Lovelace stated that the Commissioner's packets contained a memo from the City Attorney regarding a recent Minnesota Supreme Court opinion on the 60-day rule, which is the timetable that has been set by state statute for the City's review and decision concerning zoning requests. The statute requires that an agency (city) must approve or deny the request within 60 days of submittal of a complete application, and, if denied, the agency must state in writing the reasons for denial.

The issue in the case reviewed by the Supreme Court, which was summarized in the attorney's memo, was that while the Cook County Board voted to deny the rezoning request within 60 days of the applicant's written submittal, it failed to provide in writing the reasons for denial in that time period. The Supreme Court in its review and opinion concluded that whereas the statute establishes clear deadline for action on the request and that the reasons for denial shall be in written form, the statute does not require that written reasons for denial must be made within that 60-day time period.

Essentially, the opinion does not change the way the City of Apple Valley conducts its decision making process; it only clarified the timeline for the written denial requirement. Lovelace said that the City Attorney

strongly urges that the City continue to provide written reasons for any denials at the time of the denial (within the 60-day timeline) as to avoid any legal challenge of the denial on the grounds that it was arbitrary and capricious due to lack of timely written findings.

The Planning Commission is the body that holds public hearings on zoning requests and makes recommendations to the City Council who is the governmental body that makes the final decision. Lovelace said that this is just a reminder to the Commissioners that, as in the past, it continues to provide on the record the specific reasons when recommending denial so that the reasons are part of the public record.

Lovelace asked for any comments or questions from the Commission.

Chair Churchill said this memo is a reminder of the timeline and that when the Commission denies a request the reasons are clearly stated. She commented that the Commission, in the past, has been conscientious of the timeline.

Commissioner Melander asked if it is a failure to approve instead of a recommendation for denial.

Lovelace stated that is correct.

Chair Churchill thanked Lovelace.

C. Development Update.

Community Development Director Bruce Nordquist stated that although there are not any development projects before the Commission, development projects are progressing without coming before the Planning Commission. He said some of the development projects include:

- Minnesota Zoo – Heart of the Zoo with a new entrance and exhibits.
- Walmart – Recently opened with a 60,000 sq. ft. addition. Planning staff and consultant are reviewing the noise report and determining if the loading dock is performing correctly.
- LeGrand Conference Center – 250-300 seat banquet facility opened at Grandstay Hotel. Brings activity to the Central Village.
- Seasons at Apple Valley – 134-unit senior center under construction and scheduled to open spring 2011. Urban design with underground parking.
- Tuscany site (south of Enjoy restaurant) – Back on the market by the bank. They would like to sell to a developer and provide multi-unit housing.
- South of Founders Lane and triangle – Multi-unit rental housing in proximity to the transit station.
- Quarry View Townhomes – Workforce townhomes by the Dakota County Community Development Agency (CDA) are under construction.

Nordquist stated that there is also public infrastructure being planned or anticipated in 2011. He said that there has been construction prep happening for the Cedar Avenue Corridor. It will be fully underway in the spring. Construction will begin south of 150th Street West and then north of 150th Street West in 2012.

Nordquist commented that the road corridors north of County Road 42 are critically important, specifically 147th Street. Staff is working on the completion of 147th Street West at Flagstaff and also 147th and Johnny Cake Ridge Road. The section of 147th Street West and east of Johnny Cake Ridge Road, between Venstar and Uponor, will be completed starting in 2011.

Nordquist continued to say that Valley Office Park is a large 27 acre parcel that remains on the market.

Hanson Concrete is also actively on the market. City staff is working with the broker to create jobs with higher density development, similar to the Business Campus as in the 2030 Comprehensive Plan.

Nordquist asked for comments or questions from the Commission.

Commissioner Melander asked if there has been any progress on the medical campus.

Nordquist replied that it is a tough market for it. He said that staff is working on the infrastructure, although we haven't seen any of the primary users in the community looking for it. Nordquist said staff still believes there is a market for an expansion of health services.

Chair Churchill thanked Nordquist for the update.

D. Review of the Upcoming Schedule and other Updates

Community Development Director Bruce Nordquist stated there are no additional updates.

8. ADJOURNMENT

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

MOTION: Commissioner Melander moved, seconded by Commissioner Alwin, to adjourn the meeting at 7:34 p.m. The motion carried 7-0.