

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JULY 14, 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, David Schindler, Ken Alwin, Tim Burke, Keith Diekmann and Paul Scanlan

Members Absent: Tom Melander

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

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

3. APPROVAL OF MINUTES OF JUNE 16, 2010

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

MOTION: Commissioner Schindler moved, seconded by Commissioner Burke, to recommend approval of the minutes of the June 16, 2010, meeting. The motion carried 5-0. Commissioner Diekmann abstained.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

- A. Apple Valley East Addition 2nd Addition – Consideration of a 55-unit small lot (40 feet wide) single family development on approximately 7.5 acres and 3-4 commercial lot development on approximately 5 acres. (PC10-34)**

City Planner Tom Lovelace stated that Tradition Development is requesting amendments to the 2030 Comprehensive Plan Land Use map, rezoning, and the subdivision by plat of approximately 14.5 acres of property located in the northeast corner of 155th Street West and Pilot Knob Road.

The applicant is requesting amendments to the 2030 Comprehensive Plan Land Use map that would consist of redesignating the north 9 acres of Outlot A, APPLE VALLEY EAST FAMILY ADDITION from “MD” (Medium Density Residential/6-12 units per acre) to “LD” (Low Density Residential/3-6 units per acre) and the south 5.5 acres from “MD” to “C” (Commercial).

The rezoning request would create “PD-849/zone 2” over the north 9 acres of the existing outlot and amend the existing planned development ordinance by adding uses, area requirements, and performance standards

for zone 2. No zoning changes would be expected to the south 5.5 acres until a development plan is submitted.

The final request is for approval of subdivision by plat of the 14.5-acre Outlot A, APPLE VALLEY EAST FAMILY ADDITION into 54 single family lots on approximately 9 acres and a 5.5-acre outlot. Access to the platted lots will be via a public street that will intersect with Embry Path at two locations.

The site plan shows the creation of 54 single-family residential lots, with the majority of the lot having a 40-foot wide lot width with a minimum lot area of 4,805 sq. ft. A typical single-family lot in the "R-3" zoning district has a minimum 80-foot lot width and minimum 11,000 sq. ft. lot area. However, the minimum lot width and lot area in zone 2 of "PD-703" (Cobblestone Lake) is 40 feet and 4,800 sq. ft. Therefore, the lot width and lot area would be a significant departure from our typical area requirements but would be somewhat consistent with the requirements in the planned developments located to the south (PD-703) and east (PD-629) of the project site.

The plat should include drainage and utility easements, a minimum of ten (10) feet wide, which shall abut the street right-of-way and shall be centered on the rear and side lot lines. The layout of the streets should meet the design standards for a 30 MPH street. The horizontal curves should have a minimum radius of 100 feet. The proposed north east-west street and north-south streets should be widened to 30 feet and the right-of-way to 54 feet for snow storage. The proposed south east-west street should be widened to 34 feet and the right-of-way to 58 feet for snow storage.

The first floor elevation of the dwelling units on lots directly adjacent to Pilot Knob Road will be roughly the same elevation as the road's driving lanes. The planned development ordinance requires the installation of an undulated sodded landscaped berm or berms adjacent to any principal or minor arterial streets at a maximum 3:1 slope. This is to provide a screening element and help to soften any adverse impacts from vehicular traffic on a high volume road, such as Pilot Knob Road, a principal arterial that has a current volume of 21,500 vehicle trips per day and is projected to be 35,000 vehicles per day by 2030. The submitted grading plan indicates a small berm, 2-4 feet high, along the west side of the lots directly adjacent to Pilot Knob Road. Staff has concern that this will not provide any softening or screening from Pilot Knob Road.

The 15-foot drainage and utility easement along the north property line should be extended across Lot 20, Block 1.

The proposed width of Emblem Way will be less than a typical local street, which is 32 feet wide as measured from the inside face of the curb. Therefore, on street parking will be limited to one side of the street only. Staff will need to work with the developer on siting the driveways and limiting its width at the curb so that adequate on street parking can be provided.

Revisions should be made to the landscape plan per staff's comments.

The site plan identifies an 8-foot wide bituminous path, located just north of the existing pond that will extend from the existing pathway along the east side of Pilot Knob Road to the sidewalk along the west side of Emblem Way. This pathway is not located in the proposed right-of-way; therefore, a sidewalk/trail easement should be established over that section of pathway to ensure that it will exist in perpetuity.

Lovelace asked for comments or questions from the Planning Commission.

Chair Churchill asked if there are sidewalks.

Lovelace said yes; sidewalks will be on both sides of Emblem Way connecting to the sidewalk along the west side of Embry Path, which will lead to a pathway along the north side of 155th Street West. He said there will also be a bituminous path that will lead from the south side of the proposed development to the existing path along the east side of Pilot Knob Road.

Commissioner Alwin asked where the proposed access will be for Outlot A.

Lovelace stated that the applicant indicated on their sketch plan that they would have a 4-way intersection on the east side of Outlot A on Embry Path, north of 155th Street West, that would provide access into the site as well as a right-in, right-out on the south side of the lot off of 155th Street West. He stated that the City's traffic consultant looked at it and has some concern with the distance of the 4-way intersection and the intersection of 155th Street West and Embry Way and northbound traffic taking a left turn in and the potential for stacking. He said that the type of development would have to be taken into consideration and the amount of traffic that would be generated by that type of development.

Commissioner Burke asked about the on-street parking and the width of the driveways.

Lovelace answered that in an earlier development, within Cobblestone Lake, the City made the driveways narrower in the right-of-way, down to 14 ft., and then the driveway expanded further once it is on the homeowner's property. He said that with that adjustment, they were able to provide the on-street parking.

Commissioner Scanlan commented that he has concerns about the access into Outlot A from Embry Path and also that there won't be enough room for on-street parking especially in the winter. He stated that he is also concerned with the lighting impact from the commercial property onto the residential property. He said he would like to review the lighting standards that the City has.

Lovelace stated that the standards generally provide that there is not spill-over onto adjacent properties and it has to stay within the confines of the property that you own.

Commissioner Scanlan said that he thinks there are new ways to look at that to minimize it even further without sacrificing safety. He also asked if there is going to be any type of berm to minimize the visual impact from the residential side into the commercial.

Lovelace answered that it has not been proposed. He said the City would need to look at that as part of the development on the outlot. He said that there would be some expectation of screening between the commercial from the residential when the commercial area is developed.

Chair Churchill asked if there were any discussions with the petitioner on potentially sharing driveway access to the street or making some of the homes mirror images so that the driveways are side-by-side to extend the length of the street between driveway cuts.

Lovelace stated that the home entry way, as a person faces the home, is on the right side and the driveway along the left side. He said that is the style they have for each unit and that with a 14 ft. wide driveway access on a 40 ft. wide lot, it would leave 26 ft. of space, allowing at a minimum, one space for on-street parking.

Chair Churchill hearing no further questions from the Planning Commission called the petitioner forward.

Jacob Fick with Tradition Development approached the Planning Commission. He stated that this is a single-family, owner-occupied neighborhood with 40 ft. wide lots using themes with things that have worked in the Cobblestone Lake development. He stated that it is a medium density development.

Fick addressed a couple of comments made by the Planning Commission. He said they plan to have a connection to the commercial lot on the southern portion of Emblem Way that borders the commercial lot. They also plan on having a screening berm and/or landscaping on the south edge of Emblem Way. Mr. Fick said that the parking has been an item of concern and they have been working with staff on street widths to allow parking on one side of the street. He said they will come back with a parking model for the next Planning Commission meeting to demonstrate how the parking does work in numbers and do hit parking requirements comparative to townhomes. Mr. Fick said that there will be two parking stalls in each garage and two in each driveway. The garage plans are a mixture of garage left and garage right. He said they will combine them in some fashion to maximize space between homes because it makes the most sense and keeps the variety for the anti-monotony clause.

Mr. Fick said the light impacts of the commercial lot are the same concerns that they have as well as the buyer will have. They will want to keep the light intrusion off of the properties to the north and be confined to the commercial zone itself. He said they can look at the shared driveway access, although it does raise a red flag as a single-family home owner, they will own their own lot and that could set up some complications.

Mr. Fick asked the builder to step forward.

Steve Ach, representing K. Hovnanian Homes, stated that the plans represent a 26 ft. wide single-family home with the option of a cantilever, which is additional living space, or a 4 ft. addition to the garage. He stated that there are five building plans with three different elevations for each; with floor plans running from 1,748 to about 2,100 sq. ft. for the first and second floors. Optional space, including a finished basement, can increase that to 2,300 to 2,800 finished sq. ft. roughly. All of them will have a minimum 3 bedroom opportunity with 4 and 5 bedroom options available and 2 ½ baths. Their goal is to try to find a market niche as an alternative to townhomes. Mr. Ach said they are trying to provide a value package and looking at some of the customer driven options. Their plans also allow customers to choose additional windows on the sides of the homes as brought up at the previous meeting.

Mr. Ach said they are looking at a first-time home buyer so it is very important to maintain their starting base price at a real competitive market. He said it is a new product for them and they haven't built it anywhere yet. They feel it is the right product for the market and will provide a great alternative to townhomes. The homes will have a landscape package with the base price that includes a fully sodded yard, one front-yard tree and some foundation plantings. Customers may upgrade to two different levels if they so choose.

Mr. Ach passed out samples of the siding, one of which is a standard vinyl that would come with the price of the home and the customer has the option of upgrading to a higher grade vinyl.

Commissioner Scanlan held up a picture of one of the building plans and asked why the front entry door is cut in half.

Mr. Ach said that it is an angled entrance so that when a person walks up the stairs the entrance is at an angle so the picture depicts only half of the door.

Mr. Ach stated that there are no walk-outs in this development, only daylight and full basements will be available. He said that they will offer a deck as an option and all the homes will come with a ledger. He said that they stand behind their homes and warranty them so they would rather install the ledger at the front-end rather than have the customer do it later on so they can make sure it is installed properly. He said they shield it and install drainage guards.

Commissioner Scanlan asked if there would be an association.

Mr. Ach replied that there would not be an association. They do not see any common elements to necessitate additional monthly costs.

Commissioner Scanlan said he is concerned with long-term exterior maintenance without an association maintained neighborhood.

Mr. Ach said this is a typical single-family neighborhood and they are relying on the homeowners to maintain the integrity of the neighborhood. They are providing a siding with a 25 year warranty.

Commissioner Scanlan said that he is concerned that the product is option driven and so the City has no guaranty of the end product.

Mr. Ach said that the risk for them is that there is no guaranty that they can sell a home. He stated that historically 50% of the customers will buy into the options.

Chair Churchill asked Lovelace if the City sets minimum standards when staff writes a planned development.

Lovelace responded that the City can set the minimum standards, although the City does have a property maintenance ordinance that addresses a lot of compliance issues as it relates to both single-family and multiple-family homes within the community. He said that even though this proposal would not have a homeowner's association, which is typical in our single-family neighborhoods, the City does have a section of code that addresses on-going maintenance of both the exterior and interior of dwelling units within our community.

Commissioner Scanlan said he is still struggling with the option based concept that the builder is bringing forward. He stated as an example, the garage and entry doors are all the same. He thinks that the doors could be changed without incurring additional costs. He sees the only changes that the builder is offering are different colors on the facades.

Mr. Ach said that they can take a look at the options. He said there is quite a bit of variation on the elevations. He reminded the Commission that they will have an anti-monotony clause in place.

Commissioner Diekmann commented that this is a medium density development. He said that if this was a townhome development, there would be the same issues with parking and said the buyer will be aware of what they're getting here with a 40 ft. wide lot. He said that a 14 ft. driveway width at the street is a good idea. He commented that the Planning Commission was going for medium density zoning in this area and the Commission knew that parking on a small site could pose problems.

Commissioner Diekmann also commented that when you look at the elevations, similar to that of a townhome, the elevations and garage doors on townhome developments are all the same. He thinks there are more important issues to address, such as the berm to the south and the access to Outlot A. He stated that these are of a higher priority to him than whether or not all the garage doors are the same.

Commissioner Schindler said he would really like to see parking on both sides of the street if there is a way to do it. He said that a 3-5 bedroom home may be too big of a home for an entry-level neighborhood and with the small lot size. He said the buyer is going to take guidance from the person selling them the home because they won't have any experience buying a house. They may not realize that there may be space issues. He feels that if that type of home is offered, more parking needs to be offered.

Chair Churchill asked if there has been any discussion to making the loop street a one-way street to allow parking on both sides.

Mr. Fick said that they have not approached that issue. He said that the parking has been a big issue and they will address it. He stated that they have experience in the Cobblestone Lake development with narrow streets, 60 ft. wide lots, and homes that are 2-4 bedroom at \$300,000+.

Chair Churchill thanked Mr. Fick and asked for any comments from the public.

Alan Kohls, 15634 Early Bird Circle, commented that his concerns are parking and too many homes on such a small site. He said he viewed the plans this evening and he thinks the style of the homes blend well with the homes in Cobblestone Lake development. He commented that the bike trail to the pathway on Pilot Knob Road is a good asset.

Hearing no further comments from the public, Chair Churchill asked for any additional comments from the Commission.

Commissioner Burke asked if there are any parking issues that come up within the townhome developments that we have within the community.

Lovelace responded that most of the issues relate to people parking illegally. The townhome developments have the same concerns of the City, which are no overnight parking and also they do not want people parking overnight in the guest spaces or on-street. Unfortunately the City is not able to enforce overnight on-street parking because of the private streets within the townhouse developments. Lovelace stated he will talk to the Police Department and see if there are a lot of issues related to parking on the public streets that are directly adjacent to private townhome developments.

Chair Churchill commented that she would like to hear more about the anti-monotony clause at the next meeting.

Hearing no further comments, Chair Churchill closed the public hearing and stated that it is the policy of the Planning Commission not to act on an item the night of its public hearing.

B. Proposed Amendments to Section 155.385 – Consideration of amendments related to wireless communications tower standards and requirements for distances from structures and setbacks from property lines for towers with engineered breakpoints. (PC10-36)

City Planner Tom Lovelace stated that amendments to Section 155.385 of the zoning code, which deals with the site design and maintenance of the wireless communication towers in the city, are being proposed. The proposed amendments relate specifically to the setback requirements for communication towers constructed using breakpoint technology.

Currently, the code requires towers to be set back a minimum of 1.5 times the fall zone (commonly described as the height of the tower) from the property line; 2 times the fall zone from structures on neighboring properties located in the commercial, industrial, and institutional zoning districts; and 300 feet from neighboring structures in the single and multiple family residential zoning districts. The proposed amendments will define “fall zone” and establish design requirements for towers constructed with breakpoints.

Breakpoint technology is the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure

than any other point along the monopole. Therefore, in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole. If failure of the pole were to occur, the section of tower above the breakpoint would collapse upon itself within a smaller fall radius, thus reducing the fall zone.

These amendments will continue to provide the protection to adjacent property and structures currently present in the code while allowing for greater flexibility in siting towers on subject properties and providing more co-locating opportunities.

Lovelace asked for comments or questions from the Planning Commission.

Chair Churchill asked if the City will be inviting towers that will fail by using a breakpoint design requirement.

Lovelace said he doesn't think so, although an engineer would need to answer that question. He said that he doubts the company would want to build a tower that fails.

Assistant City Engineer David Bennett said that there is a minimum standard for design. He said that the breakpoint would meet the minimum design standards and the remainder of the structure will be even stronger than that. He said the city is not inviting anyone to meet a lesser criteria than what is out there now.

Chair Churchill asked if the proposed ordinance amendment speaks to minimum standards.

Lovelace said it is in the existing code.

Commissioner Schindler asked if the breakpoint is always the mid-point.

Lovelace responded that it generally is the mid-point. He said that if the breakpoint was not at the mid-point, the breakpoint would be where the fall zone is set at.

Chair Churchill commented that the Planning Commission needs more information about breakpoint technology.

Lovelace stated that he did a review of neighboring communities and some require setbacks on communication towers to be the same as they are for building setbacks and some require setbacks from a right-of-way or from adjacent properties. Lovelace stated that Farmington, Lakeville, and Inver Grove Heights speak of a fall zone exception in areas that have this fail-point or collapse-point technologies. These communities acknowledge break-point technology.

Bennett said that the telecommunication industry provides a standard, which is TIA-222G; structural standards for steel antennas. He said that is what governs the design of the poles and is also tied to the Minnesota Building Code, which complies with the building code for structures in this region for the standards.

Lovelace said that staff received a letter from a structural engineer and gave each Commissioner member a copy.

Chair Churchill asked if the letter speaks of the breakpoint technology.

Lovelace stated that it only speaks of a "folding over", buckling, or collapsing upon itself.

Commissioner Burke asked what distances neighboring communities use for their fall zones.

Lovelace said some were 1.5 times the height of the tower and some were just the height of the tower.

Commissioner Burke asked if there were any fall zones that were less than one times the height of the tower.

Lovelace said that he would need to check on that.

Commissioner Diekmann asked if the City has any setbacks or fall zone requirements for high voltage power lines in the City.

Lovelace said no; they are located in the right-of-way.

City Attorney Sharon Hills responded to the comment of other cities fall zone requirements or measurements. She said in her review, not just locally but also nationally, a lot of cities use the 1.5 or 2 times the height of the tower, although never less than the height of the tower if there is not a breakpoint.

Chair Churchill suggested a change in the verbiage to ensure that the breakpoint is not lower than half the height of the tower.

Chair Churchill hearing no further comments from the Planning Commission asked if there was anyone from the public who would like to speak.

Peter Coyle, 7900 Xerxes Avenue South in Bloomington, MN, approached the Planning Commission. He stated that he is present on behalf of Clearwire. He thanked staff for the positive proposal of the amendments for wireless technology for the city. He said he's worked on these projects all over the state and western Wisconsin and he stated that the more restrictive the city sets the setback, the harder it is to find a site. He suggested that the setback for the structure be no greater than the height of the tower and likewise the setback for the property line should be the fall zone as defined by the City's code, which would be the height of the tower or the 50% kink, which is generally at the mid-point of the tower height. He stated that the City can still regulate the uses through the City's comp plan, zoning ordinance and conditional use permit process to ensure the structures are sited properly. Mr. Coyle thanked the Commission for their time.

Kristopher Lee, 8295 137th Street West, said that he likes the 1.5 times the height of the tower fall zone so that the structure is placed farther from neighboring buildings and homes and also so that the towers are not so visually intrusive on neighboring properties. He said that wireless technology is developing and hopefully we won't need the towers in the future.

Hearing no further comments from the public, Chair Churchill asked for any additional comments from staff.

Community Development Director Bruce Nordquist commented that Mr. Edward McCrae of 7154 Upper 136th Street was not able to attend this evening and Mr. McCrae encouraged no change to the ordinance.

Chair Churchill acknowledged the suggestion of Mr. McCrae. Hearing no additional comments, Chair Churchill suggested that if an engineer from Clearwire intended to speak at the next meeting, they should hold the public hearing open and give the public the opportunity to respond after hearing his comments.

Lovelace consented to hold the public hearing open.

Chair Churchill asked for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, to hold the public hearing open until the next meeting of the Planning Commission. The motion carried 6-0.

6. LAND USE/ACTION ITEMS

--NONE--

7. OTHER BUSINESS

A. Review of the Upcoming Schedule and other Updates

Community Development Director Bruce Nordquist stated that *Money* magazine has announced that the City of Apple Valley is now the “20th Best Place to Live in the country”, which will be published in the August issue.

8. ADJOURNMENT

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Schindler, to adjourn the meeting at 8:30 p.m. The motion carried 6-0.