

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
AUGUST 3, 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, Associate City Planner Kathy Bodmer, City Attorney Sharon Hills, Assistant City Engineer David Bennett, Department Intern Addison Lewis

2. APPROVAL OF AGENDA

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlon, to approve the agenda. The motion carried 5-0.

3. APPROVAL OF THE MINUTES JUNE 15, 2011

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

MOTION: Commissioner Scanlon moved, seconded by Commissioner Burke to recommend approval of the minutes of the June 15, 2011 meeting. The motion carried 5-0.

Commissioner Schindler arrived at 7:02 p.m.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. McNamara Comp Plan Amendment, Rezoning, and Preliminary Plat – Consideration of a Comprehensive Plan Amendment, rezoning, and preliminary plat to adjust the shared property line between the two existing lots.

Associate City Planner Kathy Bodmer stated that the petitioner is requesting a comprehensive plan amendment from “LD” (Low Density Residential) to “IND” (Industrial), rezoning from “SG” (Sand & Gravel) to “I-1” (Limited Industrial), and preliminary plat of McNamara Addition.

The McNamara site consists of two parcels totaling 10.4-acres, located immediately south of the City’s Central Maintenance Facility (CMF) and east of the Cedar Isle Estates development at 14325 Flagstaff Avenue. The properties are currently guided for “LD” (Low Density Residential) development and zoned

“SG” (Sand & Gravel). A metal-sided building exists on the northern parcel which is used for office/warehouse purposes. No change in the use of the property is proposed with this request.

The City is working with McNamara Contracting Properties, LLC, to obtain the necessary right-of-way to extend Flagstaff Avenue from its current terminus just south of the City’s Central Maintenance Facility (CMF) south to 147th Street W. The McNamara property is encumbered with a number of pipeline and utility easements which make the development of the property difficult. Because a large portion of the southern property was needed to accommodate the Flagstaff Avenue alignment, and because the large easements left the remaining property in an undevelopable condition, the City will be purchasing the southern parcel in order to complete the Flagstaff Avenue project. Once this missing segment is constructed, Flagstaff Avenue will extend from 140th Street West by Eastview High School south into Lakeville.

Easements of various widths and for various purposes are located throughout the two parcels and constrain how the property can be developed. Along the western property line there is a roughly 40’ wide easement. In addition, an approximately 75’ wide easement runs north and south through the middle of the site. In addition to the easements, the property is required to have larger than typical setbacks because the east property line abuts a community collector street and the west property line abuts residential property.

The petitioner wishes to rezone the property to an industrial designation to allow the existing use of the property to remain as it is today as an office/warehouse building. The petitioner has no plans at this time to redevelop the property. In the past, the City initiated rezoning the property to a low density residential designation to make the property consistent with the Comprehensive Plan designation, but the easements located on the property make the property unsuitable for low density residential development at this time. Amending the Comprehensive Plan to an industrial designation is consistent with other landuses in the area and would allow the existing use of the property to remain.

Chair Melander asked if the City had any plans for the parcel it would be purchasing.

Bodmer stated that there are currently no plans to develop the site and that it is being platted as an outlet, thus a building permit could not be issued.

Commissioner Wassermann asked if there are plans to connect Footbridge Way with Flagstaff Ave.

Bodmer said that there is no plan to do so in connection with this project.

Commissioner Scanlan asked what would happen if we do nothing given that the building is currently a non-conforming use and if there was any other motivation for the rezoning.

Bodmer stated that the issue is that the zoning and the designation for the property in the comprehensive plan are not consistent, which is a state requirement. The change is also so that the property owner can make reasonable use of the property.

Commissioner Scanlan then asked why the building is located where it is considering the zoning.

Bodmer explains that the property to the east, now Eastview High School, was previously designated Sand and Gravel but the property was not included to be a part of Eastview. A year ago the City went through a zoning compliance exercise which resulted in rezoning of the property to Low Density Residential to bring it into compliance with the comprehensive plan. At that time the developer stated he had been trying to market the property and no residential developers would look at it due to how encumbered it is.

Chair Melander pointed out that based on the easements and setbacks around this property, anything would have to be built at a substantial distance from the neighboring residential on the west.

On the west side of the property there is a 40' easement that narrows down to a 30' easement but there is also a 60' setback requirement. Bodmer stated that the only developable portion would be to the east of the 75' north/south easement in the middle of the property.

Joe McNamara, representing the petitioner, stated that the current use for the property has been in place since 1970 and that they wish to continue with that land use. Mr. McNamara then addressed Commissioner Scanlan's earlier question regarding why the building is where it is. He stated that everything from Johnny Cake Road to the property, and north to 140th, including the Central Maintenance Facility, was their asphalt plant and gravel pits. They did sell some of the land to the City, and then through threat of condemnation, they needed to sell it for Eastview High. This left them with an undesirable and unbuildable property. He stated that they have had it for sale for 11 years as residential and that it is not a use that can be fit on the property.

Lou Bernier, of 14352 Footbridge Way, expressed that the neighborhood has concerns with a zoning change. He inquired about what types of land uses would be allowed, should the petitioner decide to sell the property.

Bodmer stated that light assembly, office warehouse, office showroom were all appropriate for the I-1 zoning.

Chair Melander reaffirmed that light manufacturing has certain restrictions and would not allow for many of the heavier uses which concerned Mr. Bernier.

Commissioner Alwin pointed out that the 60' setback on the west side of the property and the easement in the middle makes the space between them almost unbuildable and would not even allow for residential. Bodmer stated that the rear setback for residential would be different and would have to be looked at. She also noted that a parking lot would be allowed over this space because a parking lot can go over an easement.

Ed Murrey, of 14446 Flax Way, asked if the new property line dividing the two McNamara parcels was designated so that the City could eventually extend Footbridge Way to connect with Flagstaff Avenue.

Bodmer said that it would allow for it.

Mr. Murrey asked about the City purchasing the southern parcel as an outlot and asked if the City has done this in the past and what happens with them.

Bodmer stated that although it is not uncommon, she would have to do research to see exactly where the City has done this in the past.

Chair Melander announced that the Commission would not be acting on this issue tonight and that all unanswered questions would be addressed in the following meeting before any action is taken.

Jonathan Fuglestad, of 14440 Flax Way, noted that the extension of Flagstaff Avenue and connection with 147th Street W. might make the property more desirable for business and industrial uses, therefore, resulting in more noise and traffic.

Dennis Cousins, a Cedar Isle resident who did not give his address, asked about what kind of buffers would separate the industrial from the neighborhood.

Chair Melander noted that many different things have been done in the past in similar situations such as berms, evergreens, non-deciduous trees, all of which lessen the impact of a use adjacent to residential.

Mr. Cousins also asked about a large antenna on the site and wanted to know if it was leased or owned by the City. Chair Melander stated that the Commission would find out that information and address it at the next meeting.

Rick Lesch, 14009 Flagstone Trail, asked if the City was telling the property owner that he must comply with the zoning or why the change in zoning was happening now. He asked why the City doesn't just wait until there is a buyer for the property and then change the zoning.

Community Development Director Bruce Nordquist said that staff would prepare a response for that question at the following meeting.

Chair Melander noted that sand and gravel is typically an interim use and once it stops, the City has a designated future use for the property as noted in the Comprehensive Plan. Bodmer explained that the zoning is still sand and gravel but the Comprehensive Plan guides it for low density residential and the City is trying to make the two consistent.

Chair Melander asked if there were any other public comments. Hearing none, he closed the public hearing and noted that it is not the policy of the Planning Commission to act on an item the same night as its public hearing.

B. Eagle Ridge Business Park – Consideration of a preliminary plat, conditional use permit, and site plan review/building permit authorization to allow for construction of an 18,200 sq. ft. career development/training facility.

Associate City Planner Kathy Bodmer stated that Patina Apple Valley Land, the property owner, and Lifeworks Services, the petitioner, request consideration of the following:

- Subdivision by preliminary plat of Eagle Ridge Business Park
- Conditional Use Permit (CUP) for outdoor storage of small buses which will provide transportation services for the building.
- Site Plan Review/Building Permit Authorization for construction of an 18,200 sq. ft. building for career development, training and light assembly.

The petitioner wishes to subdivide the 18.7-acre property to create one new 2.2-acre lot for development. A 60' right-of-way is dedicated for an internal public street that will eventually extend from Upper 147th Street W. to Johnny Cake Ridge Road. In the proposed preliminary plat, the right-of-way only extends west to the edge of the Lot 1, Block 1. The Assistant City Engineer requests that the internal public street be dedicated (but not constructed) out to Johnny Cake Ridge Road at this time to help plan for the installation of utilities and the storm water pond.

Because this is a smaller industrial development with lower traffic volumes, the petitioner is proposing a 60' right-of-way with a 32' wide local street. City staff supports this design, but will need to work with the petitioner on the road design and to determine whether on-street parking can be allowed in this development.

A 10' drainage and utility easement is needed along the entire length of 147th Street W. at this time to accommodate private utilities.

Screening of the industrial area from the residential properties to the north and east is a concern. Where existing topography and native plantings provide a physical screen between the industrial and residential properties, this requirement may be satisfied. The petitioner will need to work with City staff to ensure that the proposed screening meets the City requirements.

The petitioners propose to construct an 18,200 sq. ft. building on the newly created Lot 1, Block 1. Two access points are shown to the site from the new internal public street. The front of the building and main entrance will be the east side of the building while the loading dock and dumpsters will be located on the west side of the building. Staff is concerned about the visibility of the loading area and outdoor storage area from Upper 147th Street W. City staff will work with the petitioner on this issue to ensure that the proposed berms and landscaping meet the screening requirements.

Parking requirements for training facilities are based upon the number of students and teachers who are expected to use the building. This will need to be confirmed. Because most of the students will arrive by bus, parking is not expected to be an issue.

The Assistant City Engineer raised a concern about the entrance on the northeast corner of the site, because it is located in the middle of the curve of the public street. Engineering staff stated that the curve of the road will limit visibility at this access point, so it should only be a temporary entrance until the public street is extended west in the future.

Staff would like the property owner to provide a concept sketch showing how the entire 18.7-acre parcel could be ultimately developed to help to address issues related to storm water drainage, crossing of the pipeline by storm sewer pipe and other utilities, and the overall layout of the development.

The petitioners request a conditional use permit (CUP) for outdoor storage of small buses that provide transportation services for this building. The outdoor storage area is shown on the west side of the site. The petitioner will need to confirm that the CUP will be for up to 12 buses. The City requires screening of outdoor storage areas. The petitioner will need to install fencing or a combination of berms and dense landscaping that will provide a year round opaque screen.

Dave Bennett, Assistant City Engineer, notes that the landscape plan shows a rain garden on the east side of the property which is not indicated on the grading plan. If a rain garden is constructed, it will need to be located completely on private property and not within the right-of-way. Dave also notes that the pond that is designed to provide drainage for the 18.7-acre development will need to be modified to make it more shallow, but sized to meet the drainage requirements of the site.

The plans indicate that the exterior of the building will be constructed with a knee wall of decorative block and three different colors of concrete brick on the east side. On the west side of the building, the exterior is proposed to be constructed of decorative rock-faced block. The north and south sides are not labeled, so it is not clear whether the exterior material is intended to be brick or block. The zoning code states that all four sides of a building should be equally attractive, so the developer will need to address the design of the west side of the building. Brick is not required in the industrial zoning district, so the petitioner could use more decorative block on the elevations to make the exterior more four-sided.

All building materials must be integrally colored. No exterior painting or staining of the building exteriors is permitted.

The design of the southern elevation should be evaluated in light of the fact that it will be visible from Upper 147th Street, a community collector street.

More information is needed concerning how the mechanical units are to be screened. Information is also needed concerning the design and exterior of the storage building shown on the site plan. The building exterior will need to be compatible with the main building on the site.

The code requires that the value of the landscape materials excluding sod and hardscape, meet or exceed 1½ % of the value of the construction of the building based on Means Construction Data. The petitioner will need to provide the City with a nursery bid list to confirm that the landscape plan meets these requirements.

Commissioner Scanlan asked if the maturity of the plantings providing outdoor screening around the buses would be sufficient to provide immediate screening, rather than having to wait for something to grow in. Commissioner Scanlan also asked about how to ensure the buffer zone is maintained long term between the site and the residential property.

Bodmer said that the City has worked with the natural resources coordinator on many similar situations and that selecting plantings to provide proper screening should not be a problem. Bodmer also said that long term maintenance of the buffer zone could be included in the development agreement.

Commissioner Wasserman asked if the drainage area on the east side of the site was a wet pond or a dry pond and if it is connected to existing drainage systems. He also asked if it is not, would this add an additional expense.

Assistant City Engineer David Bennett said that the petitioner is looking at a wet pond with infiltration incorporated in the pond. Currently when the street is extended, utilities will be extended and tied into the public storm water system. Bodmer added that it will be a City-maintained pond.

Chair Melander asked if a cul-de-sac would be constructed along the access road for emergency vehicles.

Bodmer said that a temporary cul-de-sac would be constructed until more development occurs and the road is extended. Also, because the cul-de-sac would be temporary, the city would need to obtain easements.

The petitioners Ted Carlson, of Carlson Commercial, representing Lifeworks Services, and Nino Pedrelli, the agent for the land owner, came forward and stated they were available to answer any questions.

Commissioner Scanlan asked if the petitioners would have any issue in working with the City to reconfigure the north entrance so that it is not situated on a corner. Carlson stated that he is flexible as long as there is an entrance on the north side. He stated that it is for safety, efficiency and flow of traffic.

Commissioner Wasserman asked about occupancy of the building. Carlson stated that it was anticipated there would be 20-25 staff members as well as approximately 130 clients, who would be transported daily to and from the site.

Rick Nelson, 14583 Europa Way, asked about the holding capacity of the reservoir on the site being adequate to prevent overflow into the adjacent Mistwood neighborhood. He also expressed concern that the backs of future buildings would face the neighborhood.

Bodmer said that the land that will be removed to create the reservoir will be distributed on the site for berming. She also stated that the City would work with the engineers to ensure that the reservoir is of adequate capacity.

Chair Melander said that there would be another public hearing when future development is purposed and that there would be opportunity for input at that time. Chair Melander asked if there were any further comments. Hearing none he closed the public hearing and stated that it is not the policy of the Planning Commission to act on an item the same night of its hearing.

7. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist said that staff would be informing City Council with the findings of the recent Cedar Avenue Bus Rapid Transit-Transit Oriented Development study at an informal meeting on August 11, 2011. Staff would then give a similar update to the Planning Commission on the following meeting, August 17, 2011. Both meetings are open to the public.

8. ADJOURNMENT

Chair Melander asked if there were any other items of business.

MOTION: Commissioner Alwin called for a motion to adjourn, seconded by Commissioner Scanlon, to adjourn the meeting at 8:04 p.m. The motion carried 6-0.

Respectfully Submitted,

Addison M. Lewis, Planning Department Intern

Approved by the Apple Valley Planning Commission on _____.