

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
OCTOBER 5, 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, David Schindler, Ken Alwin, Keith Diekmann, Paul Scanlan and Brian Wasserman.

Members Absent: Tim Burke.

Staff Present: Community Development Director Bruce Nordquist, Associate City Planner Kathy Bodmer, City Attorney Sharon Hills, Assistant City Engineer David Bennett, Parks and Recreation Director Randy Johnson, Golf Manager Jim Zinck 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 Alwin, approving the agenda for today's meeting as written. Ayes - 6 - Nays - 0.

**3. APPROVAL OF MINUTES OF SEPTEMBER 7, 2011**

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

MOTION: Commissioner Schindler moved, seconded by Commissioner Wasserman, approving the minutes of the meeting of September 7, 2011, as written. Ayes - 6 - Nays - 0.

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

--NONE--

**6. LAND USE/ACTION ITEMS**

- A. Valleywood Clubhouse-** Consideration of site plan/building permit authorization to allow for construction of a new clubhouse at the City's municipal golf course.  
**(PC11-33-B)**

Ms. Bodmer reviewed the request of petitioners, City of Apple Valley and CNH Architects, to construct a new clubhouse at Valleywood Golf Course, which will replace the existing clubhouse. The existing clubhouse was constructed in 1977 and needs significant updates. She stated three actions are requested of the Planning Commission:

- Review of the conformance with the 2030 Comprehensive Plan,
- Site plan review of the clubhouse, and
- Building permit authorization for footings and foundation.

Bodmer stated the proposed clubhouse is part of the Capital Improvements Program, which is a component of the Comprehensive Plan. The Capital Improvement Plan, a five year plan the City uses for budgeting large capital expenditures, identifies Valleywood Golf Course as a replacement project. The clubhouse is consistent with the 2030 Comprehensive Plan, and consistent with the zoning district, which allows a golf course clubhouse as a permitted use.

She stated the project is being done in two phases. Phase I is the authorization to approve the site plan and construct the footings and foundation, and will be completed in 2011. Phase II is the construction from the foundation and up, which will be constructed in the spring of 2012. The Parks and Recreation Department will have plans available at a future meeting and bring those for the second phase of the project.

The new clubhouse will be 16,400 sq. ft. on two levels and no additional parking will be required. The existing parking lot is 176 parking spaces, which is sufficient. Storm sewer and water are available at the site, though the extension of sanitary sewer to the new clubhouse will be part of the project.

Preliminary floor plans show that the main floor includes food service with a commercial kitchen and seating, a pro shop, and offices. The lower level will be used for cart storage as well as general storage.

Exterior elevation drawings have been prepared, but specific materials have not been finalized. These will be brought back to the Planning Commission at a later date as part of the Phase II portion of the project.

Chair Melander asked for questions or comments.

Randy Johnson, Apple Valley Parks and Recreation Director, addressed the Commission and stated more detailed information for Phase II will be available in November. He stated it is a wonderful project and will improve the City's Valleywood Golf Course.

Commissioner Diekmann inquired as to what is yet to be specified in Phase II that is not already included in tonight's presentation. He asked if it was only exterior materials.

Mr. Johnson answered they are looking at finalizing the location of some of the doors and windows and the exterior materials.

Commissioner Diekmann asked if the elevations will stay the same as the designed plans.

Mr. Johnson answered they will be.

Chair Melander asked if the clubhouse would still be used for banquets and meetings.

Mr. Johnson said it would and that the seating capacity will be for approximately 160 people in the dining area. Primarily, the facility would function as a golf facility, but would be available in the off-season for reunions and banquets.

Commissioner Alwin asked if the proposed clubhouse would complement or compete with the Hayes Community and Senior Center in terms of other events in the off-season.

Mr. Johnson stated there was a Golf Course Task Force comprised of two Councilmembers, members of the Parks and Recreation Advisory Committee and staff. He said the clubhouse is primarily a golf facility and they are not trying to compete with the Hayes Community and Senior Center.

Chair Melander asked if there were any more questions. Hearing none, he asked for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, to adopt the draft resolution finding the proposed Valleywood Golf Course Clubhouse complies with the 2030 Comprehensive Guide Plan. Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, to recommend approval of the site plan for the Valleywood Golf Course Clubhouse as show on the plans received in the City offices on September 22, 2011, subject to all applicable City Codes and standards. Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, to recommend approval of building permit authorization for Phase I of Valleywood Clubhouse to allow for the construction of footings and foundation, subject to all applicable City Codes and standards. Ayes - 6 - Nays - 0.

## **7. OTHER BUSINESS**

### **A. Sign Code Discussion.**

Ms. Bodmer stated that the City Council recently directed staff to draft amendments to the City sign code to address issues related to temporary signs in City Rights-of-Way (ROW). This issue was prompted by concern over the excessive volume, size, and placement of election-related signs during the 2010 election.

The City Attorney and staff created draft sign code amendments that do the following:

- Strike the definition of “political signs”. Instead, election-related signs are now included in the “non-commercial signs” definition.
- Eliminate all signs from City ROW. Currently, the sign code allows garage sale signs, real estate signs, and political signs to be located in the ROW, with certain restrictions. The draft amendments would eliminate all signs from the ROW, including garage sale signs, real estate signs, political signs, etc. This was done to improve motorists’ visibility, create fairness, and reduce clutter and litter, as well as make the code consistent with state law that prohibits sign(s) within any municipal state-aid street (Minn. Stat. Ch. 160), as well as Dakota County regulations and other surrounding cities’ regulations.
- Clarify and reorganize certain code sections to make it easier for a layperson to understand. For example, current code allows for 30 days for temporary signage and the amendment would allow for 45 days. This change has been requested by the business community to allow for more promotional events to promote their business.

Ms. Hills stated that Ms. Bodmer summarized the entire intent of the ordinance. She stated there will be a number of changes but they are minor.

Chair Melander asked how the ordinary citizen is to know where the ROW ends and where it is allowable to put a sign.

Ms. Hills clarified that commercial and business signs are only allowed on their own property. Real estate, open house, and garage sale signs are allowed off the property but need to be on private property as long as permission was given from another property owner and the signs are not in the ROW. Signs would not be allowed at the curb as they are now seen around the City.

Chair Melander asked if signs on the boulevard would be in the ROW, but signs on the homeowner’s lawn would be allowed.

Ms. Hills said that is correct.

Commissioner Schindler expressed concern that if the only way people are going to be able to put signs up was to put them on private property. He questioned if that really is going to be fair.

Ms. Bodmer stated that the fairness was really in the treatment of the different uses.

Ms. Hills stated that the issue arose with the many types temporary signs in the ROW, rather than just election sign, sandwich boards, etc. The concern was looked at because of safety issues of vehicle visibility, site blockage issues, and utilities in the ROW because people were pounding metal stakes into the ground. She stated it is a constitutional issue because signs are speech. The City cannot regulate content, but it can only regulate the sign itself.

Commissioner Schindler questioned if the City had prohibited signs previously.

Ms. Hills stated the current code prohibited some signs in of the ROW but not others, and the code was not clearly stated that signs were prohibited from the ROW.

Commissioner Schindler asked which signs were previously prohibited.

Ms. Hills stated she did not remember which were prohibited but knew that garage sales were allowed with a setback. Businesses were not allowed to put their temporary signs on the ROW.

Mr. Nordquist stated another way to interpret fairness is: Does such an action where the City removes signs from the ROW harm or affect commerce? He stated temporary commercial signs have not been allowed in the ROW and have been removed by the City. He said one way to regulate signs in the ROW is to eliminate the signs in the ROW. City Council directed staff to draft amendments to the current sign ordinance for their review and discussion.

Commissioner Alwin questioned if there had been any instances where someone may have severed a wire or hit something pounding a stake in the ROW.

Mr. Bennett answered that he was not aware of any instances.

Commissioner Diekmann asked if the designation of the sign is limited to the area it enters the ground or the entire encompassing area of the sign.

Ms. Bodmer stated pylon signs are allowed to encroach up to three feet into the required setback. In this case, there is not a provision for encroachment so the entire sign would need to be outside the ROW.

Ms. Hills stated is would be acceptable as long as it does not interfere with site lines. She said there are also setbacks from the ROW lines.

Commissioner Schindler stated that some people may be going up to other property owners and asking if they may place a sign in their yard. His concern was that if others see this placement of the signs then they will think it is acceptable to place signs anywhere without permission from the property owners.

Ms. Bodmer stated the property owner would have control to remove any signs placed on their own property.

Commissioner Alwin stated that since the State and County already have sign restrictions in place, it would be easier for the City, from an administration standpoint, to be consistent and just say no signs rather than allow temporary signage on some streets and not others.

Commissioner Diekmann expressed concern that if the signs are pushed back from the ROW, the signs may become larger in size to be seen more clearly.

Ms. Hills answered that the current ordinance already has size restrictions. A temporary sign cannot exceed 32 square feet of copy area and be no taller than 8 feet from grade.

Commissioner Wasserman asked if other cities have these restrictions in place and if it is enforceable. He understands where businesses would look at this restriction. He asked if the City will go out and collect the signs and fine the owners when garage sale signs are put out.

Mr. Nordquist state that whenever an ordinance changes, it requires an exchange of information. He stated the abundance of garage sale signs may happen more in the spring, and information could be placed in the winter issue of the City newsletter to inform residents of the change in ordinance. He stated the City's website has become very effective in conveying messages as well as the local papers.

Commissioner Diekmann stated he struggles with what would be allowed for developments and his concern relates to only allowing one sign for the property. He asked if it would mean one sign for the entire development or one sign for each lot.

Ms. Bodmer stated one sign is allowed per project.

Ms. Hills stated the current code reads one sign per development site. She clarified the difference between real estate signs and development signs.

Ms. Bodmer stated this item was an informational item only and no action would be taken.

#### **B. Review of the Upcoming Schedule and other Updates.**

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting will take place Wednesday, October 19, 2011 at 7:00 p.m.

#### **8. 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 Schindler, to adjourn the meeting at 7:41 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

---

Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on \_\_\_\_\_.