

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MARCH 21, 2012

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, Ken Alwin, Tim Burke, and Keith Diekmann. Brian Wasserman arrived at 7:01 p.m.

Members Absent: Paul Scanlan and David Schindler.

Staff Present: Community Development Director Bruce Nordquist, Associate City Planner Kathy Bodmer, Associate City Planner Margaret Dykes, City Attorney Sharon Hills, Assistant City Engineer David Bennett, and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Chair Melander asked if there were any changes to the agenda.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the agenda. Ayes - 5 – Nays - 0.

3. APPROVAL OF MINUTES OF March 7, 2012.

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 Diekmann, approving the minutes of the meeting of March 7, 2012, as written. Ayes - 4 – Nays – 0 – Abstained – 1 (Alwin)

4. CONSENT ITEMS

- A. CrossFit Northstar C.U.P.** – Consideration of conditional use permit for a commercial exercise facility. (PC12-05-C)

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval a conditional use permit (CUP) at 14791 Energy Way for a 3,643 square foot commercial recreational use in a "BP" (Business Park) zoning district, with the following conditions:

1. The conditional use permit shall apply to property legally described as Lot 2, Block 1, KNOB RIDGE 2nd Addition.
2. Such operations shall be conducted in conformance with the site plan received in City offices January 13, 2012.

3. Such operations shall be conducted in conformance with the floor plan received in City offices January 31, 2012.
4. The commercial recreational use shall be limited to 3,643 square feet.
5. Class sizes shall be limited to no more than 20 people, of which only one class may take place at any given time.
6. The Conditional Use Permit may be revoked if the above conditions of this Conditional Use Permit or any provision of the City Code are violated.

Ayes - 5 – Nays - 0.

5. PUBLIC HEARINGS

- A. Seasonal Outdoor Volleyball Courts and Seating** – Consideration of interim use permit for seasonal outdoor volleyball courts and seating at Bogarts/Apple Place Bowl. **(PC12-02-I)**

Chair Melander opened the public hearing at 7:03 p.m.

Associate Planner Margaret Dykes presented the request of the applicant to install two outdoor volleyball courts in the existing southern parking lot of Apple Place Bowl/Bogart's located at 14917 Garrett Avenue. The property is zoned for a mix of recreational, institutional, and general office uses. The property owner has requested an Interim Use Permit, which is a permit granted by the City for a temporary use that will end on a particular date. The Interim Use Permit will allow the City to assess the impacts of the outdoor volleyball courts to determine if the zoning code should be amended to allow them as a permanent use. If the courts do not adversely affect surrounding uses, staff believes a Code amendment to allow outdoor recreational uses as a conditional use would be appropriate. The property owner would need to request a zoning code amendment as well as a conditional use permit.

The courts will be removed after September 1st and the courts would operate from 6 p.m. to 10:30 p.m. Sunday through Thursday, and some weekends when they will be used for open and tournament play from 10 a.m. to 10 p.m. The applicant also wishes to install a temporary sundeck and service bar that will be located on the north end of the courts.

A sketch plan was reviewed for this item in February, and the applicant addressed concerns raised by the Planning Commission at that meeting relative to zoning and site issues.

Commissioner Diekmann asked what the length or sunset date would be for the Interim Use Permit.

Ms. Dykes answered it would be December 31, 2012 and the applicant would need to reapply if they would want to go through the Interim Use process. This would give the City time to assess if this should be allowed as a conditional use.

Chair Melander asked for anymore comments from the Commission or public. Hearing none he closed the public hearing at 7:09 p.m. He stated though it is the policy of the Planning Commission

not to act on an item the same night as its public hearing, the proposal can move forward since there were no adverse comments received.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of an Interim Use Permit for seasonal outdoor volleyball courts, sundeck, and service bar at Apple Place Bowl/Bogart's Nightclub, 14917 Garrett Ave., subject to all applicable City codes and standards, and the following conditions:

1. The Interim Use Permit shall expire on December 31, 2012.
2. There shall be no more than two (2) outdoor volleyball courts measuring 45' x 80' (3,600 sq. ft.) each located at the southwest corner of the building as shown on the site plan received in City offices on February 21, 2012.
3. The 20' x 90' (1,800 sq. ft.) sundeck and 10'x20' (200 sq. ft.) service bar shall be located north of the courts abutting the building as shown on the submitted site plan.
4. Not more than 24 parking spaces shall be removed for the outdoor volleyball courts and sundeck/service bar.
5. The outdoor volleyball courts and sundeck/service bar shall be installed and operated only from April 30 to September 1, 2012. All materials associated with the interim use shall be removed from the parking lot and stored on site or removed from the site after September 1, 2012.
6. The courts shall be in use only from 6 p.m. to 10:30 p.m. Sundays through Thursdays, and 10 a.m. to 10 p.m. Fridays and Saturdays.
7. The property owner shall apply for and receive a building permit for the sundeck prior to construction of the deck.
8. The property owner shall apply for and receive an amended liquor license for the outdoor sale and consumption of beer prior to use of the sundeck and service bar.
9. The outdoor volleyball courts shall be fenced with a woven mesh netting not to exceed 17' in height as measured from parking lot grade, and temporary lights shall be mounted on perimeter poles. Said lights shall be arranged so as not to cause light trespass at the property line, or cause glare onto adjacent roadways.

Ayes - 5 - Nays – 0.

6. LAND USE/ACTION ITEMS

A. Apple Valley Water Treatment Plant Expansion – Consideration of site plan review/building permit authorization for 26,700 sq. ft. water treatment plant expansion and 7,100 sq. ft. wash bay addition. A consideration of variances from the 20% maximum building coverage requirement to allow 20.8% coverage and the 20' drive aisle setback to allow a drive aisle to be constructed five feet (5') from the right-of-way line of Flagstaff Avenue. **(PC12-11-VB)**

Associate Planner Kathy Bodmer stated that the City of Apple Valley is requesting to expand the Water Treatment Plant located at 6442 – 140th Street W. The City's existing water treatment plant (WTP) was constructed in 1988 to remove iron and manganese from the drinking water. The

demand for treated water is beginning to exceed the WTP's capacity, making it necessary to expand the WTP. The City has hired an engineering firm to design an expansion that will meet the water demand for the City's 2030 population projection.

In addition to increasing the treatment plant capacity, the WTP building will be modified to allow for interior parking of utility vehicles and an exterior upgrade to improve the building's appearance adjacent to Flagstaff Avenue.

A wash bay will be added which will allow for washing of vehicles. Vehicle maintenance to prevent corrosion is especially important during winter plowing, salting and sanding operations.

Two variances are requested in connection with the project. The first is a building coverage variance. The "P" (Institutional) zoning district has a maximum building coverage requirement of 20%. The proposed additions will exceed the maximum requirement with a total building coverage of 20.8%. When asked whether the building additions could be reduced, the Public Works Director stated that the City selected the site many years ago to consolidate all Public Works operations in one location at the Central Maintenance Facility. The site has the important advantage of being strategically located near the geographic center of the City. This allows the City to build an efficiently designed water distribution system, with raw water being pumped from several municipal wells to one central water treatment plant. Treated water is then distributed throughout the entire community from the CMF site.

The central location also provides several advantages for staging snow plowing and other operations from one location near the center of the City. The City Council was able to purchase only 19 acres of available land at the current CMF site. The needed variance is a result of conditions unique to the property and the City's growing demand for potable water and public infrastructure. Relocating the Water Treatment Plant and all connecting water distribution components is not feasible. CMF has a significant shortage of indoor storage for vehicles and equipment. The proposed additional building space was determined to be the minimum space needed to resolve the storage challenge.

The second variance that is requested is a variance to the parking lot/drive aisle setback requirement. The "P" (Institutional) district requires a minimum 20' setback; the City needs to install a driveway out of the WTP which would be located five feet (5') from the right-of-way line of Flagstaff Avenue. The encroachment is needed to allow utility vehicles to exit the east side of the WTP and make the turning radius around the north side of the building. A practical difficulty exists on the site because of a large pipeline easement that cuts through the middle of the CMF site. The WTP building addition cannot be shifted to the west because of the location of the easement, so a variance is needed to the Flagstaff Avenue right-of-way line.

Public Works Director Todd Blomstrom provided an overview of the Central Maintenance Facility. He stated the City owns and operates a water utility to provide domestic potable water and fire protection for the community. He stated the water is filtered to remove iron and manganese and has the current total capacity of 16 million gallons per day. The original facility built in 1988 was designed with expansion capability in mind to meet future water demand. Equipment storage and

wash bay capability is necessary to extend the life of the equipment and prevent corrosion during winter plowing, salting and sanding operations.

Commissioner Wasserman questioned the environmental side of the project addressing the wash bay and if there will be a filter to take all the salt out so it does not go downstream. He asked about ISI (Institute for Sustainable Infrastructure) and what the taxpayers are paying in order for the City to be certified.

Mr. Blomstrom stated the amount of water flowing through the system is similar to a geo thermal system. In the summer there is not much air conditioning required and in the winter they do not keep the building very warm. In the context of the ISI certification, it is minimal additional costs but is giving them goals to look at in their design elements.

Chris Larson, SEH engineering consultant, stated LEED is really designed for office buildings. ISI is designed for projecting out 50 years and knowing they are designed from a civil engineering standpoint for a design that will last another 50 years. He also agreed with Mr. Blomstrom that the cost of being ISI certified is minimal compared to the grand scheme of this project. Some of the components for sustainability are to have a lot of windows so there is a lot of natural light, some rain gardens and impervious concrete. He feels ISI will give them credit for things they are already doing such as using premium efficient motors and lighting controls. They are doing everything energy efficient as possible while still pumping 24 million gallons of water daily.

Commissioner Alwin stated he believes this is a good plan to maximize the existing space for a problematic piece of property that has a pipeline cutting through it.

Commissioner Diekmann questioned if there would be a need to ever expand the facility again due to usage needs demanding more than the 24 million gallons per day.

Mr. Blomstrom said they are confident that the 24 million gallons per day projection would be the ultimate water demand and if the demand would go higher he does not expect it to be a frequent occurrence and could probably handle it with some bypass flow.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of the Site Plan Review/Building Permit Authorization for a 26,700 sq. ft. Water Treatment Plant Expansion and 7,100 sq. ft. Wash Bay Expansion. Ayes - 5 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a Variance from the maximum building coverage requirement of 20% in the "P" (Institutional) zoning district to allow building coverage of 20.8% in accordance with the attached plans based upon the following findings:

- a. The City's Central Maintenance Facility has a significant shortage of indoor storage for vehicles and equipment.
- b. The proposed additional space was determined to be the minimum space needed to resolve the storage challenge.
- c. The alternative of purchasing additional property to allow for a free standing building on a site removed from CMF would be very costly and inefficient.

Ayes - 5 - Nays – 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a Variance from the 20' minimum parking setback requirement from the right-of-way line of Flagstaff Avenue to allow the drive aisle from the WTP to be constructed five feet (5') from the right-of-way line based upon the following findings:

- a. A large pipeline easement bisects the CMF property and prevents the City from moving the building addition to the west.
- b. The width of the driveway is needed to allow for the turning radius of the large utility vehicles, which can be up to 40' long.
- c. The City does not wish to construct a direct driveway access out to Flagstaff Avenue to restrict access to the site and maintain site security.
- d. The door location on the east provides the best alignment for vehicle flow and maximizes the usable interior space available for parking.
- e. In order to place the door on the north side of the building, the building would need to be increased by approximately 25% which would result in the need for an additional building coverage variance.

Ayes - 5 - Nays – 0.

Chair Melander read the draft resolution.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, to recommend approval of the draft resolution adopting the Water Treatment Plant Expansion and Wash Bay Addition. Ayes - 5 - Nays – 0.

7. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting will take place Wednesday, April 4, 2012, at 7:00 p.m.

8. ADJOURNMENT

