

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JUNE 6, 2012

1. CALL TO ORDER

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

Members Present: Ken Alwin, Tim Burke, Keith Diekmann, Paul Scanlan, and David Schindler.

Members Absent: Tom Melander, Brian Wasserman

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

2. APPROVAL OF AGENDA

Vice-Chair Burke asked if there were any changes to the agenda.

MOTION: Commissioner Schindler moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 5 - Nays - 0.

3. APPROVAL OF MINUTES OF May 16, 2012.

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of May 16, 2012, as written. Ayes - 4 - Nays - 0 - Abstained - 1 (Diekmann)

4. CONSENT ITEMS

A. Finding of Consistency with Comprehensive Plan for Property Acquisition

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan,

1) Find the acquisition of the following parcels by the City for park purposes to be consistent with the Comprehensive Plan:

- Lot 2, Block 6, The Legacy of Apple Valley North Addition
- Lot 1, Block 6, The Legacy of Apple Valley North Addition
- Lot 1, Block 5, The Legacy of Apple Valley North Addition

- Lot 1, Block 4, The Legacy of Apple Valley North Addition

2) Find the acquisition of Lot 1, Block 3, The Legacy of Apple Valley North Addition by the Apple Valley Economic Development Authority (EDA) for future mixed use development to be consistent with the Comprehensive Plan.

3) Comprehensive Plan amendments consistent with the motion would be finalized at time of plan review.

Ayes - 5 – Nays – 0.

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

A. 140th Street Transit Station - Consideration of site plan review/building permit authorization to construct two 160-sq. ft. enclosed walk-up transit station buildings. **(PC12-08-Misc.)**

Community Development Director Bruce Nordquist provided an overview of the policy background and stated that both the Economic Development Authority and the Apple Valley City Council had both reviewed the design for the planned station stops at 140th Street and 147th Street. He shared information that had been discussed on a policy level so the Planning Commission would be fully informed.

Associate Planner Kathy Bodmer summarized the project for the 140th Street Station. She stated the Metropolitan Council requested Site Plan Review/Building Permit Authorization to construct two 20' x 8' (160 sf) enclosed transit station buildings on the west side (southbound) and east side (northbound) of Cedar Avenue at Upper 139th Street.

The transit station buildings would be located behind a bus pull-off lane that would be constructed on the east and west sides of Cedar Avenue in connection with Dakota County's Cedar Avenue construction project. The station buildings would be fully enclosed and would have a 17' x 10' covered platform area.

The 140th Street Transit Station buildings are intended to be temporary and modular, which will allow them to be disassembled and relocated in the future. The Minnesota Valley Transit Authority (MVTA), the City's transit provider, would be conducting a study of park and ride needs in northern Apple Valley in the near future. Once that study is concluded, a permanent transit station building would be constructed at the 140th Street station stop.

The 140th Street Transit Station would be a walk-up station; no off-street parking would be provided. Transit riders would be expected to access the station on foot, by bicycle, or by being

dropped off. Screening and colored renderings of building elevations were provided as well as landscape plans.

Ms. Bodmer stated staff is recommending approval of the site plan/building permit authorization with conditions for the 140th Street Transit Station. She presented the petitioner's request for the 147th Street station and planned to take questions for both transit stations at the end of her presentation.

B. 147th Street Transit Station – Consideration of site plan review/building permit authorization to construct two 410-sq. ft. enclosed walk-up transit station buildings. **(PC12-09-Misc.)**

Ms. Bodmer stated the Metropolitan Council requested Site Plan Review/Building Permit Authorization to construct two 34' x 12' (approx. 410 sf) enclosed transit station buildings on the west side (southbound) and east side (northbound) of Cedar Avenue approximately 630' north of 147th Street West,

The transit station buildings are proposed to be constructed in two phases with the first phase consisting of a 410 sf enclosed building area and a covered platform. Phase II would include an addition of 462 sf on the main floor, a second level addition of 324 sf, installation of a skyway, stairs and an elevator in each building.

On April 12, 2012, the Apple Valley City Council unanimously adopted Resolution No. 2012-80 related to the construction of the 140th Street and 147th Street Transit Stations. The resolution supported the planning and construction of the transit facilities and contained the following points related to the City's economic development objectives:

1. Fully enclosed facilities at the 140th Street and 147th Street station stops and an integrated skyway at the 147th Street station stop that complies with all applicable City Codes and standards should be installed as part of facility planning and construction in 2012.
2. When sizing transit station facilities and planning safe crossing at station stops the objectives to be achieved in this order include minimizing business disruption, future development potential, bike and pedestrian connection and safety service level and transfer opportunities, roadway traffic management impacts and ridership.
3. The City of Apple Valley Cedar Corridor partners including the Dakota County Regional Rail Authority, the Minnesota Valley Transit Authority, Dakota County and the Metropolitan Council are requested to work cooperatively in achieving the objective of a model Bus Rapid Transit system for the Twin Cities Region.

Proceeding with the Phase II portion of the 147th Street Transit Station as requested by the City Council was not supported by Dakota County and the Met Council because they state that ridership is not projected to be high enough at this time to warrant a skyway and there is a lack of funding available.

Like the 140th Street Stations, the 147th Street Transit Stations will be walk-up stations; no off-street parking is provided. Transit riders are expected to access the station on foot, by bicycle, or by being dropped off. Businesses adjacent to Cedar Avenue have raised concerns that transit riders may park in their parking lots or on nearby public streets and cross through their property to access the transit stations.

Lindsay Sheppard, Metro Transit, Division of the Metropolitan Council, provided a brief presentation of 140th/147th Street Stations, as well as a timeline overview if the project meets approval.

Commissioner Diekmann questioned if both sides of the 147th Street Station facility would need to be closed to construct Phase II if the skyway would be put in at a later date rather than constructing it all at once.

Ms. Sheppard answered that it is her understanding the station stop could be constructed in such a way that the entire facility would not need to be closed. It could be constructed in phases.

Bill Hickey, Collaborative Design Group, Inc., stated the advantage to the rather long platform is that they would be able to move operations to one end of it during construction. Other than the closing of Cedar Avenue one night for the installation of the actual skyway, the service for the station would remain open.

Commissioner Alwin, referring to the stop at 140th Street, stated he has no issues with the walk-up concept but believes it is set up for failure in terms of walk-up due to the fact that from that location there is no place to walk-up from or to. The only access to that station is from Cedar Avenue itself. He does not know how the riders are going to get to that station. Parking on residential streets would irritate those neighborhoods.

Kristine Elwood, Dakota County, stated the County led a study on the implementation plan that identified those locations. She said the City of Apple Valley was involved in that process to determine those locations. Based on that study they moved forward with the design. It was the plan to continue to forward working through with the City. They did look at the full radius of a station and based on the study, people would walk up to a half mile. The study indicated that people in that area would walk that distance and get to that location.

Commissioner Scanlan expressed concern with the 140th Street Station and how to differentiate these station stops from regular bus stops and that these stops are true rapid transit to mimic light rail. He inquired to the design if the 140th Street Station could be disassembled and moved to another location. He thought if there would be more architectural enhancements and if it did not look like just another bus stop, possibly it would attract people to the bus rapid transit.

Mr. Hickey stated the design was very much on their minds and the intent was to make it so the station stops are part of a family of station stops up Cedar Avenue. The materials would be the

same as the design at 155th Street Station Stop. The 140th Street Station was necessarily scaled down due to ridership but it still would have a presence.

Commissioner Scanlan questioned if there was a time element that defined temporary.

Mr. Hickey answered that in terms of the construction to anybody walking up the 140th Street Station would look as permanent as need be and could stay forever. What makes the station temporary is that they laid out the structure with the thought to picking it up and moving it. He said from a building technology standpoint the station could be moved.

Mr. Nordquist stated each station stop is unique in itself. The 140th Street Station is a housing station, 147th Street Station is a business station and the 155th Street Station is a mixed use station. He said the design presented this evening is part of the policy discussion and the evolution that has occurred over the last three to four months.

Ms. Sheppard added that the 140th Street Stations are sized to the projected ridership for 2030, for the max accumulation at one point and beyond the 2030 ridership and thinks there are a couple things to consider for when it moves and one would be the potential for a park and ride and then if they saw the ridership exceeding their projection then they would be looking to relocate the station sooner.

MOTION: Commissioner Schindler moved, seconded by Commissioner Diekmann, to table consideration of site plan review/building permit authorization for the 140th Street Transit Station and 147th Street Transit Station until the next meeting. Ayes - 5 - Nays - 0.

7. OTHER BUSINESS

A. Dalseth Playhouse Sketch Plan - Sketch plan review of a proposed 16' x 18' (288 sq. ft.) playhouse.

Associate Planner Kathy Bodmer presented the request of petitioners Jennifer and Pascal Dalseth for a proposed variance for a playhouse at 4869 Dominica Way. The property abuts Farquar Lake and is therefore within the "SH" (Shoreland Overlay) zoning district. The Dalseths wish to construct a 16' x 18' (288 sf) playhouse which will be located approximately 30' from the Ordinary High Water Level (OHWL) of Farquar Lake (899.2' elevation). The petitioners wish to use the building for a children's playhouse in the summer and a warming house in the winter. The minimum setback from the OHWL in the SH zoning district is 75'.

The shoreland overlay zoning district has setback requirements for buildings but makes no distinction between primary structures, accessory structures, and play or recreational structures. In a typical residential zoning district, the zoning code allows recreational equipment including playhouses to encroach into the rear yard setback. The SH zoning district requires all buildings to meet the shoreland setback requirement.

