

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JUNE 20, 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, Keith Diekmann, Paul Scanlan, David Schindler and Brian Wasserman.

Members Absent:

Staff Present: Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Associate Planner Kathy Bodmer, Associate 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 Alwin moved, seconded by Commissioner Burke, approving the agenda. Ayes - 7 - Nays - 0.

3. APPROVAL OF MINUTES OF JUNE 6, 2012.

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

Commissioner Scanlan asked that it be added in the minutes his question referring to temporary as it related to the 140th Street Station stop and how Metro Transit was defining the temporary station.

Chair Melander called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Schindler, approving the minutes of the meeting of June 6, 2012, as amended. Ayes - 5 - Nays - 0. Abstained -2 (Melander and Wasserman).

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Hillcrest Acres 5th/AutoZone Retail Store - Public hearing to consider a lot split and site plan/building permit authorization to allow for construction of a 12,629 sq. ft. auto accessory store on a 1.75-acre lot. (PC12-22-FB)

Chair Melander opened the public hearing at 7:04 p.m.

City Planner Tom Lovelace stated the applicant AutoZone stores and Vermillion State Bank requested approval of the subdivision of an existing lot into two lots and site plan/ building permit authorization to allow for construction of a 12,629 sq. ft. auto accessory store on one of the newly created lots. The replat would involve the subdivision of an existing 7.22-acre lot into 1.75 and 5.47 lots. The site is located along the east side of Foliage Avenue, south of CSAH 42. Direct access to the site would be via existing private streets located in Hillcrest Acres development.

Agreements that would allow for vehicular access via the private drive from the lots located east and west of the site would need to be executed prior to issuance of any building permit. This may have already occurred with Discount Tire development. If so, the applicant would need to provide documentation acknowledging the execution of an agreement.

Half of a 30-foot wide drive aisle along the south side of the property was proposed to be located on Lot 2 of the new subdivision. An agreement between the two properties would need to be executed allowing the use of the shared drive by the property owners. The applicant would be required to construct a temporary curb along the south side of this drive for erosion control purposes.

He provided elevation drawings and a landscape plan, reviewed the locations of the bike rack and trash enclosure and identified any concerns from the Fire Department and Natural Resources Coordinator.

Commissioner Scanlan inquired as to the loading zone if a single truck would be coming there or multiple vendors coming into that location and what type of vehicles.

Rafael Bassi, CEI Engineering, stated AutoZone would have an overhead door for deliveries. He said that other similar establishments he worked with, the delivery times do not coincide with the hours of operation. The type of products being delivered would not require a loading dock. The overhead door would come out at grade and would be flush with the floor of the building for use with dollies.

Commissioner Scanlan stated his concern was with the fact that the trucks would have to go out the same way they came in. Would there be a fair amount of maneuvering for the truck to go out again and the concern for pedestrians in the area.

Mr. Bassi answered this delivery procedure is typical of this kind of store and the deliveries are done during the hours the store is not in operation. There would not be vehicular nor pedestrian traffic coming to the building during that time.

Commissioner Scanlan questioned if delivery during off-business hours was something the City restricted in the past.

Mr. Lovelace answered it has been discussed in the past and the monitoring of traffic flow with the understanding that they would not make it difficult for their own customers to utilize their own store.

Commissioner Scanlan asked if these trucks could be 18-wheelers and if they were, they would need a fair amount of maneuvering to get a truck around in there.

Mr. Bassi stated they could be 18-wheelers. He said they use a computer program that demonstrates the distance needed in maneuvering trucks for entering and exiting.

Mr. Lovelace stated he would discuss this more with Mr. Bassi, get the flow diagram to see how the vehicles maneuver and if it becomes a problem they would address it.

Chair Melander inquired for clarification if this was one of the several standard designs for this type of building and that this was not one of their first buildings they dealt with these issues.

Mr. Bassi answered that AutoZone has a series of prototype buildings and footprints to accommodate what they feel generates business for them and fits the right size for the community. He stated they dealt with similar issues on all the sites they design.

Chair Melander asked if AutoZone was comfortable with the comments addressed by staff.

Mr. Bassi responded they have received the comments and they would work with staff to address any comments and concerns before moving forward.

Chair Melander inquired if the Commission could get an elevation rendering for clarification as to what the four sides of the building would look like since it did not show well in the print.

Mr. Bassi stated they could provide copies of that.

Chair Melander closed the public hearing at 7:26 p.m.

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.)

Associate Planner Kathy Bodmer 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 Met Council stated that the 140th Street Transit Station buildings are intended to be temporary and modular, which would 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 the study would be 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 is provided. Transit riders would access the station on foot, by bicycle, or by being dropped off. The Met Council had submitted a preliminary traffic and parking management plan which discussed how the Met Council, MVTA and City of Apple Valley would work together to address traffic and parking issues in the Upper 139th Street neighborhood if they arose.

Commissioner Schindler inquired as to a suggested place riders should be dropped off or picked up.

Ms. Bodmer answered riders would need to go down to 140th Street and cross the street. She stated the closest access could be the 139th Street cul-de-sac but that is not a preferred way to access the station. She said these stations would be primarily accessed by foot and bicycle.

A landscape plan was submitted as well as a revised exterior elevation plan. A knee wall of decorative concrete block would help give the station building a more permanent appearance. There were no issues regarding the grading and drainage plans.

Ms. Bodmer continued on with the presentation for the 147th Street Stations

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.)**

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 324 sf second level, stairs and elevator in each building along with the installation of the skyway. The building design has been modified slightly to include the construction of the decorative concrete walls surrounding the elevator shaft as part of Phase I. The building is tall but quite narrow, the concrete walls were added to provide lateral stability to the structure.

Like the 140th Stations, the 147th Street Transit Stations would be walk-up stations; no off-street parking is provided. Transit riders would access the station on foot, by bicycle, or by being dropped off. Businesses adjacent to the 147th Street station 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. The Met Council had submitted a preliminary parking and traffic management plan which discussed how the Met Council and MVTA would address traffic and parking issues in the commercial areas adjacent to the 147th Street Station if they arose. Managing parking issues would be a joint effort between the Met Council, MVTA, City and nearby property owners.

At the April 12, 2012, meeting, the Apple Valley City Council unanimously adopted Resolution No. 2012-80 which addressed 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 Dakota County, the Dakota County Regional Rail Authority, the Minnesota Valley Transit Authority 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.

Met Council and Dakota County state that Phase II will not be constructed until the station has boardings of 600 passengers a day which would be projected to occur between 2020 and 2030. When the station opens in 2013, it was estimated that initial boardings would be around 200 per day.

Commissioner Alwin asked for clarification of the 147th Street Station if the recommendation is for phase I and II to be constructed at the same time.

Ms. Bodmer answered that a revised recommendation states that the construction of both phases be strongly considered.

Commissioner Alwin stated that he understands there is no funding for both phases I and II.

Ms. Bodmer stated it is her understanding the City is still working on the funding with the parties involved.

Commissioner Scanlan inquired to the Phase II rendering of the buildings and questioned if there were windows where the elevators would be.

Ms. Bodmer stated that would be for the applicant to address.

Commissioner Wasserman asked for clarification that the 140th Street Station would be portable and could be moved to get results from people riding while the 147th Street Station would be permanent.

Ms. Bodmer answered yes.

Commissioner Wasserman stated then possibly the applicant could answer as to what plan B would be for the 140th Street Station if they are not settled on it remaining there but plan to test it there.

Ms. Bodmer stated it is expected there would be a transit station there but there are vacant properties nearby and possibly a park and ride could be incorporated in the future.

Lindsay Sheppard, Metro Transit, Division of Metropolitan Council, addressed the question on the permanency of the 140th Street Stations. She stated the facility was really considered permanent rather than portable or temporary and the size of it accommodates the ridership they project out to 2030. It would be constructed to be dissembled for relocation if needed. She reviewed amenities for both the 140th and 147th Street Stations and addressed concerns from the June 6, 2012, meeting.

Chair Melander stated that traffic and parking need to be addressed if riders are to be using these stations. There needs to be a way for the riders to anticipate getting to the stations. If riders get there and they get a ticket or get towed, that is not an encouragement. He stated we want this to work and are eager to get it going. He believes there are some issues here and would like this addressed carefully.

Ms. Sheppard stated they like to be cautious what they say about parking but did confirm that the facilities are designed strictly to be walk-up and bike-up facilities and would not be anticipating for parking in the area either.

Commissioner Alwin stated it had been discussed about walk-up and bike-up, bike racks, and signs and he feels those are really important and we want transit. He believes we are missing something if we do not acknowledge people are going to want to get dropped off in addition to the other ways of reaching the stations. He added other cities have the kiss-and-ride lots and provide a way for people to get dropped off. He stated he does not see that process in these plans as a leg of the access. It might be a drive-up lane or two minute parking lots. He feels ridership would not get to where we need it to be if we do not allow the drop-off and pick-up options and believes we are missing a big opportunity.

Commissioner Schindler believes the walking and biking to the bus stop season is short. He concurs with Commissioner Alwin that it is important to plan for drop off riders. He feels if the City is going to put the time, energy and money into this, we need to have a way for it to work.

Ms. Sheppard stated she will take the comments into consideration when they look at the traffic and management plan and they will work with the City on that. She addressed Commissioner Scanlan's question regarding the glass on the Phase II rendering. She stated glass would be a measure for security and safety inside the elevator. It would be considered a glass backed elevator which is fairly common in other transit station facilities for visibility in and out.

Commissioner Diekmann stated that one of their roles on the Commission is to be concerned with land use items and not financing. He feels that if the stations do not function properly then they would not be good land use items. He expressed concern how the stations, especially the 147th Street Station, would remain open during the construction and how the people that become accustomed to using that station would still use it during construction. He asked for more detail on how the station would be kept open during construction.

Mr. Bill Hickey, architect from Collaborative Design Group, Inc., stated the station stops themselves are quite small but the platform and bus pull out areas are quite long. The construction activity would be concentrated in a relatively small area and they would be able to close half the platform while still maintaining operations on site.

Commissioner Diekmann questioned if Mr. Hickey was 100 percent confident that the stations would remain open if deemed necessary two phases during that second phase of construction.

Mr. Hickey answered yes, that it was an explicit condition of the design.

Commissioner Diekmann inquired what the additional cost would be to do two phases opposed to one inclusive design which included the skyway.

Mr. Hickey answered they had done a number of different projections. He stated the variable is the time between the phases because the inflation of the dollar and economic conditions would need to be taken into consideration.

Ms. Sheppard stated that she had been informed by the design team that there would be approximately a \$20,000 to \$25,000 savings to construct the entire facility at one time. There would not be substantial savings in the material or labor costs. Most of the savings would be in not having to mobilize twice and get permits twice.

Commissioner Scanlan commented on the drop off component. He feels that the City should go with the marketing of these stations that we do not promote the drop off component with autos until we come up with a solution there. He believes from tonight's discussion that there are some real safety concerns with people to be dropped off on Cedar Avenue or people traveling through residential neighborhoods to drop individuals off. He asked that the City and all the parties get together and fast track a solution. He feels that is a key component to making the station stops successful especially in the winter time.

Commissioner Scanlan, referring to Phase II, asked for further clarification on the required 600 ridership versus the projected 200 ridership and not thinking about that until 2030. He feels without the walkway being put into place, we are handicapping the success of the 147th Street Station as far as seeing that ridership increase. He inquired what Metro Transit is looking at in order to move forward. Is it ridership or strictly a budgetary item.

Ms. Sheppard answered it is clearly a financial question. They do not have funding for it. From a pedestrian and transit level, they did not see the skyway as a need yet. Pedestrian patterns can be random. The origin or destination of the rider at a walk up station could be either side of the roadway compared to a park and ride where a larger number of riders cross at one time or all need to cross a very busy roadway. She does not believe putting a skyway in would increase ridership. The projected 600 ridership for 2030 has to do with the size of the shelter and how many people can fit in there at one time and then bringing in the need for the skyway.

Commissioner Burke commented he is a bus rider himself and believes Palomino Hills park and ride would remain open for the interim for the people that ride. He sees it as a wise choice to make the walk up stations as an option and to encourage other avenues of transportation. He added the intent of the stations are two-way traffic with people coming to Apple Valley not just leaving Apple Valley and to that purpose they would not be driving. He stated he is in support of the stations.

Chair Melander commented the Met Council may or may not be aware of some things we went through as a City relative to the Cedar Avenue corridor and how the Cedar Avenue/County Road 42 intersects the City. He stated we are trying to keep our City integrated and it is tough with those two heavily traveled roads. We want this to work right and have been told we are the prototype other cities would be looking for. He said the comments from the Commission are not to tear down what everyone has worked for but that they want the transit stations to work.

He continued as far as capacity goes, the 155th Street Transit Station was at capacity the day it opened. The numbers they saw for the light rail were way above expectations. He anticipates that ridership could happen here. He stated we want to get through this with minimal impact and with Cedar Avenue torn up right now, it has been an increased hardship for the City. He would not like to see it closed down again for the skyway to be constructed.

Commissioner Diekmann asked for clarification if the buses would be serving both the BRT and the express buses that travel to downtown Minneapolis and St. Paul or just BRT.

Ms. Sheppard responded the 140th Street and 147th Street stations are walk up stations for the BRT and the express buses would not be stopping at them.

Commissioner Diekmann stated he was informed from the MVTA that 90 percent of the people who ride the transit out of Apple Valley are riding the express buses to downtown. He inquired what would happen to the ridership if this was strictly a BRT station.

Ms. Sheppard answered that the BRT is strictly a station to station operation for a different purpose than express service. She feels the ridership that exists now on express service can continue to be served by express service.

Commissioner Alwin asked for clarification that the buses for the BRT would not get downtown but would terminate at the Mall of America and riders could transfer.

Ms. Sheppard answered that is correct.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the site plan and give building permit authorization to construct two 160 sf transit station buildings in accordance with the plans received in City Offices on April 23, 2012, and revised plans received June 12, 2012, subject to conformance with all City Code requirements and construction standards and the following conditions:

1. Met Council shall execute a traffic and parking management plan which addresses how traffic and parking issues will be addressed at the 140th Street Transit Station, to be reviewed and approved by the City Council.
2. The landscape plan shall be revised to provide screening of the property at 7472 Upper 139th Street as follows:
 - a. A six foot wood composite privacy fence shall be installed along the west property line of Lot 28, Block 4, SCOTT HIGHLANDS FIRST ADDITION (7472 Upper 139th Street), in accordance with the March 23, 2010, agreement between Dakota County and Theodore Midthun.
 - b. Landscaping shall be installed between the privacy fence and the Cedar Avenue trail adjacent to 7472 Upper 139th Street in accordance with the March 23, 2010, agreement between Dakota County and Theodore Midthun, subject to review and approval by the City's Natural Resources Coordinator.
3. No sign approval is given at this time. A separate sign permit must be obtained prior to the installation of any building or site signage.

Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the site plan and give building permit authorization to construct two transit station buildings in the Cedar Avenue right-of-way approximately 630' north of 147th Street in accordance with the plans received in City Offices on April 23, 2012, and revised plans received June 6, 2012 and June 12, 2012, subject to conformance with all City Code requirements and construction standard and the following conditions:

1. The Planning Commission finds that construction of both the Phase I and Phase II of the 147th Street Transit Station, including a skyway and supporting structures, should strongly be considered because it:
 - Supports good land use and transit planning in accordance with the 2030 Comprehensive Plan.
 - Minimizes further construction disruption to adjacent businesses.
 - Protects the safety of transit riders and motorists by providing an elevated safe crossing of Cedar Avenue.
 - Incorporates the direction of City Council Resolution No. 2012-80
2. The Metropolitan Council, as the petitioner, shall create a traffic and parking management plan which addresses how traffic and parking issues will be addressed at the 147th Street Transit Station, to be reviewed and approved by the City Council.
3. No sign approval is given at this time. A separate sign permit must be obtained prior to the installation of any building or site signage.

Ayes - 7 - Nays - 0.

C. Dauk Variance – Request for a variance to increase maximum impervious surface from the required 35% to 40% to allow for the installation of a pool. **(PC12-23-V)**

Associate Planner Margaret Dykes stated the applicant requested a variance to increase the maximum impervious surface to allow for an in-ground pool and deck. The petitioner's residence is located at 13749 Findlay Avenue, which has a lot area of 11,407 sq. ft. according to City and Dakota County information. The maximum impervious surface area for this lot is 3,993 sq. ft. According to information provided by the applicant, approximately 3,492 sq. ft. (31%) of the lot is currently impervious surface. The property owner has submitted plans for an in-ground pool that would be 18'x36' with a concrete deck surrounding it. The total pool and deck surface is 1,052 sq. ft., which brings the impervious surface coverage to 40%.

In order to grant a variance the City considers whether the applicant established that there are practical difficulties in complying with the zoning code. "Practical difficulties" as used in connection with the granting of the variance is defined as:

- The applicant proposes to use the property in a reasonable manner not permitted by the zoning code;
- The plight of the applicant is due to circumstances unique to the property not created by the applicant; and,
- The variance if granted would not alter the essential character of the locality.

The size of the pool and the deck are fairly typical of an in-ground pool, and not out of keeping with other residential pools in the City. The applicant has met with Natural Resources staff about installing a raingarden in the backyard to allow for infiltration of stormwater. The City Engineer

has calculated that approximately 30 cubic square feet of stormwater runoff is generated by the additional impervious surface. A 10'x3'x1 raingarden could accommodate the additional runoff.

The applicant has stated they would install a 50 sq. ft. raingarden, which should be sufficient. Though there is no hardship related to the property, the City has approved similar requests to increase the impervious surface on single family lots with the condition that a rain garden or infiltration device to accommodate additional stormwater runoff be installed and maintained by the homeowner.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, to recommend approval of a variance to increase the amount of impervious surface from the maximum 35% to 40% for the property located at 13749 Findlay Avenue (Lot 2, Block 2, Wyndemere 4th Addition), subject to all applicable City codes and standards, and the following conditions:

1. The size of the proposed pool and deck shall not exceed 1,052 sq. ft.
2. The property owner shall submit plans for a raingarden or stormwater infiltration device to be approved by City staff prior to issuance of a building permit.
3. The property owner shall post a financial security in the amount of \$600 to be returned when the device has been installed and approved.

Ayes - 7 - Nays - 0.

7. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Mr. Nordquist stated that the next Planning Commission meeting would take place Wednesday, July 18, 2012, 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 Schindler moved, seconded by Commissioner Diekmann, to adjourn the meeting at 8:26 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 7/18/12.