

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
OCTOBER 3, 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 and Brian Wasserman.

Members Absent: David Schindler

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 Diekmann moved, seconded by Commissioner Scanlan, approving the agenda as amended. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES OF SEPTEMBER 19, 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 Alwin, approving the minutes of the meeting of September 19, 2012, as written. Ayes - 6 - Nays - 0.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

- A. Kwik Trip Store Construction** – Consideration of a proposed replat, amendments to conditional use permits and site plan/building permit authorization to allow for the construction of a 7,643 S.F. gas/convenience store and car wash bay. **(PC12-30-SCB) (PC12-34-C)**

LOCATION: 7510 – 145th Street West

PETITIONER: Kwik Trip, Inc.

Chair Melander opened the public hearing at 7:01 p.m.

City Planner Tom Lovelace stated the applicant requested approval of a replat of two existing lots into one (1) lot, amendments to existing motor fuel sales, car wash operations and outdoor display conditional use permits; and site plan/building permit authorization to allow for construction of a 5,764 sq. ft. convenience store, 1,879 car wash bay, 4,800 sq. ft. fuel canopy, and 23 surface parking spaces. The site is located at the northwest corner of 145th Street West and Cedar Avenue. The site is the current location of 12,400 sq. ft. multi-tenant retail building that includes the existing Kwik Trip convenience store and Big Apple Bagel restaurant, a 970 sq. ft. car wash bay, a 3,700 sq. ft. fuel canopy, and 61 surface parking spaces.

The applicant proposed to replat two existing lots into one lot to allow for the new construction of the convenience store, car wash, and fuel canopy on one lot of record. The proposed plat identified all the required perimeter drainage and utility easements and restricted access easement along Cedar Avenue. No outstanding issues had been identified.

The existing motor fuel sales, car wash, and outdoor display sales conditional use permits would need to be amended that would address their proposed operations. Access to the site would be via two 35-foot wide driveways off of 145th Street West. An existing driveway off of Glenda Drive would be removed with the new construction, and no access would be allowed from Cedar Avenue. Maximum driveway width allowed by City code is 30 feet. Revisions shall be made to bring the driveways into conformance with City code.

Revisions should be made to the grading, utility, and landscape plans per staff comments. A sidewalk should be installed along the north side of 145th Street West.

Mr. Lovelace stated the applicant had identified building signage on their elevations but no formal sign application had been submitted. All building signage shall be in conformance with the City's sign regulations.

Commissioner Diekmann questioned where the monument sign would be located.

Mr. Lovelace answered it would be at the current location but there could be a reduction in the amount of signage allowed due to the size of the store.

Commissioner Diekmann asked for clarification regarding the vending machine that would be located outside the store.

Mr. Lovelace stated the petitioner requested a condition use permit for outdoor display that would include the vending machine.

Commissioner Scanlan inquired if there was a sidewalk along Glenda Drive.

Mr. Lovelace answered that there are not sidewalks on either side of Glenda Drive but staff believes there should be sidewalk connection from the bike path along Cedar Avenue.

Commissioner Scanlan commented that there should be a sidewalk along Glenda Drive for the residential area that would walk down to the store.

Commissioner Burke asked if there was any change of the light from the canopy from the existing canopy to the new design and if it would shine into the neighborhood.

Mr. Lovelace compared the canopy of the existing design to the new design where the canopy would be located farther to the east to keep it as far away as possible from the residential neighborhood to the northwest.

Chair Melander inquired if the logo on the canopy would count as signage and if that is allowable.

Mr. Lovelace answered yes it is allowed now in other motor fuel operations in the City.

Chair Melander asked if the applicant was planning to use the old fuel tanks or put in new ones.

Mr. Lovelace stated the old tanks would be removed and the applicant would need to meet the current requirements and coordinate with pollution control and other entities that deal with removal of underground tanks.

Commissioner Diekmann asked for the east/west car wash layout design and where the queuing for the car wash happens.

Mr. Lovelace answered queuing would go around the north end of the building and vehicles would turn south to enter the car wash on the west side and continue to the east.

Commissioner Diekmann referred to previous discussion regarding the sidewalk on the north side along 145th Street W. and asked if there would be a sidewalk connection from 145th Street W. north directly to the store.

Mr. Lovelace stated there would not be.

Mr. Wade Dumont, Kwik Trip Inc., LaCrosse, Wisconsin, addressed questions previously asked by the Commissioners. He said the sidewalk along 145th Street W. would be a part of the plan. He stated the vending machine would be for video rentals, would be heavy enough not to move and they would like that to be permanent as well as the ice cases and LP tanks. He described two other display areas similar to end caps in the canopy area for woodchips, softener salt and firewood. He reviewed access concerns for driveways less than 35' wide and would address any grading plans, natural resources concerns and filtration issues with staff.

Commissioner Wasserman asked for clarification of the route for the trucks dispensing fuel.

Mr. Dumont identified the route of the delivery trucks and fuel tanker trucks.

Chair Melander asked for assistance from the City Attorney on a precedence of a wider cut driveway.

City Attorney Sharon Hills answered if City Code has it set for the maximum width then a driveway wider would require a variance.

Mr. Lovelace read one public written comment from Harold Shudlick, 14195 Hayes Rd. stating that Kwik Trip had been a good neighbor and he was in support of their re-construction.

Commissioner Diekmann inquired how the parking spaces related to the size of the building.

Mr. Lovelace said there are 23 surface parking spaces and that met or exceeded the minimum required.

Commissioner Wasserman asked for written background information on infiltration basin vs. filtration basin and what the City is looking for due to the nature of oil and gas spills.

Mr. Lovelace stated the information would be made available for the next meeting.

Commissioner Scanlan asked to revisit the conditional use permit request as to what was allowed including the end caps by the fuel pumps.

Mr. Lovelace stated the ice chest and the propane tank storage would probably be allowed but some of the materials on the end caps raised some concern.

Chair Melander commented on the vending machine that if the store was to be a 24-hour operation it may not be a hardship to put the box inside the store rather than have it as an outdoor display.

Chair Melander closed the public hearing at 7:43 p.m.

B. Greater Midwest Fundraising IUP – Consideration of an interim use permit to allow for outdoor storage of passenger vehicles. **(PC12-35-I)**

LOCATION: 7600 – 147th Street W.

PETITIONER: Greater Midwest Fundraising

Chair Melander opened the public hearing at 7:44 p.m.

Associate Planner Margaret Dykes summarized the applicant's request for an Interim Use Permit for outdoor storage of up to four passenger vehicles in conjunction with an on-premise business.

The property is zoned Retail Business which allows for retail and smaller office business uses. The subject business, Greater Midwest Fundraising (GMF), is considered a Retail Business. The zoning code does not list outdoor storage or overnight parking of vehicles as a permitted, accessory, or

conditional use. Limiting overnight parking and outdoor storage ensures parking lots remain uncluttered reducing nuisance characteristics.

GMF submitted a request for a Conditional Use Permit, but upon staff's review it was concluded that the outdoor storage or overnight parking of the vehicles was not a listed conditional use in a Retail Business district. The City Code specifically prohibits overnight parking of vehicles in commercial or industrial zones. GMF amended its request to an Interim Use Permit (IUP) to store/park its delivery vans on the subject property.

The tenant and property owner had requested an (IUP) to allow for the outdoor storage of up to four passenger vehicles on site overnight; the vehicles would be delivery vans. The requested Interim Use Permit would expire October 31, 2013.

GMF would provide packaged goods (primarily food products such as pizzas, steaks, and cookie dough, etc.) to non-profit entities for fundraising purposes. They make these products available for sale to customers in the subject building. The business provides delivery service of these products to their customers. The delivery of goods is a critical part of business for many retail operators.

The vehicles would be parked on the south side of the building, which would help to screen the vehicles from vehicles on 147th Street W. Staff has no issues with the storage of vehicles on the site due to the limited number of parking spaces required by the users of the building.

Commissioner Diekmann asked for clarification that the applicant asked for a one-year IUP and inquired what they would do after that.

Ms. Dykes answered yes the request was for one year and said after the one year the applicant would ask the City to determine if it was appropriate to amend the City Code as a permanent accessory use or a conditional use.

Commissioner Alwin commented that he feels this is already happening in other areas of the City.

Commissioner Diekmann asked if all the Retail Business areas currently do not allow for overnight parking of vehicles.

Ms. Dykes said yes and if the code was amended it would apply to all the City businesses in the Retail Business zone.

Commissioner Alwin inquired if the code was amended then the overnight parking could be anywhere on the parking surface and it just happens that this petitioner plans to park behind the building.

Ms. Dykes said that is correct and if the ordinance was amended it could be written in such a way that overnight storage of vehicles could only be behind the building and not adjacent or facing any public streets.

Commissioner Scanlan stated that the request is for two to four vehicles and looking into the future if they cut back to two vehicles could they still add more vehicles later.

Ms. Dykes answered the permit runs with the property and it would allow the applicant to store up to four vehicles. There would be no other spaces allocated for overnight storage.

Commissioner Wasserman inquired where vehicles are supposed to be stored and where businesses are storing vehicles at this time since they cannot park outside on their property overnight.

Ms. Dykes said businesses are not supposed to be storing any vehicles outside. They could store them inside the building in a garage space. Currently there are businesses that park outside overnight and it is a concern.

Tim Shields, Greater Midwest Fundraising, stated they are thrilled to be in the site. It is a convenience factor to know that on the south side of the building they can store their delivery vans.

Chair Melander closed the public hearing at 7:56 p.m. and stated it is the policy of the Planning Commission not to act on an item the same night as its hearing but felt they could make an exception this evening.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke recommending approval of an Interim Use Permit for outdoor storage of up to four (4) vehicles at 7600 – 147th Street W. to allow Greater Midwest Fundraising to park delivery vans overnight as shown on the plans received in City offices on September 5, 2012, subject to all applicable City Codes and standards, and the following condition:

- a. The Interim Use Permit shall expire on October 31, 2013.
- b. The passenger vehicles shall be parked or stored on the south side of the building as shown on the plans.
- c. No equipment, products, materials or non-passenger vehicles shall be stored outdoors anywhere on the site.

Ayes - 6 - Nays - 0.

6. LAND USE/ACTION ITEMS

- A. Morningview Condominiums Parking Variance** – Consideration of a variance to reduce the minimum required parking and allow the removal of an 18-space parking lot adjacent to Cedar Avenue. **(PC12-33-V)**

LOCATION: 7600-32 – 157th Street West

PETITIONER: Morningview Condominiums Homeowners Association

Associate Planner Kathy Bodmer reviewed Morningview Condominium Association's request for a variance from the required number of surface parking spaces that must be provided in order to remove an 18-space parking lot along 157th Street.

The Morningview Condominiums is a 3-building condominium development with a total of 90 units located on the northwest corner of Cedar Avenue and 157th Street West. The Morningview Condominium Association requests a variance which would allow them to remove an unused 18-space parking lot adjacent to Cedar Avenue. Rather than continue to maintain the unused lot, the Association wishes to remove it and replace it with landscaping. The Association received a variance on April 22, 1982, which allowed them to reduce the number of parking spaces that needed to be installed by 45 spaces. Removing the 18-space parking lot would require a modification to the existing variance to remove 4 additional parking spaces, or a total of 49 parking spaces.

"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 provisions of the code;
- The plight of the applicant is due to circumstances unique to the property not created by the applicant; and
- The variance, if granted, will not alter the essential character of the locality.
- Economic considerations alone do not constitute practical difficulties.

When the development was approved in 1982, it was recognized that the Morningview Condominium development would have a lower parking demand than other similar developments. The variance in 1982 allowed the development to reduce the number of required parking spaces by 45. Allowing the Association to remove the 14-space parking lot would require a variance for 4 more parking stalls, or a reduction in the required number of parking spaces to 49. To staff's knowledge, there has never been an issue with parking at the Morningview Condominiums since they were constructed nearly 30 years ago.

Commissioner Diekmann asked if the variance was granted could this be stipulated as proof-of-parking with the intent that in the future it could be turned back into parking.

Ms. Bodmer stated yes that could be one of the conditions.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke recommending approval of a variance for the Morningview Condominium to reduce the required number of surface parking spaces from 135 to 80 spaces with the following conditions and conditioned upon execution of a proof-of-parking agreement.

1. The Morningview Condominium development was granted a variance in 1982 which allowed them to provide 1.0 surface space per unit, a reduction of 0.5 spaces per unit or 45 parking spaces.
2. Currently there are 194 total parking spaces provided on the site, 14 spaces over the 180 minimum required after the variance approval in 1982.
3. Seventy percent (70%) of the units are 1-bedroom or studio units, so parking demand is expected to remain low.

4. The Morningview Condominium development is located less than 1/4 mile from the Apple Valley Transit Station (AVTS).
5. The removal of the 18-space parking lot will decrease the amount of impervious surface area and increase opportunities for infiltration.
6. The variance reducing the required spaces by 49 is four spaces more than the existing variance granted in 1982.

Ayes - 6 - 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 would take place Wednesday, October 17, 2012, at 7:00 p.m.

Mr. Nordquist informed the Commission that on October 23, 2012, at 3:00 p.m. there would be a Kick-Off event of the Apple Valley Business Campus and for them to notify staff if they plan to attend.

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 Scanlan to adjourn the meeting at 8:07 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 10/17/12.