

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
NOVEMBER 7, 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, Paul Scanlan, David Schindler and Brian Wasserman.

Members Absent: Tim Burke and Keith Diekmann

Staff Present: Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Associate Planner Kathy Bodmer, 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 Scanlan moved, seconded by Commissioner Alwin, approving the agenda. Ayes - 4 - Nays - 0.

**3. APPROVAL OF MINUTES OF OCTOBER 17, 2012.**

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

Commissioner Wasserman arrived at 7:01 p.m.

MOTION: Commissioner Schindler moved, seconded by Commissioner Wasserman, approving the minutes of the meeting of October 17, 2012, as written. Ayes - 3 - Nays - 0. Abstained - 2 - Melander and Schindler.

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

**A. Menards-Hanson Property I.U.P.** – Public hearing to consider an interim use permit to allow for crushing and temporary storage of concrete material generated from three demolished buildings on the site.

LOCATION: 6055 – 150th Street West

PETITIONER: Menard, Inc.

Chair Melander opened the public hearing at 7:02 p.m.

City Planner Tom Lovelace stated the petitioner, requested an Interim Use Permit to allow for the crushing and temporary stockpiling of concrete resulting from the demolition of three buildings located at 6055 - 150th Street West. He said the applicant requested approval to crush the concrete from the Hanson Pipe and Products manufacturing plant, office, and shop buildings and store the crushed concrete onsite for the purpose of using the material as fill and base for a proposed new store construction project located at the southeast corner of Flagstaff Avenue and 150th Street West.

Approximately 25,000 tons of concrete from the demolished buildings would be crushed on the site and they would expect to crush about 2,000 tons per day. The applicant should provide a crushing timeline. Import of material for crushing or stockpiling would be strictly prohibited. Other debris piles from the building demolition are currently on the site, which should be removed as quickly as possible and the office basement should be filled in. Several storm water drains would need to be addressed to ensure that they do not plug up from crushed material or other debris. They requested a height of 25 feet for the stockpile.

Staff recommended they be allowed to operate for one year and should be limited to the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday only. No weekend work should be allowed. The permitted hours and days of operation should be applicable to all activities related to the crushing and stockpiling operations including but not limited truck hauling to and from the site.

No hauling and crushing should take place when wind velocity exceeds thirty (30) miles per hour and watering to control dust onsite should occur as needed and whenever directed by the Apple Valley Building Official or Zoning Administrator. Noise created by the machinery used to crush the concrete should be operated in conformance with the minimum standards as adopted and enforced by the Minnesota Pollution Control Agency.

Issuance of interim use permit by the City shall be contingent upon the applicant providing verification from any and all applicable agencies as to whether additional approval or permitting of this interim use is necessary. If any additional approvals or permits would be required, they should be obtained prior to commencement of any crushing activity at the site.

Commissioner Scanlan inquired what an acceptable height for the stockpile would be and asked if dealing with wind velocity would be better addressed at 20 to 25 mph or if watering would be enough to control dust.

Mr. Lovelace answered he had not had a chance to discuss the height of the stockpile with the applicant yet and believed possibly 10 to 15 feet high would soften the appearance. He stated dust control could be monitor through the City's Code Enforcement.

Commissioner Scanlan asked if street cleaning would be considered.

Mr. Lovelace answered that street cleaning could be added as a condition for the IUP.

Commissioner Alwin expressed concern for the City's waterpark located north of the site and inquired if the Parks and Recreation Department had any concerns due to the one-year IUP and the noise and dust that could be created when the waterpark would be in the summer peak season. He would like to see a crushing permit put into place with guidelines.

Mr. Lovelace stated they had not heard from the Parks Department and with the amount of crushing that could be done per day and stockpiled there would be minimal impact to the waterpark.

Commissioner Wasserman also had concerns for the dust from the stockpile that could impact the surrounding buildings and inquired if there could be a type of protective cover or watering that would control the dust from blowing around in the neighborhoods for a year.

Mr. Lovelace said staff thought if the stockpile was lower the amount of dust would be minimal.

Commissioner Schindler, referring to the storm water drains, inquired how the 100' minimum from the stockpile was designated.

Mr. Lovelace stated based on discussions with engineering they identified where the drains were located and any materials coming off the site would be best served with a 100' limitation as a safety precaution.

Chair Melander inquired how this crushing operation differed from the sand and gravel operation that had been going on in the neighborhood for a long time.

Mr. Lovelace answered that sand and gravel operations are at the base of a pit 30' – 40' below grade with a berm in place and the concrete crushing operation would start at grade level.

Tom O'Neil, Menards, Inc., provided background on the request. He stated it was not realistic to demolish the Hanson buildings and haul the materials off-site when their plans were to re-use the materials across the road at a future building site. He requested the Commission waive not acting on the night of the public hearing and make a decision tonight on the IUP.

Commissioner Scanlan asked if Menards would have any objections to the concerns that were addressed in the staff report.

Mr. O'Neil said they have no objections with the recommendations.

Chair Melander closed the public hearing at 7:34 p.m.

Motion: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the Interim Use Permit for crushing and temporary storage of concrete material generated from three demolished buildings on the site at 6055 – 150th Street West with the following conditions:

1. Debris piles currently on site from the demolition shall be removed as quickly as possible and the office basement shall be filled in.
2. The height of the stockpile shall be no more than 20 feet and the applicant shall work with City staff prior to City Council meeting to determine feasibility if there are any options for the stockpile after the crushing is complete to be a lower height while crushing operations are in process.
3. Any truck hauling to the site shall be limited to Johnny Cake Ridge Road.
4. Inlet protection devices shall be installed in all storm water drains within a minimum of 100 feet of the stockpile.
5. The Interim Use Permit shall be good for one year.
6. Hours of operation shall be limited to the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday with no weekend work. Permitted hours shall be limited to crushing and stockpiling but not limited to truck hauling of the debris to and from the site.
7. Crushing and hauling shall not occur when wind velocity exceeds thirty (30) miles per hour.
8. Watering or other dust remediation measures to control dust onsite shall occur as needed and whenever directed by the Building Official or Zoning Administrator.
9. Noise created by the machinery used to crush the concrete shall be operated in conformance with the minimum standards as adopted and enforced by the Minnesota Pollution Control Agency.
10. Applicant shall obtain any additional approvals or permits required prior to commencement of any crushing activity at the site.
11. The applicant shall provide for street sweeping to the extent that excessive debris or dust is deposited on the roads as a result of the operation or transport as determined by the City Engineer.
12. The applicant shall work with the City to develop a mutual acceptable crushing timeline.
13. The applicant shall not bring in materials from off-site to be crushed or stockpiled.

Ayes - 5 - Nays - 0.

## **6. LAND USE/ACTION ITEMS**

### **A. Consistency of Parkside Village Project TIF Plan with the Comprehensive Plan**

Consider resolution finding that the amendment to the "Master Development District" and "Master Development Program" for the Parkside Village Project "TIF Plan" is consistent with the Apple Valley 2030 Comprehensive Plan.

Community Development Director Bruce Nordquist stated the Parkside Village development is an approximately 8-acre area located on the northeast corner of Galaxie Avenue and 153rd Street West. The Planning Commission reviewed and recommended approval of the development, which included two multiple family buildings with a total of 322 units, at its October 17, 2012, meeting. In connection with the development of the property, the property owner, IMH LLC, requested tax

increment financing (TIF) to apply toward eligible project costs. Without assistance, the project could not proceed.

One of the requirements for the use of TIF assistance is that a specific "TIF Plan" must be prepared which outlines the eligible site development/redevelopment costs which would be paid for with the pooled TIF funds. State statute requires that the activities for which TIF is used be consistent with a City's Comprehensive Plan and that the local Planning Commission must make such an administrative finding of consistency. In this case, implementation of the project would provide for development within the Central Village new housing choices and include affordable housing. Chapter 4 of the 2030 Comprehensive Plan, the land use chapter, downtown development of this type is supported.

The City's Comprehensive Plan has goals of providing a variety of housing styles in a range of price points to provide "life-cycle" housing opportunities within the community.

Eligible TIF activities that can be funded include the following:

- (a) Acquisition of land;
- (b) Site improvements or preparation costs;
- (c) Installation of public utilities, parking facilities, streets, roads, sidewalks, or other similar public improvements;
- (d) Administrative costs, including the allocated cost of the City; and
- (e) For housing districts, construction of affordable housing.

MOTION: Commissioner Alwin moved, seconded by Commissioner Schindler, adopting **Resolution No. 2012-02** finding that the amendment to the "Master Development District" and "Master Development Program" for the Parkside Village Project "TIF Plan" is consistent with the Apple Valley 2030 Comprehensive Plan. 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 would take place Wednesday, December 5, 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 Alwin moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:07 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy  
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 12/5/12.