

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
SEPTEMBER 18, 2013

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, Paul Scanlan, David Schindler and Brian Wasserman.

Members Absent: Keith Diekmann

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Kathy Bodmer, 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. Hearing none he called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES SEPTEMBER 4, 2013.

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 Scanlan, approving the minutes of the meeting of September 4, 2013. Ayes - 6 - Nays - 0.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Hunter Forrest - Public hearing to consider a rezoning from "R-1" (Single family, 40,000 sq. ft. minimum lot) to "R-3" (Single family, 11,000 sq. ft. minimum lot) and subdivision by preliminary plat to subdivide three parcels with a total area of 7.41 acres to create sixteen (16) lots for single family development. **(PC13-37-ZS)**

LOCATION: 12842, 12866 and 12896 Galaxie Avenue

PETITIONER: Manley Development

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

Planner Kathy Bodmer stated the applicant, Manley Development, requests consideration of the Hunter Forrest development which would require the rezoning from "R-1" (Single family, 40,000 minimum lot) to "R-3" (Single family, 11,000 minimum lot) and subdivision by preliminary plat to create 16 lots for single family development.

The petitioners wish to develop three large rural estate parcels located on the east side of Galaxie Avenue south of the Dahle Oaks. The three parcels total approximately 7.4 acres in size after right-of-way is dedicated for Galaxie Avenue.

The Planning Commission reviewed the Sketch Plan for the project at the August 17, 2013, meeting. One significant issue at that meeting was the Taylor property at 12896 Galaxie Avenue and the fact that it was not initially included in the development proposal. Since the time of the Sketch Plan, the developer has worked with the Taylors and is now including the Taylor property in the development.

The following is a quick summary of some of the important issues related to the project:

- The three parcels are heavily wooded, so a tree preservation and tree mitigation plan would need to be reviewed by the City's Natural Resources staff. The petitioners are exploring whether they would dedicate conservation easements to ensure long-term maintenance of the wooded areas in the rear yard of the newly established lots.
- The internal street is dedicated as a 50' right-of-way with a 32' wide street. The right-of-way would need to be increased to 54' or the street would need to be reduced to 26' to provide adequate room for snow storage.
- The grading plan currently shows grading for only the installation of the street, cul-de-sac and infiltration basin. The petitioners state that they are a custom builder and that the pad sites are graded out once the home design is selected. The grading plan would need to include the building pad sites to evaluate drainage between lots, driveway slopes and house pad elevations for sanitary sewer connections. The tree mitigation plan would need to be revised to reflect the revised grading plan.
- Two lots in the subdivision do not meet the lot width requirements of the Zoning Code and Subdivision Code and would need to be reconfigured or a variance would be needed.
- Sidewalk would be required along the Frost Point Court cul-de-sac.

Discussion followed.

Peggy Carlson, Manley Development, provided additional information.

Andy Davids, 12898 Forest Ct., reviewed a presentation and stated the neighborhood would like to partner with the City and developer to propose suggestions and amendments to the development. He reviewed concerns and objectives. He expressed concern for the second access point on Galaxie Avenue and how traffic needs to merge into one lane as cars drive north on Galaxie Avenue from McAndrews Road. He suggested, that during construction, to have a temporary access for trucks and then remove the temporary access and only have one street access into the development by way of the existing Frost Point Way.

Victor Feldman, 6888 129th Street, stated the concern he has is really more aesthetic. He said the concept of the cul-de-sac, rational for moving here and liking the area with the enclosed view and privacy, along with the tree lines really adds. He liked the tree line because it creates a visual barrier to what would be developed there and minimizes sound. He reviewed the conservation area and a tree preservation plan put together by Manley Development. He provided different options for lot layouts which included losing one of the lots for construction and asked how this would be handled with the cost for the developer.

Chair Melander commented that it is not the responsibility of Planning Commission to consider economic considerations but the highest and best use of the land. The value of the homes and the cost of the development are issues outside of their area of responsibility.

Chris Murgic, 12890 Forest Ct., stated his property abuts the Taylor property and there is a significant elevation change to the Taylor property. He has a rock wall and had concerns for how the grading plan may change this if there would be runoff into his backyard. Another concern he had was the elevation change of a two-story house looming large over his house. He would like to maintain as much screening as possible. He felt the density of the proposed houses zoned R-3 versus R-2, for consistency sake with Dahle Oaks and traffic flow, would be more logical for the proposed property to be zoned R-2.

Paul Gerber, 12835 Foliage Avenue, expressed concern for aesthetics and elevations and liked ramblers because the lots would have to be larger and the height of the homes would not be so extreme in the proposed development. His property used to flood and he has built numerous berms. The corridors bring tremendous beauty and he sees whitetail deer, fox and turkey. He said density becomes an issue when trying to preserve and maintain the integrity of the neighborhood.

Tom Troester, 12825 Foliage Avenue, stated that the plans for Dahle Oaks started out as townhomes and then became single-family houses zoned R-2. He felt if the proposed development was to be zoned R-2, lots would be bigger and more trees would be preserved.

Charles Morgenroth, 12915 Galaxie Place, asked the Planning Commission to be cognizant that this would go forward and fundamentally change the neighborhood. He asked for the City to use some cautious approaches and to work with the builders and neighbors.

Lisa Broden, 12842 Galaxie Avenue, stated she is the owner of one of the properties, being discussed for this development. She said the neighborhood has changed and it is their turn to sell and move on. To the east and south of them is zoned R-3 and this is what they want.

Becky Moran, 7051 128th Street Ct., expressed concern for the traffic on Galaxie Avenue where the two lanes become one lane. She wanted to bring to everyone's attention that in the morning when Cedar Avenue is full people use Galaxie Avenue. She said it is difficult to exit from her neighborhood onto Galaxie Avenue. She liked what was proposed earlier that only one access from the development to Galaxie Avenue through the Dahle Oaks development be considered. She suggested a traffic study including speed be conducted if another entrance was to be added.

Carol Taylor, 12896 Galaxie Avenue, stated she owns the southern most property, and enjoys the wildlife corridor. She really wants this to be a nice looking development. Her existing house might be difficult to fit in this new development.

Linda Melena, 12845 Foliage Avenue, commented she would like to see the number of homes reduced for the development in order to maintain the wooded lots.

Renae Porath, 12892 Forest Ct., stated they have a line of pine trees that gives them a nice buffer where the development would be but those pine trees are dying. She was wondering if the builder would want to take them down and put in some different trees to buffer that because they are not always going to be there. The more trees they have the more water the trees would soak up so that would help eliminate any flooding and issues with flooded basements.

Further discussion followed.

Chair Melander closed the public hearing at 8:21 p.m. and recessed for a two minute break.

Commissioner Schindler left the meeting at 8:25.

6. LAND USE/ACTION ITEMS

A. ISD 196 ECFE/ECSE/ABE Building – Consideration of a subdivision by preliminary plat of 13.7-acre unplatted parcel and site plan review/building permit to allow for construction of a 52,000 sq. ft. building for early childhood family education, early childhood special education and adult basic education. **(PC13-35-SB)**

LOCATION: 14445 Diamond Path

PETITIONER: Independent School District 196

Planner Kathy Bodmer presented the request from Independent School District 196 for consideration of a subdivision by preliminary plat of a 13.7-acre parcel into two lot and site Plan Review/Building Permit Authorization for construction of a 2-story, 52,000 sq. ft. building for early childhood family education (ECFE), early childhood special education (ECSE) and adult basic education (ABE). The request to relocate a cold storage building, outdoor storage area, and fuel dispensing area have been postponed until the "P" (Institutional) zoning district can be amended to address these items. The ECFE building is a permitted use in the "P" (Institutional) zoning district, so the School District wishes to move forward with only the ECFE building at this time.

At the public hearing held at the September 4, 2013, residents raised concerns about traffic generation and speed on 144th Street W. A traffic study would need to be reviewed and analyzed by the engineering staff. She addressed other resident concerns from the public hearing. The preliminary plat was revised based upon comments raised at the September 4, 2013, Planning Commission meeting.

The landscape plan was revised showing a trail connection from 144th Street West to Drake Path which would serve as a connection for the Barbara Savanick Trail. The Engineering and Parks Departments would like to review the trail location in more detail to confirm the crossing of 144th Street W.

Screening of the School District property from residential properties to the west was a concern. The landscape plans show extensive tree plantings throughout the site to help screen the development from the residential properties to the west. Because the project includes removal of mature trees, a tree mitigation plan has been submitted which will need to be reviewed by the Natural Resources staff.

She stated that staff had not had the opportunity to review the Traffic Study, the Tree Mitigation Plan and that there were still outstanding issues related to the stormwater calculations. Staff was not ready to make a recommendation concerning the project.

Discussion followed.

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 2, 2013, 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 Burke moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:49 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 11/6/13.