

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MARCH 18, 2015

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, and Paul Scanlan.

Members Absent: David Schindler

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer, Fire Chief Nealon Thompson 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 Diekmann, approving the agenda. Ayes - 5 - Nays - 0.

3. APPROVAL OF MINUTES MARCH 4, 2015

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

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of March 4, 2015. Ayes - 4 - Nays - 0. Abstained - 1 - Burke.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Zoning Amendment I-2 – Public hearing to consider amendments to “I-2” (General Industrial) zoning district concerning bulk fuel storage tanks and heavy industrial uses that may no longer be compatible with the City’s 2030 Comprehensive Plan. **(PC15-06-Z)**

LOCATION: City Wide

PETITIONER: City of Apple Valley

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

Planner Kathy Bodmer stated petroleum storage tanks are listed as a permitted use in the I-2 zoning district with no other requirements or standards. The proposed ordinance would allow existing bulk crude oil, petroleum products or other flammable or combustible liquids storage tanks to remain as a permitted use.

Following January 1, 2015, a property owner who wishes to add or replace any fuel storage tanks in the I-2 zone would be required to obtain a conditional use permit (CUP). To protect against leaks, spills and fires, the ordinance requires the construction of secondary containment (berming and impervious lining for surface and groundwater protection) and fire protection. In addition, the property owner would be required to provide a comprehensive emergency response plan indicating how any leak, spill or fire would be managed.

The I-2 zoning district currently allows the heaviest industrial uses in the City, but many of the parcels zoned I-2 are located in close proximity to residential and institutional properties. Some of the current permitted and conditional uses are no longer in line with the goals and vision of the City's 2030 Comprehensive Plan.

The I-2 zone is proposed to be amended by removing some of the obsolete and/or higher nuisance heavy industrial uses and allowing the City Council, when an I-2 use is within 1,000 feet of residential or institutional property, to require berming, landscaping, orientation of activities, or a combination of methods, to minimize impacts to those properties.

Commissioner Diekman questioned the kind of storage tanks in the Industrial areas that could attract manufacturing and medical in the future, the type of gas used there and how that would play into this. He also inquired about the screening within 1,000 feet and that gas cannot escape if screened too tightly.

Fire Chief Nealon Thompson provided information on compressed gases; explaining that when a leak occurs a compressed liquid is covered to a gas and escapes to the atmosphere, it does not leak into the ground. There would be no concern for horizontal or vertical travel into the ground. He reviewed the types of gases and tank sizes.

Commissioner Alwin asked where else besides Magellan there were tanks in the City.

Fire Chief Thompson stated that there are tanks at Lampert Lumber and Dick's Valley Service currently in the I-2 zoning district.

Commissioner Alwin asked if they exist today could they still grow and be grandfathered in and be replaced with a conditional use permit. He inquired if tanks could be added on additional parcels.

Ms. Bodmer answered that it would still be a conditional use so any property owner would be able to obtain a CUP if they meet the conditions.

Chair Melander asked for explanation of what an atmosphere tank is.

Fire Chief Thompson clarified that atmospheric tanks of combustible or flammable liquids are those stored a normal atmospheric pressure. It is the same as a gasoline tank or portable tank that is used to fuel a lawnmower. Propane tanks that are used for gas grills are pressurized and not stored at atmospheric pressure.

Tom Byers, manager of Government and Media Affairs for Megellan Midstream Partners, described the important role of the Megellan tank farm and that daily supplies come from the Apple Valley site. Safety remains Megellan's top priority. He commented that they would like to meet with Apple Valley staff to review the ordinance because they do not support two of the proposed ordinance changes that staff is recommending.

Chair Melander closed the public hearing at 7:21 p.m.

6. LAND USE/ACTION ITEMS

A. Primrose School of Apple Valley – Request for rezoning and zoning amendments, subdivision, and site plan permit authorization to allow for construction of a 11,700-sq. ft. day care facility on 1.65-acre lot. **(PC15-03-ZSB).**

LOCATION: Northeast corner of Pilot Knob Road and 155th Street West

PETITIONER: Primrose School Franchising Company

City Planner Tom Lovelace stated the applicant is proposing to rezone the property to allow for the development of a day care facility on the east 1.65 acre of an existing outlot. This would require the creation of a new subzone in "PD-856" and the preparation of ordinance amendments that identify uses, area requirements, and performance standards for the future subzone.

The applicant is proposing to subdivide the existing Outlot B, APPLE VALLEY EAST FAMILY 2ND ADDITION into a 1.65-acre lot, with the remaining 3.8 acres platted as an outlot. All existing easements would remain dedicated with this replat. A ten-foot drainage and utility easement, centered on common east/west property line shall be dedicated with this plat. In addition, all requirements set forth in the City's subdivision ordinance shall be adhered to.

The applicant has submitted a request of the vacation of a portion of the north 10 feet of right-of-way for 155th Street West. Final approval of this development proposal would be contingent upon the approval of the vacation as requested. If the vacation is approved, staff would recommend that a condition of approval would be the establishment of a drainage and utility easement over that portion of vacated right-of-way.

He commented the north/south drive lane would directly abut the west property line and that staff had concerns that this drive aisle is not set back from the property line. This is something that would generally not be allowed in similar developments.

The site abuts public streets to the north, east, and south, each having a sidewalk or pathway directly adjacent to the property. Internal sidewalk connections should be made to the public sidewalks and pathway abutting the property.

He stated the applicant submitted revised plans that addressed parking spaces devoted to overnight bus parking, parking for bicycles, berm and landscaping screening and grading and utility plans.

Jacob Fick, South Shore Development, described optional site layouts for the property to the west.

John Finnemore, Primrose School Franchising, provided additional information.

Discussion followed.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval the rezoning of Outlot B, APPLE VALLEY EAST FAMILY 2ND ADDITION from "PD-856" (Planned Development) to "PD-856/zone 3" (Planned Development) and preparation of ordinance amendments that identify uses, area requirements, and performance standards for the subzone.
Ayes - 5 - Nays – 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of a preliminary plat that creates one lot and one outlot subject to the following conditions:

- Approval of the final plat shall be contingent on the approval of the vacation of the north 10 feet of the 155th Street West right-of-way.
- A 10-foot wide drainage and utility easement, centered on the west property line shall be required.
- Cross-access easements shall be recorded with the subdivision that will allow use of the drive approaches on Embry Path and 155th Street West by the proposed lot and any future lots to the west.
- The City may require the installation off the 155th Street West intersection on Outlot A at the property owners expense if it is determined that the Embry Path intersection cannot safely and sufficiently handle the day care facility's traffic, as determined by the City Engineer.

Ayes - 5 - Nays – 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, recommending approval of the site plan/building permit authorization to allow for construction of an 11,700-square foot building on a 1.65-acre lot, subject to the following conditions:

- The drive aisle shall be set back five feet from the west property line.
- The ground mounted HVAC systems shall be screened by either a masonry wall or an opaque landscape screen.
- The four significant trees located in the drainage and utility easement adjacent to the north property line shall be relocated outside of the easement.

- A five-foot wide sidewalk shall be installed along the north side of the drive lane, from Embry Path to the building's main entrance.
- The trash enclosure's exterior finish shall be architecturally compatible with the building.
- A detailed planting price list shall be required for verification of the City's 2 ½% landscaping requirement at the time of submission of plans for a building permit.
- The Colorado Spruce trees shall be replaced with Black Hills spruce trees.
- Revisions shall be made to the plans per the City Engineer's recommendations as identified in his memo dated March 13, 2015.

Ayes - 5 - Nays - 0.

B. Uponor Annex Expansion – Consider site plan review/building permit authorization to allow for redevelopment and expansion of Uponor Annex building (former American Student Transportation building) for 86,000 sq. ft. office and manufacturing facility. **(PC15-08-B).**

LOCATION: 5925 – 148th Street West

PETITIONER: Uponor North America

Planner Kathy Bodmer stated Uponor North America owns the former American Student Transportation building at 14800 Everest Avenue. Uponor requests site plan review/building permit authorization to renovate the existing 36,000 sq. ft. bus garage and expand it by 50,000 sq. ft. to create an 86,000 sq. ft. office and manufacturing facility. When completed, the facility would consist of 80,000 sq. ft. of manufacturing and 6,000 sq. ft. of office. The existing overhead garage doors would be replaced with windows and concrete block. The exterior of the 50,000 sq. ft. addition would be constructed with exposed aggregate tip-up concrete panels. Two new access points would be added to the parcel to allow for truck deliveries to nine delivery bays on the west side of the building. Two delivery bays would be added to the south side of the building. Uponor plans to seek LEED certification for the manufacturing facility.

Uponor also requests approval to expand the east employee parking lot on the main campus by 67 spaces. A new access would also be constructed to Upper 147th Street to provide improved employee access to the north side of the main campus. She stated the Public Works Director and City Engineer had reviewed the new access request and had no issues.

Discussion followed.

Dan Hughes, Uponor North America, introduced Uponor's project team: Greg Lawler, Darin Burckhard and Matt Wenthe. He provided additional information and was available to answer any questions.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of the Site Plan/Building Permit subject to conformance with all City codes and City Engineer's memo of March 12, 2015. 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, April 1, 2015, 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 8:53 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 4/1/15.