

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
JULY 15, 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, Angela Polozun and Paul Scanlan.

Members Absent: David Schindler.

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Kathy Bodmer, Planner Margaret Dykes, Assistant City Engineer Brandon Anderson 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 - 6 - Nays - 0.

**3. APPROVAL OF MINUTES JUNE 17, 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 June 17, 2015. Ayes - 6 - Nays - 0.

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

**A. Village at Founders Circle 2nd Addition** – Public hearing to consider rezoning two parcels totaling 4.78 acres from “PD-739, Zones 1 and 2” to “PD-739, Zone 1”, and preliminary plat to create one (1) platted lot. **(PC15-24-ZSG)**

LOCATION: Generally southeast of Garrett Avenue and 153rd Street W.

PETITIONER: Dakota County CDA

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

Planner Margaret Dykes stated the Dakota County CDA, the property owner of two parcels totaling 4.78 acres generally southeast of the intersection of Garrett Avenue and 153rd Street W., is requesting the following actions:

- Rezone the property to allow for stand-alone high-density residential development; and
- Replat the two existing parcels into one lot of record. The property is to be platted as Lot 1, Block 1, Village at Founders Circle 2nd Addition.

The CDA is not proposing any development at this time. An existing agreement between the CDA and the City states development would not occur before 2017 due to the other multi-family residential projects in the Central Village currently under construction. This would allow these other multi-family developments to be absorbed by the market before the subject parcels are developed.

The two properties are currently zoned "Planned Development 739, Zones 1 and 2". The properties were zoned according to an approved 2004 development plan. "PD-739, Zone 1" allows only for multi-family residential development as stand-alone uses. This zone does not allow for commercial development. "PD 739, Zone 2" allows for commercial development, as well as multi-family residential development but the residential uses must be mixed in the same building as commercial uses.

Based on market data, the CDA believes the site should be rezoned to "PD-739, Zone 1. The CDA anticipates that the property could be developed in the future as a market-rate apartment building. Upon rezoning of the property, the CDA would pay the City \$1.5 million towards assessments canceled against the parcels.

Kari Gill, Dakota County CDA, commented that they had entered into a pre-development agreement with the City of Apple Valley and will put the property on the market. They do not intend to develop the property themselves.

Chair Melander closed the public hearing at 7:08 p.m.

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

**A. ISD 196 Transportation Hub Facility** – Consider subdivision by preliminary plat to create 10.22-acre parcel, conditional use permit for operation of bus storage and maintenance facility with screened outdoor storage area for no more than six (6) buses, and site plan review/building permit authorization to construct a transportation hub facility for 84 buses. **(PC15-20-SCBG)**  
LOCATION: Northeast corner of Johnny Cake Ridge Road and Upper 147th Street West  
PETITIONER: ISD 196

Planner Kathy Bodmer stated Independent School District 196 submitted an application to construct a transportation hub facility on the northeast corner of Johnny Cake Ridge Road and Upper 147th Street West. The 60,000 sq. ft. facility would include a bus garage for storage of 84 buses, four bus

maintenance bays, office, fenced temporary storage for a maximum of six buses, and a free standing bus wash and fueling area.

The public hearing for the Transportation Hub was held at the Planning Commission's May 20, 2015, meeting, held open for additional comments, and then closed at the June 17, 2015 meeting. There were several outstanding items that needed to be addressed. Since the time of the public hearing, meetings have been held with neighboring property owners to obtain feedback on the height of the screening fence along the north property line. Most of the neighbors stated, if the project is approved, a 12' tall fence is preferred to best screen the development from the neighborhood. Other neighbors recently stated they preferred an 8' tall fence, so more discussion is needed. The neighbors state that they continue to be concerned about the proposed development. The primary concern raised by the neighborhood is the issue of the operation of the facility and whether it is compatible with adjacent residential neighborhoods. Other bus facilities were visited and they were found to be busy and noisy and operated at all hours. In addition, several other questions and issues were raised.

She reported the Planning Commission could take one of three actions: recommend approval of the project with conditions, recommend denial of the project with findings, or direct staff and the petitioner to obtain additional information for consideration at the August 5, 2015.

Scott McQueen, Wold Architects, commented that representatives from ISD 196 are available to answer questions.

Randy Dukek, Transportation Coordinator for ISD 196, explained ISD 196 put a lot of thought into how this building could be situated and how it could be built to minimize any concern to the neighborhood to the north. They want to be a good neighbor.

Commissioner Alwin inquired as to the proposed condition of leaving the north doors closed unless a bus is actually entering the building and what ISD 196 may be thinking about the impact of the operation.

Mr. Dukek reported that if they did not have the doors open upon the return time then each bus would need a garage door opener. They would wait as late as they could to open the doors otherwise they would open the garage doors when the buses are starting to return for the day. If each bus driver had a garage opener then all morning the doors would be going up and down which could be more distracting and more cumbersome.

Chair Melander asked if the motors that drive the openers are typical household kind or more powerful.

Mr. Dukek answered that the doors are 12' doors and did not know if the motors are any louder other than probably the time it takes to go up and the noise a garage door usually makes.

Bruce Nordquist said the maintenance garage doors are opened to the east and west and equipment could be heard. He asked for Mr. Dukek to comment on that.

Mr. Dukek commented the only time of concern would be the summer and early fall. During the winter the doors are closed because it is cold.

Commissioner Scanlan said if the garage doors are left open the sound would travel through the mechanics bay. He commented that with newer technology some doors are quiet when opening. He would like to see the doors closed.

Commissioner Diekmann asked for clarification on the noise study and refracting noise.

David Braslau, David Braslau Associates, Inc., provided additional information. He agreed that noise can reflect off the bus.

Commissioner Scanlan asked if the noise proposal was for 3/4" wall and ISD 196 decided to go with 1 1/2" heavier wooden material how much difference in sound control does it make with one material vs. the heavier material.

Mr. Braslau answered that 3/4" thickness is the minimum and for taller walls you would construct with heavier wood which is more stable. The material itself is doing a lot better job of stopping the sound than the height of the wall because sound reflects over the top of the wall.

Ted Carlson, Carlson Commercial, commented he was available to answer questions.

Chair Melander asked what went into the study that he performed.

Mr. Carlson answered that they looked at 14 different sites throughout Apple Valley and Eagan and they looked at a combination of location, efficiency and saving money as well as zoning, available land, cost of land, a willing seller and the ability to close on the property.

Chair Melander asked if this site was his recommendation.

Mr. Carlson answered that it was not his recommendation. The study had been presented and ISD 196 made the selection.

Chair Melander recognized that there are unanswered items and that the fence, the opening of the doors and the noise of the motors have not been clarified. He thought this would have been farther along. He asked Ms. Bodmer if staff was still working on those things.

Ms. Bodmer answered yes and that staff is recommending not taking action tonight.

Chair Melander commented that there are lots of issues with this project that need to be addressed.

Commissioner Scanlan expressed concern about the roof vent system, the height of the units and the visual from Upper 147th Street and inquired if they can be screened so as not to be so visible.

