

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
OCTOBER 21, 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, Angela Polozun and Paul Scanlan.

Members Absent: Tim Burke, Keith Diekmann and David Schindler.

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Kathy Bodmer, Assistant City Engineer Brandon Anderson, 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 Scanlan moved, seconded by Commissioner Polozun, approving the agenda. Ayes - 4 - Nays - 0.

3. APPROVAL OF MINUTES OCTOBER 7, 2015

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

MOTION: Commissioner Scanlan moved, seconded by Commissioner Polozun, approving the minutes of the meeting of October 7, 2015. Ayes - 4 - Nays - 0.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

A. Zoning Amendment I-2 – Consideration of an Ordinance Amending the I-2 (General Industrial) zoning district concerning obsolete industrial uses and bulk fuel storage. **(PC15-06-Z)**

LOCATION: City Wide

PETITIONER: City of Apple Valley

Planner Kathy Bodmer stated that a total of 161.1 acres of land, or 1.5% of the total area of the City, is zoned "I -2" (General Industrial). Parcels zoned I-2 are located in close proximity to residential neighborhoods, parks and a high school. Some of the current permitted and conditional uses are no longer compatible 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. When an I-2 use is within 1,000 feet of residential or institutional property, the ordinance allows the City Council to require berming, landscaping, orientation of activities, or a combination of methods, to minimize impacts to the nearby residential and institutional properties.

Currently, petroleum storage tanks are listed as a permitted use in the I-2 zoning district with no additional 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. However, following an established date, a property owner who wishes to add or replace any fuel storage tanks in the I-2 zone that is 10,000 gallons or more, or with an aggregate total of 10,000 or more gallons, would be required to obtain a conditional use permit (CUP). Tanks of less than 10,000 gallons or with an aggregate total of tanks less than 10,000 gallons would be allowed accessory uses, but must comply with the ordinance requirements.

To protect against leaks, spills and fires, the ordinance provides specific design requirements for the construction of secondary containment (berming and impervious lining for surface and groundwater protection) and fire protection. Containment berms must be able to contain a minimum of 1½ times the volume of the largest tank within the containment cell with a vertical travel time of no less than seven days.

Direct fire protection/suppression must be pre-plumbed to all tanks. Foam fire protection is required for atmospheric tanks. The ordinance containment and public safety measures will be required at the time of construction of a new or replacement tank. When a CUP is issued for a new tank, containment and public safety measures will be required on the existing tanks on a schedule approved by the City. A property owner with above-ground storage tanks will be required to provide a comprehensive emergency response plan indicating how any leak, spill or fire would be managed a minimum of every five years.

The public hearing for the draft ordinance amendment was held on March 18, 2015. Since that time, Staff has been working with owners of I-2 zoned properties to address issues of concern. The ordinance was amended to address the concerns raised while maintaining the clear and objective standards provided in the ordinance.

Discussion followed.

Tom Byers, Magellan, provided additional information.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Alwin, recommending approval of the draft ordinance amending the "I-2" (General Industrial) zone to

delete obsolete industrial uses and add performance standards for bulk fuel storage tanks. Ayes - 4 - Nays - 0.

7. OTHER BUSINESS

A. Dominium Sketch Plan Review – Sketch Plan Review of proposed rezoning from “M-8C” (Multiple Family Residential, 12 - 24 units/acre) to “PD” (Planned Development) and Site Plan Review/Building Permit Authorization to construct a 164-unit senior apartment development on the 3.6-acre property on the southwest corner of Cedar Avenue and 140th Street by Dominium.

Planner Kathy Bodmer described the property that is currently zoned M-8C which allows multiple family residential with a density of 12 to 24 units/acre. In an M-8 zoning district, densities may be increased to 32 units/acre for a four story building and 40 units per acre in a five story building by conditional use permit through density bonuses. Multiple-family housing for seniors is a permitted use in the zoning district. The petitioner will be requesting a rezoning of the property to "PD" (Planned Development) to allow fewer parking stalls and relief from some of the setback requirements. A rezoning to PD will require the applicant to provide a written statement of how a rezoning of this property to a PD designation will benefit the public interest.

She commented there are site challenges. The parcel is difficult to develop due to its topography and proximity to Cedar Avenue and 140th Street. The site has a significant hill next to Granite Avenue on the west side of the site. Approximately 30' of grade change occurs from the southeast corner of the site to the peak of the hill adjacent to Granite Avenue. Cedar Avenue is classified as a Principal Arterial road and 140th Street is classified as a Major Collector. Access to the site is only available from Granite Avenue on the west side of the property. The site has several significant trees, but they are mostly elm and boxelder.

The sketch plan showed the 4-story senior apartment building with underground parking located parallel to Cedar Avenue. The building will have 164 units which will result in a density of 45.6 units/acre.

The sketch indicates that 143 garage parking stalls and 50 surface parking stalls would be provided which is a ratio of 1.18 parking stalls per unit. In a market rate apartment development, parking is required at 1 garage stall and 1.5 surface stalls per unit (2.5 spaces/unit). Variances were granted to other recent senior developments based upon the unique needs of seniors.

Two access drives were shown to the site from Granite Avenue. The northern driveway does not perfectly align with the Summerhill driveway to the west, but should not be a significant issue because of the low traffic volume. No additional access drives will be permitted to the site from Cedar Avenue or 140th Street.

A perspective drawing was provided that showed the exterior of the building and a variety of materials and varying roofline.

Ron Mehl, Senior Developer with Dominion, introduced his team and provided additional information.

Discussion followed.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, November 4, 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 7:55 p.m. Ayes - 4 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 11/4/15.