

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
DECEMBER 2, 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, Keith Diekmann, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: Tim Burke.

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Tom Lovelace, Planner Kathy Bodmer, 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.

Community Development Director Bruce Nordquist suggested that items 6A – Cobblestone Lake North Shore 2nd Addition and 7A – 2016 Planning Commission Calendar be moved to the consent agenda.

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

3. APPROVAL OF MINUTES NOVEMBER 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 November 4, 2015. Ayes - 5 - Nays - 0. Abstained – 1 (Alwin)

4. CONSENT ITEMS

6A. Cobblestone Lake North Shore 2nd Addition – Consideration of a Comprehensive Plan Land Use Map amendment, rezoning, and subdivision to allow for 47-single-family lots on 11.57 acres. **(PC15-35-PZS)**

LOCATION: Southeast corner of 155th Street West and Embry Path

PETITIONER: South Shore Development, Inc.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the amendment to the 2030 Land Use Map to re-designate Outlot B, COBBLESTONE STONE LAKE COMMERCIAL 3RD ADDITION from "MD" (Medium Density Residential/6-12 units per acre) to "LD" (Low Density Residential/2-6 units per acre). Ayes - 6 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the rezoning of Blocks 1 and 2 and Outlot A, COBBLESTONE LAKE NORTH SHORE 2ND ADDITION according to the preliminary plat, from Planned Development No. 703/zone 8 to Planned Development No. 703/zone 2A. Ayes - 6 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the COBBLESTONE LAKE NORTH SHORE 2ND ADDITION preliminary plat, subject to the following conditions:

- The plat shall be configured to have 47 residential lots and one (1) outlot.
- Dedication on the final plat of a drainage and utility easement over Outlot A.
- The dedication of one foot (1') wide easements that will restrict direct driveway access to Cobblestone Lake Parkway North, Embry Path, 155th Street West, and Eagle Bay Drive.
- Parking shall be allowed on one side of Street A in accordance with the parking plan, dated September 28, 2015
- The maximum width of a driveway within the street right-of-way shall be 14 feet.
- Curb modifications along the north side of Cobblestone Lake Parkway North shall be made at the public street intersections.
- The sanitary sewer and watermain lines shall be re-aligned to connect with existing lines at the intersections of Street A and Cobblestone Lake Parkway North.
- The existing sanitary sewer and watermain services from Cobblestone Lake Parkway North to the property shall be removed or abandoned to the satisfaction of the City.
- Landscaping shall be installed in accordance with the landscape plan dated November 9, 2015, subject to the planting all trees outside of the street right-of-way.
- Sidewalks shall be installed along both sides of the public street.

Ayes - 6 - Nays - 0.

7A. Approve 2016 Planning Commission Calendar

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, approving 2016 Planning Commission Calendar. Ayes - 6 - Nays - 0.

5. PUBLIC HEARINGS

A. Apple Valley Senior – Public hearing to consider a rezoning from “M-8C” (Multiple Family Residential, 12-24 units/acre) to “PD” (Planned Development), subdivision by Preliminary Plat, and Site Plan Review/Building Permit Authorization for construction of a 163-unit senior apartment building. **(PC15-41-ZSB)**

LOCATION: Southwest corner of Cedar Avenue and 140th Street

PETITIONER: Leased Housing Development IV, LLC (Dominium)

Chair Melander opened the public hearing at 7:05 p.m.

Planner Kathy Bodmer stated the applicant, Apple Valley Leased Housing IV, LLC, is requesting consideration of the following actions:

1. Rezoning from "M -8C" (Multiple family, 12 to 24 units /acre) to "PD" (Planned Development)
2. Subdivision by preliminary plat of Hudson Division to combine four existing parcels into a single parcel
3. Site Plan Review /Building Permit Authorization to construct a 163-unit senior apartment building on the southwest corner of Cedar Avenue and 140th Street West.

The property is currently zoned M-8C which allows multiple family residential with a density of 12 to 24 units /acre. An apartment building for seniors is a permitted use in the zoning district. The petitioner is requesting a rezoning of the property to "PD" (Planned Development) to allow fewer parking stalls and relief from the setback requirements along Cedar Avenue and 140th Street. 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 reviewed the existing conditions and preliminary plat, site plan, grading and drainage, landscape plan, utilities and exterior elevations.

Commissioner Scanlan commented on the need for a retaining wall and asked if the materials would blend in with the building.

Ms. Bodmer answered that with the challenges of the grade and the limited space the retaining wall would need depth as well as height, could be made with boulders and could possibly be broken down in two tiers.

Commissioner Scanlan asked if elevations for all four sides and the type of materials could be provided for the next meeting.

Dave Lilja, 14055 Granite Ave, Suite 302, expressed concerns for the number of cars per unit. He had a concern for the amount of traffic. He said Summerhill’s north property has a drainage and utility easement that runs into outlot B and would like for the engineer to take a look at it.

Penny Roeller, 14110 Granite Avenue, said she lives south of the site, had concerns for the number of cars that use Granite Avenue now and thinks that adding 163 units is too much for that road. She would also like the lighting considered too.

Ron Mansmith, 14055 Granite Ave, Suite 216, expressed concern for the traffic driving east on 140th Street and that drivers do not see people that are turning right on to Granite Avenue because they assume they are turning on Cedar Avenue. There is not a turning lane off 140th Street. His other concern was when drivers come off 142nd Street to travel north on Granite Avenue. It is a blind intersection when traveling up the hill. He would like the density of that property considered with the amount of traffic it would generate.

Ron Mehl, Dominion Development, commented they will take another look at the traffic concerns. Noise is also a concern to them. They will look at materials used and will work with City staff.

Travis Robertson, 14055 Granite Ave, Suite 214, had traffic concerns. He commented on the berm/medium on 140th Street that traveling west a driver cannot turn left on to Granite Avenue. He said the speed of the vehicles is a concern on the curve and that 142nd Street and Granite Avenue is a dangerous corner. He also said traveling east on 142nd Street from Pennock Avenue there is a deep grade going down.

Mike Gragert, 14125 Granite Avenue, said he was there before Summerhill was built. The height of these buildings is too high compared to his house/townhouses. Others are one level or two story houses. There are traffic problems on both ends. He would like to see the height of the new building kept down to three stories so it would blend in with the neighborhood.

Chair Melander closed the public hearing at 7:36 p.m.

B. Pennock Center – Public hearing to consider a conditional use permit for drive-thru in connection with a Class III restaurant, variance and site plan review/building permit authorization to construct a 4,800 sq. ft. commercial building. **(PC15-40-CVB)**

LOCATION: 7668 150th Street West

PETITIONER: Java Capital Partners

Chair Melander opened the public hearing at 7:37 p.m.

Planner Kathy Bodmer presented the request of the petitioner for a conditional use permit, variance and site plan review/building permit authorization to redevelop the Liberty Credit site on the southeast corner of 150th Street West and Pennock Avenue to construct a 4,800 sq. ft. building for a Class I Casual Restaurant and Class III Neighborhood Restaurant with drive-thru.

The project involves the redevelopment of an underused office building. The current office building would be removed. A variance is requested to reduce the parking lot setback from 15' to 10'.

The 2030 Comprehensive Plan guides the development of the site for "C" (Commercial) uses. A Class III Neighborhood Restaurant and a Class I Casual Restaurant are both consistent with the comp plan designation. The property is zoned "RB" (Retail Business). A Class I and Class III Restaurant are both permitted uses in the zoning district. A Class I Casual Restaurant is a fast-casual restaurant where food is prepared after it is ordered, some bussing of tables is done by waitstaff, and reusable dinnerware is used. A Class III restaurant is a neighborhood oriented restaurant like a coffee shop, donut shop or bagel shop. A drive-thru window in connection with a Class III Restaurant requires a conditional use permit (CUP) and must meet the CUP requirements.

Commissioner Alwin asked if there was a significant grade from the site to County Road 42 and if there was a sidewalk connection for pedestrian traffic.

City Engineer Brandon Anderson answered that there is not a significant grade.

Commissioner Scanlan had a question on the variance and asked if there is a history of 15' losing that consistency and what that might mean for other businesses coming back and wanting to make change and losing that uniformity. He thought they should be able to pick up that 5' from somewhere in their design to retain that so they do not have to come with a variance.

Ms. Bodmer answered that it provides flexibility for sidewalk area for the building. The lot is a tight space.

Commissioner Scanlan asked about the additional road for the driveway lane and if it was a City requirement or was it a design element by the petitioner.

Ms. Bodmer answered that the petitioner did it themselves.

Commissioner Scanlan questioned that with the tight space if there would be fire vehicle access.

Ms. Bodmer said the Fire Department is reviewing the plans and has concerns about the height of some of the elements on the west side and the petitioner is addressing it.

Commissioner Alwin commented that from the plans it looked like outdoor patios and said that they will still need to see the seating plan to calculate parking.

Ms. Bodmer said yes there are outdoor patios and the parking demand for outdoor seating is a little lower and it does need to be calculated.

Chair Melander inquired about the trees along County Road 42 and suggested they contact the Natural Resources Coordinator about them.

Patrick Sarver, representative for JAVA Capital Partners, said they could add additional landscaping on the north side. The ones shown are technically off the site and are within the right-of-way and they would be happy to work with the City if the City would want additional trees to

replace some of the trees that have been lost there. There is a potential for Firestone parking. He commented that the church to the west could allow employee parking.

Commissioner Diekmann asked for definition of a Class I and Class III restaurant.

Ms. Bodmer explained the difference.

Chair Melander closed the public hearing at 7:54 p.m.

C. 14607 Felton Court C.U.P. – Public hearing to consider a conditional use permit to allow open storage of vehicles and equipment in an “I-2” (General Industrial) zoning district. **(PC15-42-C)**

LOCATION: 14607 Felton Court
PETITIONER: AVBC, LLC

D. 14608 Felton Court C.U.P. – Public hearing to consider a conditional use permit to allow open storage of vehicles and equipment in an “I-2” (General Industrial) zoning district. **(PC15-43-C)**

LOCATION: 14608 Felton Court
PETITIONER: AVBC, LLC

E. 14645 Felton Court C.U.P. – Public hearing to consider a conditional use permit to allow open storage of vehicles and equipment in an “I-2” (General Industrial) zoning district. **(PC15-44-C)**

LOCATION: 14645 Felton Court
PETITIONER: AVBC, LLC

F. 6275 - 147th Street West C.U.P. – Public hearing to consider a conditional use permit to allow open storage of vehicles and equipment in an “I-2” (General Industrial) zoning district. **(PC15-45-C)**

LOCATION: 6275 - 147th Street West
PETITIONER: AVBC, LLC

Chair Melander opened the public hearing at 7:55 p.m. for all four CUP requests because of the similarity.

Mark Hebert, AVBC, LLC, concurred with taking the approach of combining all four public hearings together.

City Planner Tom Lovelace stated the applicant, AVBC, LLC, is requesting approval of a conditional use permit to allow for outdoor storage of vehicles and equipment at all four sites. They are requesting that they be allowed to park vehicles and trailers overnight. All the vehicles and trailers will have current registration and be in operational condition, and will be used in the normal course of business. They would also like to have the ability to place a dumpster or compactors in

the loading berths. They have indicated that these will be low profile containers that resemble flatbed trailers.

The properties are zoned "I-2" (General Industrial), which is a zoning district that allows for open storage as a conditional use. The applicant would like to store vehicles and trailers on an area behind the buildings. The applicant has stated that long-term storage of vehicles and trailers (vehicles not used for 90 days or more) and personal vehicles such as RV's, snowmobile or ATV trailers will not be allowed. Storage of damaged, inoperable, or unlicensed vehicles and trailers should not be allowed to be stored. In addition, storage of semi-trailers outside of the loading docks should not be allowed.

There are parking spaces shown on the sites in the front of the buildings, which is sufficient parking for an industrial building of this size. Parking in the rear of the building for employees or customers is not needed to meet City code requirements.

City Code requires that all exterior storage shall be screened. The type of screening required includes a solid fence or wall, landscaping, or earth berm. If landscaping is used, it should provide a year-round solid screen. Natural features, such as differences in elevation, tree masses or other similar natural features may negate the need for man-made screening in certain areas.

A conditional use is defined as a use permitted in a zoning district that is contingent upon complying with all conditions as set forth by the approving agency, in this case the City of Apple Valley. The purpose of the C.U.P. procedure is to determine if the proposed site has any unique characteristics that require special consideration to adequately accommodate the proposed use without adverse effects upon the surrounding uses.

Commissioner Diekmann asked what was considered storage versus normal use.

Mr. Lovelace said storage could be a variety of things but with this proposal outdoor storage would be things related to the uses at these locations.

Commissioner Diekmann asked if a tenant had a few dock trucks that they use for deliveries of their goods that do not fit at the docks, would that be considered storage in those spaces.

Mr. Lovelace answered if the trucks would be in the back outside of the docks in other spaces then likely yes and referenced a tenant in the back of one of the buildings that should be properly screened. Another tenant at a different building has some fleet vehicles and could be parking in the back of the building. Some tenants could provide 24-hour service while other tenants provide day and evening services.

Attorney Sharon Hills commented that City code generally prohibits overnight parking of vehicles in commercial and industrial zones in designated parking stalls. This conditional use would alleviate that kind of violation. For code enforcement purposes the City treats it as storage.

Mr. Lovelace said there is sufficient amount of parking in the front of three of the four buildings that provides off street parking.

Commissioner Diekmann questioned as to what the Commission is looking at is that the applicant plans to park vehicles overnight in the back not longer than 90 days.

Mr. Lovelace answered he did not know about the 90 days and had not talked to the applicant regarding that. He thought the 90 days may be related to nuisance violation rather than as it relates to any storage of equipment or vehicles within a certain area.

Commissioner Diekmann inquired if with multi-tenant buildings if there is any impact for turning radius due to the storage where there are loading docks behind and if it had been analyzed.

Mr. Lovelace said it has not been analyzed but this could be checked on before they make any recommendation.

Commissioner Diekmann asked about additional storage like shipping containers and if that would be part of this proposal.

Ms. Hills answered that the terms of the conditional use permit can be as strict and defined as you wish to allow and the terms can say what is not permitted to be storage.

Commissioner Alwin inquired what the potential in the conditional use permit would be like vehicles used in the business versus storing whatever you want. He also inquired to the trash component and how it would relate. He would also like staff to look at the fire requirements related to trash and storage.

Mr. Lovelace referred to roll-off trash containers used by another tenant in their business and could this be different than having a trailer in the back or not. The City could make it as restrictive as necessary to alleviate problems. Fire code issues would need to be resolved.

Commissioner Scanlan inquired as to what other kind of storage besides vehicles would be part of this. Would this include pallets and materials stored outside.

Mr. Lovelace answered that is part of the public hearing and discussion tonight and he looks to the Commission for what they would be comfortable with.

Commissioner Scanlan suggested landscaping for the screening material such as a multi-tiered or layered landscaping versus going with a fence material that there is more maintenance with. He felt the 90-day leeway for vehicle storage seemed a little excessive.

Commissioner Alwin said he agreed with Commissioner Scanlan for the softer looking landscaping for screening at the 14645 Felton Ct building due to the residential development just to the west.

Mark Hebert, AVBC, LLC, stated that when these projects were originally presented they were anticipated for I-1 and I-2 industrial use and not pretty buildings. This is not commercial and not residential but an industrial corridor along here. They were very careful representing what type of use this was to be. They went through a design review process. All this was reviewed in the past with landscape design, off street parking and the storage of these buildings. The turning radius of semi-trucks and islands were all addressed at that time. He wants to be a good neighbor. This was originally presented that there was going to be parking and parking overnight. It is not storage. They implement the policy where all vehicles, trailers, and everything in the back area have to be in operable condition, has to be currently titled and cannot be in any one position for more than 90 days. That has to do with the nature of their season of these businesses. He commented the 30 businesses at the four locations need to have those unsightly things in order to function as a business and that it is a minimum requirement for them. He said he would be happy to work with counts or timeframes.

Chair Melander closed all four public hearings at 8:38 p.m.

6. LAND USE/ACTION ITEMS

B. 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 requests consideration of a subdivision by preliminary plat to create a new lot, conditional use permit for operation of a bus storage and maintenance facility, conditional use permit for a screened temporary storage area for a maximum of six buses, and site plan review/building permit authorization for construction of a bus storage and maintenance facility on the northeast corner of Johnny Cake Ridge Road and Upper 147th Street West.

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 Transportation Hub Facility project was reviewed at the Planning Commission's May 20, June 17, and July 15, 2015, meetings. Meetings have been held with the neighbors who abut the property directly to the north of the proposed facility. She reviewed any outstanding items from the July 15, 2015 meeting.

Chair Melander addressed the audience and reviewed the role of the Planning Commissioners and that the Commission only makes recommendations to the City Council. The City Council makes the final decision on a project.

Discussion followed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the subdivision by preliminary plat of Eagle Ridge Business Park Second Addition, subject to compliance with all City Codes and Ordinances and the following conditions:

- a. A minimum 10' drainage and utility easement shall be dedicated behind Evendale Way right-of-way on Outlot A.
- b. A cash-in-lieu of land parkland dedication shall be required in accordance with the City's dedication formula in the subdivision ordinance.
- c. Stormwater pond dedication has been previously satisfied.
- d. Drainage and utility easements shall be dedicated for a future well site and water main as noted in the Assistant City Engineer's memo of June 12, 2015.
- e. A development agreement between the School District and City which provides the terms and conditions of the installation and payment of the cost for future road improvements which may be needed when the facility expands in the future shall be executed and recorded as a condition of the final plat approval.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of a conditional use permit to construct a 60,000 sq. ft. transportation hub facility including bus storage, bus maintenance, fueling and bus wash, subject to approval of the Preliminary Plat of Eagle Ridge Second Addition, and compliance with all City Code and Ordinances and the following conditions:

- a. The transportation hub shall be screened from the residential properties to the north by a minimum 12' tall articulated wood privacy fence with landscaping on both sides of the fence as depicted in the November 23, 2015, fence location plan. The final fence location, height and planting plan shall be reviewed and approved by the Planner prior to issuance of the building permit.
- b. The north garage doors of the bus garage shall remain closed from 6:00 p.m. to 8:00 a.m. The doors may be opened during this time, but then closed once the bus enters the garage.
- c. The garage doors on the maintenance bays and bus wash shall remain closed from 8:00 p.m. to 7:00 a.m. The doors may be opened during this time, but then closed once the vehicle enters the bus wash or repair bay.
- d. The School District shall establish a contact person who will receive phone calls if neighboring properties have concerns regarding the Transportation Hub facility.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of a conditional use permit to construct a 2,700 sq. ft. storage area for a maximum of 6 buses, subject to approval of the Conditional Use Permit for the Operation of a Bus Storage and Maintenance Facility and compliance with all City Codes and Ordinances and the following conditions:

- a. The outdoor area shall be paved.
- b. An 8' tall maintenance -free fence shall be used to screen the storage area.
- c. The overnight storage of buses shall be limited to the screened storage area.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of the site plan and give building permit authorization subject to the approval of the Preliminary Plat of Eagle Ridge Second. Addition and a Conditional Use Permit to Operate a Bus Maintenance and Storage Facility and compliance with all City Codes and Ordinances and the following conditions:

- a. In accordance with § 155.351(E), the City authorizes the construction of the 12' articulated fence along the north property line to screen the site from the residential properties to the north.
- b. The garage doors shall be painted a color that complements the color of the exterior building material color.
- c. The garage doors shall be insulated and constructed of an inside and outside layer of 25 gage steel with 2" polystyrene between for insulation.
- d. Air handling units shall be installed on the south side of the bus garage which are sized to allow for the buses to idle during the pre -trip safety check with the north garage doors closed.
- e. The north fence shall be installed after site grading and prior to construction to screen the residential properties to the north.
- f. The plans shall be revised to address the issues identified in the Assistant City Engineer's June 12, 2015, memo.
- g. The rooftop air handling equipment on the bus storage garage and bus maintenance garage shall be painted to match the color of the roof.
- h. The trash enclosure shall be constructed with an exterior of masonry that matches the exterior of the buildings and be of sufficient size to enclose dumpster containers.

Ayes - 6 - Nays - 0.

7. OTHER BUSINESS

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, December 16, 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 Diekmann to adjourn the meeting at 9:34 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

 /s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 12/16/15.