

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JANUARY 20, 2016

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 Michael Klemm, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Planner Kathy Bodmer, 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 Diekmann moved, seconded by Commissioner Scanlan, approving the agenda as amended. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES DECEMBER 16, 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 December 16, 2015. Ayes - 6 - Nays - 0.

4. CONSENT ITEMS

A. Planned Development No. 342 Zoning Amendments – Set public hearing for February 17, 2016, 7:00 p.m. to consider amendments to PD-342/Zone 1 related to building coverage percentages.

LOCATION: Southeast corner of Johnny Cake Ridge Road and 142nd Street W.

PETITIONER: City of Apple Valley

MOTION: Commissioner Schindler moved, seconded by Commissioner Diekmann, setting public hearing for February 17, 2016, 7:00 p.m. to consider amendments to PD-342/Zone 1 related to building coverage percentages. Ayes - 6 - Nays - 0.

5. PUBLIC HEARINGS

A. Quarry Ponds Additions – Public hearing to consider a rezoning from “SG” (Sand and Gravel) to “PD-975/zone 1” (Planned Development) and subdivision of 25 acres into 60 single-family residential lots. **(PC15-47-ZS)**

LOCATION: Northwest corner of 157th Street West and Johnny Cake Ridge Road
PETITIONER: Palm Realty, Inc.

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

City Planner Tom Lovelace stated the property is currently zoned "SG" (Sand and Gravel). The applicant has requested a rezoning of the property from "SG" to a "PD -975 /zone 1" (Planned Development). The minimum lot area and lot width within this "PD" district is 8,450 sq. ft. and 60 feet for an interior lot, and 10,400 sq. ft. and 80 feet for a corner lot. All lots meet the minimum lot area requirements and it appears that all lots meet the minimum lot width requirements.

The proposed development is located on property that is part of a sand and gravel mining conditional use permit (C.U.P.). This proposal will end the ability of Fischer Sand and Aggregate, the current owner, to mine the property. The owner will need to release the subject property from sand and gravel mining C.U.P. Staff will work with the developer and property owner with an amendment of their C.U.P.

Mining operations will continue to the north and east of the proposed development, which could result in potential conflicts with the proposed residential development. This will need to be addressed through the zoning code regulations that establish setbacks between residential property and mining operations, operating hours, and screening.

The project is proposed to be done in three phases. The most southerly 21 lots will be developed in the first phase, with the remaining 39 lots developed in the second and third phases. Therefore, all residential lots in the latter phases should be platted as one or two outlots, consistent with the phasing plan.

The City will share part of the cost for the construction of Johnny Cake Ridge Road and 157th Street West.

Commissioner Scanlan asked if the streets were full widths or partial.

Mr. Lovelace answered they are the standard width of 60 foot wide right-of-way and that parking would be allowed on both sides.

Chair Melander commented that years ago the Regatta residents were concerned about sand and gravel in the area when those lots were being sold and he would not want a repeat performance in this case. He would like something specific when it gets to the point of lots for sale that the people contemplating the purchase are made aware of the sand and gravel operations.

Mr. Lovelace referenced the Quarry Ponds development to the south and Regent's Point development where homes are being constructed, homes are being occupied and that the City has not heard any complaints related to the sand and gravel operations and if there had been, they were not real strong complaints about what the activity is.

Chair Melander closed the public hearing at 7:22 p.m.

6. LAND USE/ACTION ITEMS

A. Apple Valley Senior – Consideration of 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: Apple Valley Leased Housing Development IV, LLC (Dominium)

Planner Kathy Bodmer stated 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 reduce the number of required parking stalls, reduce the setbacks from Cedar Avenue and 140th Street, and allow for increased density based upon senior amenities. A written statement of how a rezoning of this property to a PD designation will benefit the public interest has been provided.

The 4-story senior apartment building with underground parking will be located roughly parallel to Cedar Avenue in a north-south alignment. The building will have 163 units which will result in a density of 45.5 units /acre. The plans indicate that 143 garage parking stalls and 50 surface parking stalls would be provided which is a ratio of 1.14 parking stalls per unit.

Ms. Bodmer said the City Engineer conducted a traffic study and determined that the site will have very low traffic volume and should have no negative impact on adjacent roadways. She reviewed grades and retaining wall needs and related concerns.

She presented drawings showing the building in relation to the site. A variety of materials and varying roofline helped to provide visual interest and breaks up the massing of the building. A cross section drawing helped to show that the proposed new building will be constructed at a lower elevation than the properties to the west. The proposed building will not "tower over" nearby buildings, but will actually have a lower roofline than the Summerhill building. The proposed senior apartment and Summerhill building will be over 300' between each other which will also help to offset the "towering" effect.

Discussion followed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the rezoning of the subject property from "M -8C" (Multiple family, 12

to 24 units/acre) to "PD" (Planned Development) subject to execution of a Planned Development Agreement. Ayes - 6 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the subdivision by preliminary plat of Hudson Division to combine four existing parcels into a single parcel subject to compliance with all City Codes and the following conditions:

- a. A License to Encroach Agreement shall be executed for the private improvements that encroach into City drainage and utility easements including retaining walls, sidewalks, and stairs.
- b. A Private Maintenance Agreement shall be executed for the long term maintenance and functioning of storm water retention/infiltration basins and structures.
- c. A Trail Easement shall be dedicated for the trail along 140th Street West.
- d. A Private Installation Agreement shall be executed for the removal of existing public services on the site.
- e. A Restricted Access Easement shall be dedicated along 140th Street W.
- f. Park dedication shall be a cash-in-lieu of land dedication.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, recommending approval of the 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, subject to compliance with all City Codes and the following conditions:

- a. Site plan/building permit authorization is subject to a rezoning of the property to "PD" (Planned Development) and execution of a Planned Development Agreement.
- b. A License to Encroach Agreement shall be executed for the private improvements that encroach into City drainage and utility easements including retaining walls, sidewalks, and stairs.
- c. A lighting plan shall be required at time of application of the building permit.
- d. At time of application of the building permit and natural resources management permit (NRMP), existing boulevard trees along Cedar Avenue shall be depicted on the grading, landscape and site plans along with tree protection measures.
- e. At time of application of the building permit, applicant shall provide measures to mitigate noise levels on the east side of the building adjacent to Cedar Avenue, subject to approval by the Planner.
- f. Tree protection measures for the specimen Hackberry adjacent to Granite Ave shall be reviewed and approved by the City's Natural Resources Coordinator prior to issuance of the Natural Resources Management Permit (NRMP).

- g. At time of application of the building permit, the Site Plan shall be revised to provide accessible building egress in accordance with the Building Code and Fire Code.
- h. No sign approval is given at this time. A separate sign permit that complies with the Sign Code must be obtained prior to the installation of any signs on the site.
- i. The petitioner shall revise plans as necessary to comply with the City Engineer's memo of January 15, 2016.
- j. The petitioner shall comply with the Fire Code requirements as indicated in the Fire Marshal's memo of November 9, 2015.
- k. The petitioner shall incorporate Crime Prevention Through Environmental Design (CPTED) principals as recommended by the Crime Prevention Specialist.
- l. At time of application of the NRMP, the petitioner shall provide a designated response action plan (DRAP) that outlines procedures to be followed in the event of discovery of any historic artifacts during land disturbing activities on the site in compliance with all Federal and State Historic Preservation and Archeology requirements.

Ayes - 6 - Nays - 0.

B. Pennock Center – Consideration of 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 Partner

Planner Kathy Bodmer stated the project involves the redevelopment of an underused office building on the southeast corner of CSAH 42 and Pennock Lane. The office building would be removed and a 4,800 sq. ft. two-tenant retail building would be constructed. The petitioners previously proposed a Class I Casual restaurant and Class III Neighborhood restaurant with drive-thru window. The applicant has now revised their plans and scaled back to a coffee house and dental office. The new plans would help with the parking demand on the property. A variance is requested to reduce the parking lot setback from 20' to 10' adjacent to County Road 42. A 21" public sanitary sewer line is located on the west side of the property. A drainage and utility easement will be needed over the line.

Ms. Bodmer described how the number of required off-street parking spaces is calculated based on the number of seats inside and outside a restaurant. The petitioner plans to work out a shared parking agreement with the Firestone site west of the subject site for additional spaces. She reviewed site plan, grading and drainage plans, landscaping design and utility plans. The site is expected to connect to shared private utilities available at the site. The City will need copies of agreements that allow for the private connections.

Mark Krogh, Java Capital Partners, provided addition information.

Discussion followed.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of a conditional use permit for a drive-thru window in connection with a Class III restaurant, subject to compliance with City Code § 155.157(M) and all other City Codes and the following conditions:

- a. Queuing traffic for the drive-thru window shall be accommodated on the site. Drive-thru traffic shall not impede shopping center traffic using the private driveway south of the site.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of a variance reducing the parking setback from 15' to 10' adjacent to County Road 42, subject to compliance with all City Codes.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, recommending approval of the site plan/building permit authorization to construct a 5,300 sq. ft. building for a Class III Neighborhood Restaurant with drive-thru and dental office subject to compliance with all City Codes and the following conditions:

- a. Executed cross-parking agreements shall be provided at time of application of the building permit. If agreements cannot be reached that fully accommodate the needed parking, the property owner shall be required to modify the plans and/or tenants in order to accommodate all parking on site.
- b. Evidence of private agreements to connect to utilities shall be provided at time of application of the building permit.
- c. Landscape plantings shall be installed at 2-1/2% the value of construction of the building based on Means Construction Data.
- d. The owner shall execute a License to Encroach Agreement with the City to construct four parking stalls within the City easement.
- e. The exterior of the trash enclosure shall be constructed of the same material as the exterior of the building.
- f. No sign approvals are given at this time. A separate sign permit must be obtained prior to the installation of any signs on the site. The signs shown on the site plan do not meet the sign requirements and must be revised at the time of application of the building permit.
- g. Plans shall be revised to address the City Engineer's memo of January 14, 2016.

Ayes - 6 - Nays - 0.

7. OTHER BUSINESS

A. TCF Bank Sketch Plan – Review of a potential comprehensive plan amendment, rezoning, subdivision by preliminary plat, and site plan review/building permit authorization for proposed 2,200-sq. ft. bank with drive-up lane(s) on a portion of an eight-acre parcel, located at 14201 Cedar Avenue, by TCF Bank and Mount Olivet Assembly of God Church.

Planner Kathy Bodmer stated the proposed sketch plan is very similar to the sketch plan presented to the Planning Commission at its January 16, 2013, meeting. The site plan is nearly identical, but the design of the building has been changed in keeping with TCF's new branding. The property is guided "INS" (Institutional) in the 2030 Comprehensive Plan; commercial uses are not permitted in this designation. Any new lot for the bank would require an amendment to the Comprehensive Plan from "INS" to "C" (Commercial). In addition to review and approval by the City, the Comprehensive Plan amendment requires review and approval by the Metropolitan Council. When the City Council reviews a request to amend its Comprehensive Plan, it has the most discretion to make its land use decision to ensure any amendment is consistent with the City's goals and vision.

The proposed bank would require a rezoning of the new lot. Staff believes a zoning designation of "LB" (Limited Business) would be appropriate given the adjacent land uses, though the TCF Bank would require a variance for building setbacks and approval of a shared parking plan. She commented the applicant is proposing to subdivide the existing 8-acre lot to create one 1/2-acre lot. Because the site is adjacent to Cedar Avenue, any plat must be reviewed by the Dakota County Plat Commission. No access is shown from Cedar Avenue. Parkland dedication or cash-in-lieu of land would be required for the subdivision.

Ms. Bodmer reviewed the site plan and sidewalk that connect to the trail along Cedar Avenue. Dakota County must approve the encroachment into the Cedar Avenue Right-of-Way. An additional connection to the sidewalk on 142nd Street may be desired to ensure the site is consistent with pedestrian connection plans for the Cedar Avenue corridor. A ground sign is shown in the plaza area in the Cedar Avenue Right-of-Way; the ground sign must be located on the property.

The most significant change to the 2013 plans is the exterior design of the building. The petitioner letter indicates that TCF is rebranding its bank buildings away from the former colonial style. The exterior materials would be a combination of brick, glass and prefinished metal panels. To help increase the visibility of the building, a tall entryway structure is shown on the southeast corner of the building. A distinctive canopy structure is proposed over the drive-thru lanes. Perspective drawings were included from a similar style bank.

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, February 3, 2016, 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 Schlinder moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:25 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

 /s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 2/3/16 .