

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
AUGUST 3, 2016

1. CALL TO ORDER

The City of Apple Valley Planning Commission meeting was called to order by Vice-Chair Burke at 7:01 p.m.

Members Present: Ken Alwin, Tim Burke, Keith Diekmann, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: Tom Melander

Staff Present: City Attorney Michael Dougherty, Community Development Director Bruce Nordquist, Planner Kathy Bodmer, City Engineer Brandon Anderson, Code Compliance Specialist Ben Pierson and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Vice-Chair Burke asked if there were any changes to the agenda. Hearing none he called for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Schindler, approving the agenda. Ayes - 6 - Nays - 0.

3. APPROVAL OF MINUTES JULY 20, 2016

Vice-Chair Burke 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 July 20, 2016. Ayes - 6 - Nays - 0.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Valley Oaks Dental – Public hearing to consider a rezoning from “GB” (General Business) to “RB” (Retail Business), subdivision by preliminary plat, and site plan review/building permit authorization to allow for construction of a 4,300 sq. ft. dental office. **(PC16-26-ZSFB)**

LOCATION: Southeast corner of Granada Drive and 146th Street West

PETITIONER: Primus Companies, Inc.

Vice-Chair Burke opened the public hearing at 7:03 p.m.

Planner Kathy Bodmer stated the petitioner wishes to construct a dental office on the southeast corner of Granada Drive and 146th Street W. The property is currently vacant and located within a "GB" (General Business) zoning district. The petitioner seeks a rezoning of the property to "RB" (Retail Business) to allow construction of the dental office.

When the property was surveyed for submission of the land use application, it was discovered that the property to the east, formerly the Southport Auto Body property, has a driveway that encroaches onto the subject property. To address the encroachment, the petitioner agreed to assist the neighboring property owner by shifting the common lot line west approximately 10'. This will allow the neighbor to maintain the driveway leading to the back of his building. It also ensures that the neighbor's driveway will meet the minimum setback of five feet from the side property line.

The site plan shows that the dental office building will be oriented so that the main entrance is on the south side of the site. The rear and side of the building face the adjacent public streets while the front of the building faces the Cabinet Store property to the south.

This area of the downtown has no sidewalks presently, but staff has observed pedestrian activity in the area. The 147th Street METRO Red Line Station is located two blocks from the subject parcel. Sidewalks are required in new developments, and are especially critical in this area to begin to create a transit-supportive neighborhood. Sidewalks are needed along both street frontages. Internal sidewalk connections are also needed from the street sidewalks to the building.

Vice-Chair Burke asked if there was going to be any signage for this building and where will it be.

Ms. Bodmer answered yes there is signage and it is a free standing sign and needs to be reviewed yet. At this time no building signs are shown.

Commissioner Scanlan asked if the parking is adequate and if the building is added to in the future if parking would still be adequate.

Ms. Bodmer answered yes there is enough parking even if the building is added to. Staff is not concerned about the parking spaces.

Commissioner Scanlan inquired about a bike rack to be added to the site.

Commissioner Alwin asked if this is rezoned to RB (Retail Business) does this create any grandfather/non-conforming uses in terms of heavier use in other businesses around. For those that are GB (General Business) could there be issues with signage or noise being too close to an RB.

Ms. Bodmer said she thinks that is a valid point because the activities in the GB businesses may have some activities that could impact. The owner did note that the business to the north is parking rental vehicles across the street kind of right where his property would be. She feels that when new development goes in established areas that the new folks come in and have higher expectations and

will nudge the neighbors along. She does not see an adherent conflict but there may be some differences because the uses are quite different.

Commissioner Alwin said that would be his concern that we would be creating a problem for the existing neighbors, through no fault of their own, just because we are moving something that is a less intense use into their block.

Vice-Chair Burke commented that if the entrance is on the south, what does the building look like from the west. Does it look like the entrance is the southwest corner of the building.

Ms. Bodmer said the building has some nice windows and articulation.

Katie Korogi, Primus Design and Construction, provided additional information. She said any issues can be addressed in a fairly reasonable manner. Dental offices are designed by the sun for the patient experience and that is why it is oriented the way it is on the site with the front entrance facing south. Adding a bike rack would not be an issue.

Commissioner Scanlan said he understands the orientation of the building in accommodating patients and asked if some detail from the entrance side could be carried over so that the back of the building does not look like the back side of the building.

Ms. Korogi said they could look at that.

Commissioner Diekmann said he was comfortable with the building design and the proposed actions as revised by Ms. Bodmer for the proposal to move forward. He feels the front of the building is the short side of the lot and that side does adequately reflect the front of the building due to the nature of the layout and design for the north indirect light. He said he was comfortable with this building and that the City has other buildings that do the same thing.

Community Development Director Bruce Nordquist inquired if the site lighting, in particular the employee parking to the east, and lighting for all seasons had been adequately addressed for both the customer and the employee.

Ms. Bodmer said the lighting plan has not been submitted yet. She added that when a parcel is not adjacent to residential then the spillover is less of a concern so the lighting plan would be reviewed at the time of application for the building permit. If it is a concern that the Planning Commission would like to review that, she could ask the applicant to prepare that. It is a level of detail that has not been asked for yet at this point.

Vice-Chair Burke closed the public hearing at 7:26 p.m.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of a rezoning of the property to be preliminary platted as Lot 1, Block 1, Valley Oaks from "GB" (General Business) to "RB" (Retail Business).
Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of the subdivision by preliminary plat of Valley Oaks subject to the following conditions:

- a. A six foot (6') wide sidewalk shall be installed where each lot abuts a public street in accordance with the City's engineering standards.
- b. Sidewalks shall be installed from the perimeter sidewalks to the building on Lot 1, Block 1, Valley Oaks (as preliminary platted) to provide pedestrian access from 146th Street West and Granada Drive to the building.
- c. A cash-in-lieu of land park dedication shall be dedicated for Lot 1, Block 1, Valley Oak (as preliminary platted) in accordance with § 153.29.

Ayes - 6 - Nays - 0.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, recommending approval of the site plan and give building permit authorization for a 4,300 sq. ft. dental office on Lot 1, Block 1, Valley Oaks (as preliminary platted), subject to the following conditions:

- a. Approval of the site plan/building permit is subject to approval of the rezoning and subdivision of the property.
- b. The infiltration basin shall be revised in accordance with the City Engineer's memo of July 28, 2016.
- c. The owner shall execute a storm water infiltration basin installation and maintenance agreement.
- d. The plans shall be revised to address the City Engineer's July 28, 2016, memo.
- e. A nursery bid list shall be submitted at the time of application of the building permit that confirms that the value of the landscape plantings, not including sod or hardscape, meets or exceeds 2-1/2% of the value of the construction of the building based on Means Construction Data.
- f. The trash enclosure shall be constructed of the same material as the exterior of the building.
- g. Approval of lighting plan.
- h. Addition of a bike rack.

Ayes - 6 - Nays - 0.

6. LAND USE/ACTION ITEMS

A. Aldi Grocery Store Sign Variance – Consider a variance to allow a south facing building sign directly across the street from residentially zoned property. **(PC16-29-V)**

LOCATION: 7589 153rd Street West

PETITIONER: Aldi

Ben Pierson, Code Compliance Specialist, stated Aldi, located at 7589 - 153rd Street W, requests a variance for a south facing building sign. Aldi is currently remodeling 22,000 square feet of the south portion of Burlington Coat Factory Building. A sign on the south face is needed to provide direction to approaching traffic from the west. Traffic intended for the location that misses the

entrance drive would not have another opportunity to enter the sight without traveling around the block and through several intersections.

To provide reasonable flexibility in the sign regulations, the Council may approve a variance for a sign otherwise not permitted by these regulations where an exception would not be inconsistent with the intent of the sign regulations.

The unique situation of the site under consideration leads to a number of practical difficulties. The property to the south is not a residential use, but a storm water pond. It is guided for Institutional Use in the 2030 Comprehensive Plan, but zoned M-6C (Multiple Family Residential, 6-12 units/acre).

Impacts to the townhomes south of the storm water pond should be minimal because there is an existing vegetative screening and no windows on the north side of the townhomes. The building sign is needed to direct guests to the appropriate entrance driveway off of 153rd Street W. Guests to the site approaching from the west on 153rd Street that miss the entrance driveway west of Cedar Avenue would not have another opportunity to enter the site without circumnavigating the entire block and multiple intersections as there is no entrance to the site for northbound traffic on Cedar Avenue.

Ryan Anderson, ISG representing Aldi, provided additional information.

Discussion followed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Schindler, recommending approval of a variance allowing for building signage to be installed on the south side of the building located at 7589 - 153rd Street W with the following conditions:

1. The sign shall be identical to the main primary business sign.
2. The signage is subject to City Ordinances addressing lighting and maintenance standards.
3. The sign shall be installed in accordance with the site and elevation plans dated May 4, 2016.
4. A separate electrical permit shall be obtained.

Commissioner Scanlan inquired if an additional bullet could be added amending the conditions that the lighting of the sign would be limited to the operation of the store hours and introduced a separate motion.

MOTION: Commissioner Scanlan moved, seconded by Commissioner Diekmann, recommending that the light on the south sign be limited to business hours only. Ayes - 3 - Nays - 3. (Alwin, Diekmann, Burke) Motion failed for lack of majority.

Vote on the main motion - Ayes - 6 - 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 on August 17, 2016, at 7:00 p.m.

8. ADJOURNMENT

Hearing no further comments from the Planning Staff or Planning Commission, Vice-Chair Burke asked for a motion to adjourn.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann to adjourn the meeting at 7:56 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on 8/17/16.

/s/ Tom Melander
Tom Melander, Chair