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, Paul Scanlan and Brian Wasserman.

Members Absent: Keith Diekmann and David Schindler.

Staff Present: Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Associate Planner Margaret Dykes, City Attorney Bob Bauer, Assistant City Engineer David Bennett and Department Assistant Joan Murphy.

2. **APPROVAL OF AGENDA**

Chair Melander asked if there were any changes to the agenda.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, approving the agenda. Ayes - 5 - Nays - 0.

3. **APPROVAL OF MINUTES OF JULY 18, 2012.**

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

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of July 18, 2012, as written. Ayes - 5 - Nays – 0.

4. **CONSENT ITEMS**

--NONE--

5. **PUBLIC HEARINGS**

   A. **Cortland Addition** - Public hearing to consider rezoning and subdivision of approximately 88 acres to allow for 182-lot single-family residential development. *(PC12-25-ZS)*

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

City Planner Tom Lovelace reviewed the concept plan for a proposed development project that would create 182 single family lots on 88 acres. The site is located in the southeast corner of Embry Path and CSAH 42. The petitioners are D.R. Horton, Inc. – Minnesota and Fischer Sand and Aggregate Co.
The site is currently zoned "R-3" (Single Family Residential/11,000 sq. ft. min lot area), "M-3C" (Multiple Family Residential/3-6 units per acre), and "M-6C" (Multiple Family Residential/6-12 units per acre). The new development proposal would require the rezoning of the property currently designated "M-3C" and "M-6C" to "R-3". A neighborhood park would also be designated for this area, which the developer had shown on their concept plan. Any property dedicated for public park purposes would need to be rezoned to "P" (Institutional).

He identified the berm that would need to be addressed bordering the property to the east. He reviewed the grading plan and stated there was a concern for retaining walls that would need to be constructed in the rear of some of the lots. The walls would be continuous across the rear of some lots and there would be concern about the ongoing maintenance of the walls. He acknowledged the location of the park and the storm water ponding area. Six locations had been identified where the horizontal curvature of the roadway does not allow for adequate stopping sight distance. The applicant would need to adjust the curves to comply with City engineering standards.

Sidewalks should be installed on both sides of the street in accordance with the City's adopted Trail and Sidewalk Policies.

Commissioner Wasserman inquired what the buffer would be from County Road 42 and if there had been any noise studies conducted for that road since it would be a busy road.

Mr. Lovelace answered that the plans show a berm for a buffer along County Rd 42 and that the City had not done any noise studies along that roadway and did not know if the County had.

Commissioner Scanlan asked if there had been any discussion in the type of materials for the retaining wall and if there would be vegetation along the retaining wall.

Mr. Lovelace answered that recent discussion with the developer was the concern with engineering regarding a boulder wall. The developer had not clarified the type of retaining wall they would be constructing. He further stated the City does not require vegetation along retaining walls and the developer would have to answer that question if vegetation was included.

Commissioner Scanlan inquired if the street width would be 30’ did that mean there would only be parking on one side of the street.

Mr. Lovelace answered that these streets would be the typical public street with a 60’ right-of-way and 32’ wide inside the curb which allows for parking on both sides of the streets.

Commissioner Scanlan asked if the City would be looking at any consistency as far as driveway widths.

Mr. Lovelace stated we would not be looking at any changes to the plans except for what is allowed in the City code which is 30’ in the right-of-way.
Commissioner Burke inquired that in the past when retaining walls involved multiple houses was this handled with associations.

Mr. Lovelace answered no but the unique situation with this development would be the continuation of the retaining wall across property lines and that was the concern that staff had. If the retaining wall would stop at the property line then it would be the responsibility of the property owner.

Chair Melander asked if there were a number of issues still under negotiation with the applicant.

Mr. Lovelace answered yes and stated nothing too outstanding but just meeting with the applicant to see what works for them as well as the City.

Mike Suel, D.R. Horton Homes, stated they understand there are some issues they need to work through with staff.

Commissioner Scanlan inquired what the retaining wall materials would be and what would be above the retaining wall for overall design.

Mr. Suel stated they had not settled on a retaining wall design so that will factor in what would be above the wall. They need to be sure the City is comfortable with how they would be handling long term maintenance of the wall. There would be some type of fence that would be attractive to their buyers as well as to the neighborhood to the east of them.

Commissioner Scanlan expressed concern for the lots with driveways entering onto Embry Path with the volume of traffic that would travel on that roadway.

Mr. Suel stated that 152nd Street comes out to the south of those lots and believes that would solve the issue raised by staff. He does not understand staff’s solution to putting a cul-de-sac on the extension and believes that would do damage to the park and does not make for a good plan. At the time he had not reviewed the City engineering idea on that. Right now they could solve it with where 152nd Street comes out to the west.

Michael Isaak, 15325 Dundee Court, expressed concern for the berm and if the weeds could be dozed down. He stated the berm had been nice for privacy sake and had concern as to how much of the berm would be taken down. He acknowledged the wildlife that has lived in the berm area over the past years. He inquired if there had been any discussion to the number of homes that would parallel Dodd Boulevard and continue to the north, if the lots could be made bigger and less potential units. He felt that looking at the design there are a lot of houses and understands the investors need to maximize a profit but had concern for the sprawl creeping out farther and farther and wonders if this could be looked at. He feels it would be nice to keep some of the atmosphere. He inquired as to when phase I would commence.

Chair Melander stated the plans do appear dense but there had been a trend with applications for decreasing density and he felt that is the direction the market is pointing to these days.
Community Developer Bruce Nordquist commented that the numbers of homes drawn in the image are quite close to mirroring the Prairie Crossing neighborhood except for the one parcel dedicated to a different use.

Keith Carlson, 14831 Endicott Way, identified concerns for traffic from the new development exiting north onto County Road 42 to make left turns. He stated with the volume of traffic on County Road 42 there is concern for other intersections along that roadway to make left turns. He identified intersections that are right-turn only and stated a full intersection at Easter Avenue would be better.

Mr. Lovelace clarified that the intersection at Easter Avenue would allow for a left turn into the properties north of County Road 42. He agreed there was a concern from the County and City staff about the Embry Path intersection being a full intersection as it relates to its proximity to Pilot Knob Rd. He stated Embry Path would be a ¾ intersection which allow for cars to turn left into the development and right-in and right-out but not left out to County Road 42.

Fred Bergacker, 4978 – 150th Street W., expressed concern for weeds on the land that is not developed and if the property owner could mow them down.

Mr. Lovelace addressed the issue and said the City would take the necessary steps to contact the property owner and resolve the situation.

Hearing no more comments Chair Melander closed the public hearing at 7:43 p.m.

B. Cub Foods Addition – Public hearing to consider proposed replat of an existing 11.6-acre lot into three (3) lots for future commercial/retail development on two small lots located directly adjacent to 153rd Street West, with the remaining lot being the location of the existing Cub Foods grocery store. (PC12-24-S)

Chair Melander opened the public hearing at 7:44 p.m.

City Planner Tom Lovelace stated the applicants, Oppidan, Inc. and SVH Realty, Inc. are requesting approval of the subdivision of an existing 11.6-acre lot into three lots. The property is located at 15350 Cedar Avenue. Lot 1 would have an area of 9.47 acres and would be the location of the existing Cub Foods grocery store. The applicant is proposing to reduce the size of the existing 108,527 sq. ft. store by approximately 15,000 sq. ft. as part of a remodeling project.

The one-acre Lot 2 is proposed to be the future location of a Class II restaurant with drive-thru lane(s). The final lot of 1.04 acres is proposed to be the location of a 7,000 sq. ft. multi-tenant retail building. Access to the proposed subdivision would be from 153rd Street West in the existing locations.

Class II restaurants are a permitted use within the "RB" (Retail Business) zoning district when located no closer than 1,000 feet from any residential or institutional use. A variance would need to
be approved that would allow a Class II restaurant to locate closer than the minimum 1,000 feet from the residential use.

Access to Lots 2 and 3 within the proposed subdivision would be via drives and located in Lot 1 and the lot directly to the east. Part of any approval of this subdivision would be the execution of cross access easement agreements between all parties that allow for ingress and egress from all lots as well as the property to the east of the proposed subdivision.

Sanitary and storm sewer lines to serve Lots 2 and 3 would be located within Lot 1. Maintenance and access agreement(s) would need to be executed for any utility lines that extend across multiple properties within the proposed subdivision.

Development of the existing parking lots along the north side of the property into building sites would likely see an increase in traffic along the existing most northerly east/west drive aisle. Concerns had been raised regarding the close proximity of the drive aisle intersection to the signalized intersection and potential vehicle stacking and sightline issues, which require that the intersection be moved farther south.

The submitted plans do not identify any pedestrian connections from existing sidewalks along Cedar Avenue and 153rd Street West. Connections would need to be made to those public sidewalks that allow for pedestrian access to the lots within the proposed subdivision.

Chair Melander stated that several of them had been involved in the AIA-SDAT study and recalled that the City had planned to revise some of the parking requirements. He inquired if that had been completed yet or set aside for future time.

Mr. Lovelace answered that it had been set aside but that staff had been working on a market study with a consultant on a TOD analysis along Cedar Avenue.

Chair Melander asked if this project were to move forward would it meet the minimum parking requirements as planned.

Mr. Lovelace answered yes and if the project moves forward it would be with the intent of reduction in store size.

Commissioner Scanlan inquired how receptive Cub had been to the AIA-SDAT concepts that had been presented regarding accessibility and design guidelines.

Mr. Lovelace stated there had only been brief discussions. Staff had discussions with Oppendin making them aware of the importance of pedestrian connections.

Commissioner Wasserman asked if the City discussed storm water retention, ponding or impervious asphalt with the applicant.
Mr. Lovelace answered it was not indicated on the Cub Foods property but there would be underground infiltration basins storm water retention areas on the two new lots. The AIA study had interesting designs but those were not proposed for this property.

Paul Tucci, Oppidan, Inc., representing Supervalu in the platting and proposing to be the developer of the eastern lot, would be working with the multi-tenant building. They are aware of the driveway into the site and the pedestrian connections to the upper lots. He stated they would have discussions with Supervalu regarding the ramps. Remodeling could begin in spring of 2013.

Mr. Lovelace entered into the record comments received by Deann Leemon, 7723 Whitney Drive. She is opposed to this and does not want the size of the store to be reduced. She likes Cub the way it is.

Hearing no further comments Chair Melander closed the public hearing at 8:16 p.m.

6. LAND USE/ACTION ITEMS

A. Apple Valley High School Sign Variance – Consideration of a variance to increase building sign area from maximum 40 sq. ft. to 84 sq. ft. (PC12-27-V)

Associate Planner Margaret Dykes reviewed the petitioner’s request for a variance to increase building sign from 40 sq. ft. to 84 sq. ft. Apple Valley High School would like to install a 3'x28' (84 sq. ft.) sign on the north side of the school, which is located at 14450 Hayes Road. The City Code allows properties zoned for institutional uses to have one (1) 40 sq. ft. ground sign and one (1) 40 sq. ft. building sign. There is existing signage on the south and west sides of the building. Currently, there is no sign located on the north side of the building. The proposed sign would read "AV Eagles", which is the name of the school mascot. The sign would be unlit.

Any proposed signage beyond the maximum square footage permitted would have the primary function of providing a public service. The school administrators had said it is difficult for passing motorists to identify the high school from 140th Street W. because of the size of the building and the distance of 1,000 feet from that street. The high school holds many major events open to the public throughout the school year, and a larger sign located on the north side of the building would aid those people attending events at the school who are not familiar with the area. The granting of the variance would provide a public service by allowing the high school to install signage that can be adequately viewed from a major collector road.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke recommending approval of a building sign variance at Apple Valley High School, 14450 Hayes Road, to increase the maximum building sign from 40 sq. ft. to 84 sq. ft. because it provides a public service, subject to all applicable City codes and standards, and the following conditions:
a. The sign shall not be lit, shall be no larger than 3’ x 28”, and shall be located on the north side of the building as shown on the sign plan received in City offices on July 23, 2012.

Ayes - 5 - 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 Wednesday, August 15, 2012, 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 Burke moved, seconded by Commissioner Alwin to adjourn the meeting at 8:22 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 8-15-12.