

CITY OF APPLE VALLEY  
RESOLUTION NO. 2016 - \_\_

A RESOLUTION AUTHORIZING ISSUANCE OF A BUILDING PERMIT  
FOR PENNOCK CENTER  
AND ATTACHING CONDITIONS THERETO

WHEREAS, pursuant to Minnesota Statutes 462.357 the City of Apple Valley has adopted, as Chapter 155 of the City Code of Ordinances, zoning regulations to control land uses throughout the City; and

WHEREAS, said regulations provide that issuance of a building permit for commercial, industrial, and multiple residential uses require the specific review and approval of development plans by the Apple Valley Planning Commission and City Council; and

WHEREAS, approval of such a building permit issuance has been requested for the above referenced project; and

WHEREAS, the Apple Valley Planning Commission has reviewed the development plans and made a recommendation as to their approval at a public meeting held on July 20, 2016;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apple Valley, Dakota County, Minnesota, that the issuance of a building permit for Pennock Center is hereby authorized, subject to the following conditions:

1. Approval of the Site Plan is conditioned upon approval of a variance to reduce the required number of parking spaces to 32 spaces.
2. If the Building Permit is not paid for and issued within one (1) year of the date of approval, the approval shall lapse.
3. The building permit shall be applicable to property identified as Lot 1, Apple Valley Square 2<sup>nd</sup> Addition (7668 – 150<sup>th</sup> Street West).
4. Construction shall occur in conformance with the Site Plan dated June 20, 2016, including parking lot paving and a non-surmountable concrete curb and gutter around the entire perimeter with a minimum driveway approach radius of 15' at each public street, and a valley gutter at the edge of the street pavement, subject to the following:
  - a. The owner shall execute a License Agreement with the City to construct four parking stalls within the City's drainage and utility easement.

5. Construction shall occur in conformance with the Landscape Plan dated February 1, 2016, including sodded/seeded public boulevard area up to each street curbline; subject to the following:
  - a. A nursery bid list shall be submitted that confirms that the landscape plantings meet or exceed 2-1/2% of the value of the construction of the building based on Means Construction Data.
  - b. The Landscape Plan shall be revised at time of application of the building permit to match the revised site plan dated June 20, 2016.
6. Construction shall occur in conformance with the Elevation Plan dated February 2, 2016, on file at City Offices, subject to the following:
  - a. The exterior of the trash enclosure shall be constructed of the same material as the exterior of the building.
7. Site grading shall occur in conformance with a Natural Resources Management Plan (NRMP) which shall include final grading plan to be submitted for review and approval by the City Engineer; subject to the applicant submitting a copy of the General Storm Water Permit approval, if required, from the Minnesota Pollution Control Agency pursuant to Minnesota Rules 7100.1000 - 7100.1100 regarding the State NPDES Permit prior to commencement of grading activity.
8. The property owner shall execute a maintenance agreement or other suitable agreement to be filed with the deed that ensures the perpetual maintenance of the stormwater infiltration area.
9. Any site lighting shall consist of downcast, shoebox lighting fixtures or wallpacks with deflector shields which confine the light to the property. The lighting plan shall be reviewed and approved by the planner prior to issuance of the building permit.
10. Approval of a signage plan is **not** included with this site plan and building permit authorization. A separate application and signage plan in conformance with the sign regulations must be submitted for review and approval to the City prior to the installation of any signs.
11. Evidence of private agreements to connect to utilities shall be provided at time of application for the building permit in a form acceptable to the City Attorney.
12. The petitioner shall revise the plans at time of building permit application to address the City Engineer's memo of June 10, 2016.
13. The petitioner shall revise the plans at the time of building permit application to match the June 20, 2016, Site Plan.

14. Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:30 p.m. on Saturday. Construction shall not occur on Sunday.
15. Earthmoving activities shall not occur when wind velocity exceeds thirty (30) miles per hour. Watering to control dust shall occur as needed and whenever directed by the Apple Valley Building Official or Zoning Administrator.
16. Issuance of a Building Permit and a final certificate of occupancy is contingent upon the project being constructed in conformance with all the preceding conditions as well as all applicable performance standards of the current zoning regulations. In the event that a certificate of occupancy is requested prior to completion of all required site improvements, a suitable financial guarantee in the amount of 125% of the estimated cost of the unfinished improvements shall be required along with an agreement authorizing the City or its agents to enter the premises and complete the required improvements if they are not completed by a reasonably stipulated deadline, with the cost of such City completion to be charged against the financial guarantee.
17. The ongoing use and occupancy of the premises is predicated on the ongoing maintenance of the structure and all required site improvements as listed in the preceding. No alteration, removal, or change to the preceding building plans or required site improvements shall occur without the express authorization of the City. Site improvements which have deteriorated due to age or wear shall be repaired or replaced in a timely fashion.

BE IT FURTHER RESOLVED by the City Council of the City of Apple that such issuance is subject to a finding of compliance of the construction plans with the Minnesota State Building Code, as determined by the Apple Valley Building Official, and with the Minnesota State Uniform Fire Code, as determined by the Apple Valley Fire Marshal.

ADOPTED this 28th day of July, 2016.

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Mary Hamann-Roland, Mayor

ATTEST:

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Pamela J. Gackstetter, City Clerk

## CERTIFICATE

I, Pamela J. Gackstetter, Apple Valley City Clerk, hereby certify that the forgoing is a true and correct copy of a resolution adopted by the City Council on July 28, 2016, the original of which is in my possession, released this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Pamela J. Gackstetter, City Clerk