

CITY OF APPLE VALLEY  
RESOLUTION NO. 2025-\_\_

A RESOLUTION AUTHORIZING ISSUANCE OF A BUILDING PERMIT  
FOR SKYLINE SOCIAL & GAMES INDOOR RECREATION FACILITY, CLASS I  
RESTAURANT, AND OUTDOOR RECREATION FACILITY AND PATIO  
AND ATTACHING CONDITIONS THERETO

WHEREAS, pursuant to Minnesota Statutes 462.357 the City of Apple Valley has adopted, as Title XV 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, institutional 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 a building permit authorization of proposed 46,000 square foot indoor commercial recreation facility and Class I restaurant with an associated 51,000 square foot outdoor recreation facility and patio has been request by Skyline MN Apple Valley, LLC, on property legally described as Lot 1, Block 1, Orchard Place 5<sup>th</sup> Addition, Dakota County, Minnesota; and

WHEREAS, the Apple Valley Planning Commission reviewed the development plans and recommended approval at its regular meeting on DATE.

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 Eastview High School Activity Center Addition is hereby authorized, subject to all applicable City Codes and standards, and the following conditions:

1. If the Building Permit is not paid for and issued within one (1) year of the date of approval, the approval shall lapse.
2. The Planned Development, Planned Development Agreement, and final plat of Orchard Place 5<sup>th</sup> Addition must be approved and recorded with the County prior to issuance of a building permit.
3. Construction shall occur in conformance with the site plan dated DATE, including parking lot paving and a non-surmountable concrete curb and gutter.
4. Construction shall occur in conformance with the landscape plans dated DATE (including sodded/seeded public boulevard area up to each street curbline); subject to submission of a detailed landscape planting price list for verification of the City's landscaping requirement at the time of building permit application.

5. Construction shall occur in conformance with the elevation plans dated **DATE**.
6. Subject to all conditions noted in the City Engineer's memo dated **DATE**, on file with the City.
7. Subject to all conditions noted in the Building Official's memo dated **DATE**, on file with the City.
8. All necessary mechanical protrusions visible to the exterior shall be screened or handled in accordance with Section 155.346 (3) (a) (b) of the city code. If the proposed roof-line or parapet wall(s) is found to not be a sufficient screen, other code compliant screening shall be installed.
9. Screening any outdoor utility meters and boxes shall be achieved through landscaping, fence, decorative screen or a combination thereof, and approved by the City.
10. A bike rack shall be installed close to the primary structure which does not impede pedestrian flow along any proposed or future sidewalk.
11. The sidewalk along the north side of the primary structure shall connect to the interior public trail on the west side of property.
12. A cross-access and cross-parking agreement between Lot 1, Block 1 and Outlot A, Orchard Place 5<sup>th</sup> Addition shall be required in a form acceptable to the City Attorney. The agreement shall be executed and recorded prior to issuance of a building permit.
13. An encroachment agreement for Lot, Block 1, Orchard Place 5<sup>th</sup> Addition and the Magellan Pipeline easement shall be provided in a form acceptable to the City Attorney. The agreement shall be executed and recorded prior to issuance of a building permit.
14. 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 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.
15. Infiltration areas shall be constructed in conformance with the City standards and the property owner shall execute a maintenance agreement or other suitable agreement to be filed with the deed that ensures the perpetual maintenance of infiltration areas.

16. Site and building lighting shall consist of downcast, shoebox lighting fixtures or wallpacks with deflector shields which confines light to the property and shall be installed in conformance with Section 155.353 of the city code.
17. 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 erection of any signs.
18. Construction and earthmoving activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. Weekend construction hours shall be limited to Saturdays during the hours of 8:00 a.m. to 5:00 p.m.
19. Prior to issuance of a building permit, a construction staging and construction personnel parking plan shall be submitted and approved by the City.
20. 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.
21. 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.
22. 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 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 \_\_\_\_th day of \_\_\_\_\_, 2025.

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Clint Hooppaw, Mayor

ATTEST:

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Christina M. Scipioni, City Clerk

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