CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
OCTOBER 18, 2017

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, Keith Diekmann and Paul Scanlan.

Members Absent: Jodi Kurtz and David Schindler.

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Engineer Brandon Anderson, Planner Kathy Bodmer, Planner/Economic Development Specialist Alex Sharpe and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Chair Melander asked if there were any changes to the agenda. Community Development Director Bruce Nordquist stated that item 5A – Ryan Real Estate Redevelopment – PC17-09-ZCB was removed from the agenda at the applicant's request.

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

3. CONSENT ITEMS

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the minutes of the meeting of September 20, 2017. Ayes - 5 - Nays - 0.

4. PUBLIC HEARINGS

A. Bigos Kelley Park Phase III - PC17-16-ZB

Chair Melander opened the public hearing at 7:01 p.m.

Planner Kathy Bodmer stated Bigos Management requests amendments to the planned development zoning district, PD-739, to allow construction of a 61-unit apartment building on Block 9 and 114-unit apartment building on Block 10, Legacy of Apple Valley North. The subject properties are located on the northeast and northwest corners of 153rd Street and Fresco Terrace, south of Kelley Park.

The petitioners have revised their earlier plans and have reduced the number of units in each of the buildings and the height of the building on Block 10. The proposed densities now match the maximum densities outlined in PD-739 and no longer exceed 48 units/acre. In addition, the building on Block 10 was revised so that it is four stories tall on the west end and three stories tall on the east end. The reduced height from five stories to three stories will help to make the building

on Block 10 more compatible with the Orchard Pointe townhomes to the east and southeast and Legacy Square Townhomes to the south of the site.

Block 9 is located west of the landscaped boulevard of Fresco Terrace. Block 9 is currently zoned PD-739, Zone 2, which requires buildings with a mix of uses. Bigos Management plans to construct a four-story 61-unit apartment building with a 1,100 sq. ft. "live/work" space on the first floor that will provide office area, conference room, lounge and restrooms. The "live/work" space will be available to rent by residents and the public and, along with the apartment units, will meet the "mixed-use" requirements of Zone 2. The space is intended to support home-based and entrepreneurial businesses.

Ms. Bodmer reviewed the parking and added that the petitioners plan to address the parking shortfall by providing additional underground garage spaces. Staff is concerned that underground parking tend to be less convenient, more expensive, and for some, less desirable than surface spaces. Staff is also concerned that a planned surface parking lot for Kelley Park may be used by residents of the Block 10 building.

The petitioners are proposing to construct 17 "compact" parking spaces in the underground garage. The spaces would be 8.5' wide; 9' wide is what the typical parking space requirement would be. The requested spaces are consistent with previously approved compact parking spaces.

The petitioners request the following zoning amendments:

1. Allow reduced building setbacks from 15' to 10'.
2. Allow compact parking stalls in the lower level garage. Block 10 proposes to have 17 of 136 spaces that are 8.5' wide, rather than 9.0' wide.
3. Use excess garage parking to make up for surface parking shortfall on Block 10.
4. Reduce parking stall depth from 20' to 18' in underground garages.
5. Use of metal panels for an exterior building material.

Commission Alwin asked if the parking in Kelley Park was time limited.

Ms. Bodmer answered yes, from 3:00 to 6:00 a.m. there is no parking and that the City Council has the ability to restrict parking hours so that could be looked at.

Commissioner Diekmann inquired how the requirements worked for mixed use on Block 9 for the live/work space and if the City alters the parking requirement for that space and if it drives up for that space or if it is only a number per units in the facility.

Ms. Bodmer said it is calculated based on the number of bedrooms but because it is a mixed use it would be added on top. Staff will need to look at that and it could require additional calculation.

Luke Hedberg, Bigos Management, gave an overview of Bigos Management and stated they have been in business for over 30 years and are excited about this project. They have been in Apple Valley for 20 years and recently became more active after the acquisition of the Gabella and Galante apartments.

Beth Kempel, Kaas Wilson Architects, said they would make something sustainable, provide a mixed use component and create meaningful green spaces. They looked at their concept and explained how they can engage Kelley Park and create this gateway to connect from Legacy Park through to Kelley Park. She described the mixed use component, apartment styles and amenities. They would line the streets with trees and invest in the landscaping on the sites. They plan to focus on a pedestrian friendly neighborhood. They would have a dog run. She reviewed the building materials and said the buildings were meant to be cohesive with each other and the materials are not trendy but meant to last. They are conducting a traffic study.

Commissioner Diekmann asked for more information about this gateway as one would look through on Fresco Terrace because that is the entrance to Kelley Park and we would really be framing up the park through that area. He said he does not see anything that describes that in any of the illustrations. He said he sees 4 stories straight up and does not want to see a tunnel effect.

Ms. Kempel replied that they can put a rendering together.

Commissioner Diekmann inquired what kind of sustainability this project offers the City or the residents.

Ms. Kempel answered that they used high quality materials that are meant to last and they investment in an exterior that is durable that would not need to be constantly replaced or maintained. They invest in the structure. They plan to utilize the landscape especially the ponds to create and slow the flow of water runoffs. They would try to contain water on the site and filter it naturally by both the ponds and the retention system. They would encourage a sustainable lifestyle for the residents by providing bike parking, a bike fixing station, having recycling chutes accessible to the residents, the use of LED light fixtures and Energy Star appliances so the overall energy consumption of the building can be reduced.

Commissioner Diekmann asked if there would be any EV (electric vehicle) charging stations on this site.

Ms. Kempel commented they had not discussed that but they could look into it.

Commissioner Diekmann commented that it is not a requirement but it is coming. He added that sustainable should not be used unless we are going to do some things that are forward thinking. He was happy they were thinking that way but feels it should be considered.

Commissioner Scanlan inquired how the mixed use space would be use and how the interaction would take place rather a resident or community member.

Mr. Hedberg answered that they would bring the community in. They would have board meetings there. Home businesses could meet a client in the community area. The coffee shop space would be available.

Commissioner Scanlan asked about the surface parking for the apartments especially on Block 10 and if underground parking would be optional or are they looking at making that a mandatory package type situation to relieve the pressure from the street parking.

Mr. Hedberg answered that they just changed their philosophy at the Gabella building to include it in the rent. So when tenants rent a unit they would get an underground stall and would not have the option of opting out. They would try to discourage street parking for their residents.

Commissioner Burke inquired if they had used this mixed use space in other locations.

Mr. Hedberg answered they have used this design in some of their other locations but it was not open to the public before.

Commissioner Burke commented that there only looks to be a pond on Block 10 and that on Block 9 there would only be an infiltration system that would not hold water on a long term basis.

Ms. Kempel said that is correct.

Chair Melander commented of the live/work space and thinks it is a great idea. He added that roof top areas are coming back and thought this one could be a little larger. He asked if they had done any analysis on the size of vehicles and who drives compact sizes.

Ms. Kempel said at Gabella the stalls are 9' x 18' and from what she understands they do not have issues there and they would be providing some that are 20' which is the standard. If residents have larger vehicles management could track and offer larger spots if needed.

Chair Melander stated that they have had concerns before with metal panels for building materials and asked how they would stand up to weather.

Ms. Kempel said they use them on quite a few projects and they hold up and has been a very successful product.

Edward Nelson, 15465 Frost Path, commented he was happy to see the land get used. He questioned the mixed use live/work space and wonders what he bought into 10 years ago when he thought mixed use was going to be something with retail on the first floor. He asked how we can make decisions here tonight on something that is not done. He said the City Engineer has concerns and the developer has not presented a full plan. It needs to be modified and worked on before it can even be voted on. He added he is an electric vehicle owner himself and when somebody talks about sustainability he thinks it should be a requirement in a city ordinance to have them in new construction. Parking at Kelley Park is getting over used. For an event in Kelley Park recently, there were signs pointing across Galaxie Avenue for overflow parking. That is a concern for him and it could encroach down into his development that has parking issues. Overflow parking is a concern. He said the streets and grass are being parked on around Kelley Park.

Cathy Osgood, 15601 Foliage Avenue, asked if these apartments are going to be only one and two bedrooms. She said that is a concern for her. She thinks for families they would need three bedrooms. She added that people are parking on the grass at Kelley Park during events there. She expressed a concern for Galante and Remington Cove where somebody could walk right out the building and onto the sidewalk.

Chair Melander commented it is going to be different in the coming years and we will have some growing pains dealing with these issues. The Planning Commission will try to work through all these before presenting to City Council.

Amanda Kassan, 15344 Founders Lane, commented how busy it always is at Kelley Park during these events. She thinks the park should be expanded. All parking is taken up. Parking is an issue. She had a concern for the noise that could come from on the roof top area and said it could affect the property values of the surrounding homes.

Ms. Bodmer shared that the Parks Department does have a long term plan for the full build out for Kelley Park.

Commissioner Scanlan asked for the applicant to share about the apartment sizes and concept for one and two bedroom apartments.

Mr. Hedberg said he thinks it is not unusual. It is what they are seeing in the market place. It is not their intent to build something that does not last. He said they are taking what they learned from the first phase and applying here.

Chair Melander closed the public hearing at 7:59 p.m.

5. LAND USE/ACTION ITEMS

B. Wasatch Storage - PC17-32-SFGB

Planner/Economic Development Specialist Alex Sharpe stated Wasatch Storage Partners, LLC submitted applications for a Preliminary and Final Plat, Vacation of a portion of Evendale Way, and a Site Plan/Building Permit Authorization at the vacant site on the northeast corner of Johnny Cake Ridge Road and Upper 147th Street W. The Planning Commission held the public hearing for the Preliminary Plat for this item on September 20, 2017.

The site has been known as the Patina property, and has previously been reviewed for the ISD 196 bus garage.

Wasatch Storage Partners, LLC, proposes to subdivide the lot into 4 properties to develop an approximately 125,000 sq. ft. self-storage facility. Since the public hearing at the Planning Commission changes have been proposed, including adding an additional outlot. Outlot A has been proposed to be dedicated to the City for regional stormwater ponding. The existing pond in this area was under a drainage and utility easement. Originally, Wasatch proposed to construct their

own pond area. This created two storm water ponds in close proximity, with a berm between them. To create a more efficient system the two ponds are proposed to be combined, and dedicated in an outlot for the City to maintain.

With the addition of a 4th lot the lot sizes have been altered. Outlot A, the ponding area is proposed to be 2.5 Acres. Outlot B, will be retained by the Patina property owner on the east side of the site is 3.69 acres and will drain to the expanded ponding area. Outlot C, is west of the Lifeworks site, and south of the Wasatch Storage site will remain for development. It is proposed to be 3.15 acres. Lot 1, Block 1, of Wasatch Apple Valley is proposed to be 6.32 acres and is the site of the self-storage facility. The lot is slightly smaller than originally proposed due to the dedication of the ponding area.

The property is zoned "I-1" (Limited Industrial). The Limited Industrial zone permits "auto, marine, and truck storage when completely within a building". The proposal does not include any exterior storage, which would require a Conditional Use Permit within the zone.

To develop the site as proposed a portion of Evendale Way and all drainage and utility easements as part of the Eagle Ridge Business Park would be required to be vacated. The plat documents will be finalized prior to City Council approval.

Mr. Sharpe reviewed easements, access points and internal traffic flow, stormwater ponding, floor plan, structure and elevations, landscape plans and impervious surface and added that exterior storage, or storage of vehicles is not permitted as part of this application.

He reviewed comments and concerns from the public hearing that included concern for the bright red doors adjacent to the residential properties to the north. To address these concerns the applicant has agreed to change the color of the doors to a more subdued grey color.

Scott Wyckoff, President and Chief Development Officer for Wasatch Storage Partners, added additional information.

Discussion followed.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the preliminary plat of Apple Valley Wasatch, subject to compliance with all City Codes and the following conditions:

1. A cash-in-lieu of land parkland dedication shall be required in accordance with the City's dedication formula in the subdivision ordinance
   a. 124,900 (sq. ft) / 1000 = 124.9 x .01 (Industrial persons equivalent) = 12.49 x .00955 (acres per resident) =.1192795 x $128,000 (Industrial benchmark values of raw land) = $15,267.
2. A cross-access agreement shall be executed between Lot 1, Block 1, and Outlot C, Apple Valley Wasatch.

3. The vacation of easements, and Evendale Way right-of-way shall not be approved until the Apple Valley Wasatch final plat is approved by City Council.
4. All conditions as outlined in the City Engineer's memo dated 10-18-17.

Ayes - 5 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the site plan and building permit authorization to construct an 804-unit self-storage facility subject to compliance with all City Codes and the following conditions:

1. The applicant shall submit a nursery bid list at the time of building permit that confirms the landscape materials meet or exceed the 1.5% of the value of construction of the building based on Means Construction data. Landscape materials may include plants, underground irrigation, public art, fountains, decorative paving, or other outdoor common area elements that create an enhanced sense of place and fosters social interactions. Landscaping provided for screening from adjacent properties shall also apply.
2. A photometric plan which meets city ordinance for properties adjacent to, or within residential districts shall be submitted at the time of building permit. The proposed lighting plan meets City ordinance.
3. A hauling and staging plan shall be submitted at the time of the Natural Resources Management Permit (NRNP) application subject to review and approval of the City Engineer.
    a. Grading of the site may occur with a NRMP prior to the issuance of a final plat per City ordinance.
    b. A NRMP will be required prior to any land disturbing activity commences.
4. Signage is not reviewed as part of building permit authorization. A separate sign permit shall be applied for which will evaluate size, location, and number of signs.
5. The entrance to the site from Johnny Cake Ridge Road shall be a right-in, right-out only and shall accommodate access to Outlot C.
    a. Prior to approval of the site plan the auto-turn drawings shall show that larger vehicles, such as RV's are able to enter both lots without conflict with the proposed gate/fence.
6. Prior to City Council approval additional auto -turn drawings shall be provided which demonstrate that RV's and other large vehicles are able to enter the structure from Evendale Way. A conflict shall not exist between the proof of parking area, and a large vehicles ability to enter the structure.
7. Trash enclosures shall be screened in accordance with City Ordinance, which requires that enclosures not be clearly visible from adjacent properties.
8. A proof of parking agreement shall be executed as part of the developer's agreement.
    a. The combination of the exterior 7 stalls (5 regular and 2 handicapped) and the interior parking, which shall be striped shall be deemed sufficient at this time.

Should parking issues arise, the developer shall be responsible for installing additional parking per the terms of the proof of parking agreement.

b. Required landscaping that is shown in the proof of parking areas shall be replanted if additional parking is required.

9. Exterior storage or parking of vehicles shall not be permitted as part of this application.
10. Building coverage shall not exceed 45% of the lot area per City ordinance.
11. Material samples, or material specifications of the "corrugated metal panels" shown on the conceptual elevation drawings dated September 29, 2017 shall be provided to the City prior to the issuance of a building permit to determine conformance with City ordinance.
12. All work and infrastructure within public easements or right-of-way shall be to City standards.
13. A public improvement project will be required for work in Evendale Way and the cul-de-sac expansion.
14. Prior to the issuance of a building permit, a copy of the encroachment agreement with Magellan Pipeline for work occurring within their easement area shall be provided.
15. All conditions as outlined in the City Engineer's memo dated 10-18-17.

Ayes - 5 - Nays - 0.

6. 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, November 1, 2017, at 7:00 p.m.

7. ADJOURNMENT

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:33 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on _____.

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Tom Melander, Chair