CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JANUARY 17, 2018

1. CALL TO ORDER

The City of Apple Valley Planning Commission meeting was called to order by Vice-Chair Burke at 7:00 p.m.

Members Present: Ken Alwin, Tim Burke, Jodi Kurtz, Paul Scanlan and David Schindler.

Members Absent: Tom Melander and Keith Diekmann.

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Engineer Brandon Anderson, City Planner Tom Lovelace and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Vice-Chair Burke asked if there were any changes to the agenda.

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

3. CONSENT ITEMS

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of December 6, 2017. Ayes - 4 - Nays - 0. Abstained – 1 (Schindler)

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, recommending approval of a building sign at Nystrom & Associates, 7300 – 147th Street W with conditions. Ayes - 5 - Nays - 0.

4. PUBLIC HEARINGS

A. Ordinance amendments to Chapter 155 related to small cell wireless facilities in the City.

Vice-Chair Burke opened the public hearing at 7:02 p.m.

City Planner Tom Lovelace stated for consideration are proposed amendments to the zoning chapter of the City code.

He said on May 30, 2017, Gov. Dayton signed into law a bill amending Minnesota's Telecommunications Right-of-Way Law. This law created a streamlined permitting system for placement of small wireless facilities on city-owned structures in rights-of-way. Under the new law cities have the authority to require that an applicant apply for and receive approval of a conditional use permit if a small cell facility is proposed in right-of-way located in residential areas.

The proposed zoning amendments would require small wireless communication facilities to obtain a conditional use permit if located within or abutting zoning districts that allow residential uses, similar to what is currently required for wireless communications towers.

The proposed amendments to the zoning chapter will coincide with proposed amendments to Chapter 97 of the city code, which regulates excavations and obstructions within the public rights-of-way related to any utility service facility. The public hearing for amendments to Chapter 97 will be conducted by the City Council.

Commissioner Scanlan said the street lights in Cobblestone are owned by the various associations in Cobblestone and not the City and asked how that would work.

Mr. Lovelace said they are in the right-of-way so they would be part of the right-of-way ordinance and part of the City granting a permit to do right-of-way work but he did not know if they are able to be located on top of a privately owned pole.

Attorney Sharon Hills said legislation that came through is addressing exclusively city or government owned structures such as light poles, power poles and that type of thing. Right now they are allowed in the right-of-way. If they are private structures, they are called small wireless structures which could be poles. This regulation only deals with city owned structures.

Commissioner Scanlan said he understands that if they would need to come to Cobblestone they would need to contract with the association to allow them to do that.

Ms. Hills answered she does not know how the street lights are handled in Cobblestone. She said if they are not City owned then it is not a City issue. She said she was talking strictly placement.

Commissioner Alwin referred to the presentation slide of "small wireless facilities design to avoid" and asked for confirmation that the ordinance would preclude the boxes we would try to avoid.

Mr. Lovelace answered yes. You would not see the monopole that needs more cabinetry as seen in the past with ground equipment to service that larger pole.

Ms. Hills added state legislation restricts the size of equipment in enclosures for small wireless.

Vice-Chair Burke closed the public hearing at 7:11 p.m.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan recommending approval of ordinance amendments regarding small cell wireless facilities in the City with the following conditions:

1. Add the definition of a small wireless facility to Section 155.003 (Definitions).
2. Revise Section 155.385 (Towers and Antennas Site Design and Maintenance) to include small cell wireless facilities.
3. Revise Section 155.052 (Conditional Uses) to include small wireless facilities as a conditional use in the One -Family Residential Districts.
4. Revise Section 155.078 (Conditional Uses) to include small wireless facilities as a conditional use in the Multiple -Family Residential District.

Ayes - 5 - Nays - 0.

B. Consider amendments to Planned Development Ordinance No. 679 to allow illuminated building signage on the side of a building that faces an adjacent public street that abuts residentially zoned property or directly abuts residentially zoned property.

Vice-Chair Burke opened the public hearing at 7:13 p.m.

City Planner Tom Lovelace stated for consideration is a request to amend Planned Development Ordinance No. 679 to allow for illuminated building signage on building elevations that is adjacent or abuts residentially zoned property in zone 3 of planned development only. The applicant is Elder Doyle, LLC. This would allow the Foliage Medical Building located at 15160 Foliage Avenue to put illuminated signage on the south and west building elevation. The site abuts AutoZone and Discount Tire to the north, Home Depot to the east, Orchard Point townhomes to the south, and is adjacent to the Gabella Apartments and Abra Auto Body and Glass Repair to the west.

The City's sign code currently allows for signage on the side of building that abuts business or industrially zoned property or a public street, except where the side of the building faces an adjacent public street that abuts residentially zoned property. Currently, the building at the before-mentioned property is the only one affected by this sign code regulation. The portion of the west elevation located north of Gabella Street would be allowed illuminated signage.

Home Depot is the only other property that abuts residentially zoned property, but it is located in zone 2 of the planned development. That property would not be a beneficiary of the proposed ordinance amendments.

The applicant would propose that the following conditions be applied to the amendment:
1. All signs facing west or south must be white.
2. All illuminated signs facing west or south must not exceed 112 nits in intensity.
3. All illuminated signs facing west or south must be turned off during the hours of 10:00 p.m. to 6:00 a.m.

The nit is the standard unit of luminance used to describe various sources of light. A higher rating means a brighter display. The City typically uses foot-candles to measure illumination. Staff would

like the applicant to provide a comparison between a nit and a foot-candle and how many foot-candles would equal 122 nits.

City code states that: In all districts, any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. In residential areas, any light or combination of lights that cast light on any adjacent residential property shall not exceed 1/2 foot candle (meter reading) as measured at the property line. Lighting fixtures for new and renovated outdoor sports and recreational facilities that adjoin residential uses shall be designed to eliminate reflected glare and spill light from the bottom one-third of the reflector, and to shield the view of the arc tube from the residential property. The applicant should present information that the proposed amendments will meet these requirements.

The Foliage Medical Building is approximately 300 feet from the Gabella apartments to the west and 400 feet from the nearest Orchard Point townhome. The property where the office building is located approximately14 feet higher than Foliage Avenue. Information should be provided by the applicant on the impact of sign glare on the adjacent and abutting residential properties based upon the distance and height of those signs.

Vice-Chair Burke inquired if nothing is done can they still have lights lighted on the north and east sides.

Mr. Lovelace answered yes that they can have lights on the north, east and northern portion of the west elevation and south sides of the building and they are looking for illuminated letters.

Vice-Chair Burke asked for clarification that they are asking for white signs on the west side and the south side of the building.

Mr. Lovelace answered yes.

Commissioner Scanlan referenced the light projection on previous presentations and how it affects surrounding property. He wondered if the applicant could provide that to give a better understanding how light from the signage would project over to the west and south rather than looking at these nit numbers to equate to the travel of the light.

Mr. Lovelace said he would contact the applicant to see if they could provide that similar information at a future meeting.

Commissioner Alwin asked for confirmation that the lights would be turned off at night and the only issue is rather night starts at 9:00 or 10:00 and ends at 6:00, 7:00 or 8:00 in the morning.

Mr. Lovelace answered yes and this is a planned development so we have the ability to make these amendments if we allow for illuminated signs on those sides of the building that are abutting residential property. He added we can certainly set any reasonable conditions and what time those lights can be on.

Commissioner Alwin asked if the request is for the signs to be on while the businesses are opened during the day and the light modeling would take into account the sun.

Mr. Lovelace answered yes and added the request is for the signs to be on from 6:00 a.m. to 10:00 p.m. and he presumes the lights would not be lit on a sunny day.

Commissioner Kurtz inquired if the lights were LED lights and if they were they could be brighter than regular lighting.

Mr. Lovelace said he would let the applicant answer that and if they were LED that would be why the nit number comes in.

Commissioner Schindler asked how many sides of the building can have signs.

Mr. Lovelace replied that signs can be on all four sides. You can have prominent signage or if there is one common sign. The Foliage Medical Building can be replicated on all four sides. If you have individual tenants similar to a multi-tenant commercial space, they can have individual signs where their tenant space is. That is what the applicant is looking at to provide space and advertise each tenant in that building.

Commissioner Scanlan inquired if this has any monument signage at this point where each one of the businesses would be represented on.

Mr. Lovelace answered that right now there are two monument signs on the overall development and then they can add to that monument sign if there is still enough space available. Home Depot controls the majority of both those signs which are along County Road 42. He said there is an opportunity to have a monument sign on the west side of the medical building location and staff could work with the applicant.

Commissioner Scanlan added he did not know if that could be an alternative versus having the sides of the building lit up.

Mr. Lovelace said the applicant can expand on this but believes what the applicant is trying to address is to get some visibility because he is tucked away in a corner and he would want his visibility along County Road 42 as well. Any business would want that because all the traffic is there and AutoZone and Discount Tire kind of hide that building but he was aware of that when he built in there. There may not be a lot of pass by traffic as you see in other retail businesses. Maybe the illumination is that it registers to the individual and the next time you want to use a service that is offered there you will see it because you will have previously seen the signage as you drove by. He thinks the goal is to create some signage that will maybe be attractive and grasp a person's attention as they are driving, walking or biking along County Road 42 or Foliage Avenue.

John Elder, one of the owners of the Foliage Medical Building, addressed the LED lighting and said it is the more modern up-to-date internally illuminated lights versus the neon that were used in the past. So the nits would be the key. They are trying to create something that is a better environment

for a medical provider for the tenants in their building but also addressing the residential neighbors. They are trying to create a nicer balance where they will give up color to their signs and use white because it is a softer look. He addressed the south facing light because there was a resident that had a concern for more light being thrown on that south side. He said there is enough light already. What they have there now are non-illuminated lights. They are not internally illuminated but they have light washing up on the building to give it some visibility. He suggested that they would eliminate those lights. He could not answer to the intensity of those lights but he feels individually lettered lights with a soft light could be less light than what they are doing right now using light that washes up on the building. They have a problem with this current design because the lighting creates shadows on the building. They would like to have the lighting from 7:00 a.m. to 9:00 p.m. They would be happy to shut their lights off after that.

Commissioner Kurtz asked for clarification if they would turn off the lights around the building and all that would be showing would be the letters.

Mr. Elder said they have some landscaping lights that do wash some soft lights up the building. Right above the entry is the lighting they would eliminate.

Vice-Chair Burke inquired what they anticipated their lighting needs would be when they built the building.

Mr. Elder answered that they are okay with what they have and could work with the lighting but they think this is better.

Vice-Chair Burke closed the public hearing at 7:40 p.m.

5. LAND USE/ACTION ITEMS

None

6. OTHER BUSINESS

A. Springs at Cobblestone Lake Sketch Plan.

City Planner Tom Lovelace stated no official action is needed. The developer wishes to receive feedback concerning a proposed multi-family residential project.

Continental 432 Fund, LLC is requesting feedback on a proposed 196-unit multi-family development project on 11.8 acres of property located in the northeast corner of 160th Street West and Pilot Knob Road. The site is one of the last parcels to be developed in Cobblestone Lake, a 320-acre mixed-use development.

The applicant is proposing to construct thirteen (13) two-story apartment buildings, eight (8) detached garage buildings, and a 4,421-sq. ft. clubhouse facility. Ten buildings will have 16 units per building and the remaining three will have 12 units per building. The detached garage buildings

will vary in size and will be scattered throughout the site and will provide 80 parking spaces. He reviewed the remaining parking spaces, sidewalk connections, building materials and clubhouse and described access to the development which would be a gated community.

The site is platted as an outlot, (Outlot M, Cobblestone Lake Commercial 3rd Addition) and is currently guided "HD" (High Density Residential/12+ units per acre). High Density Residential areas include multiple-family structures (apartments and condominiums) at densities greater than twelve units per acre to the extent allowed by the zoning ordinance.

The proposed multi-family development will provide 196 market-rate apartments. This development proposal will address the City's Livable Communities Act (LCA) principles of adding a housing product that helps provide a balanced supply and variety of housing types for people of all income levels and lifecycle stages.

The subject property is located in Planned Development No. 703/zone 8, which allows for gravel mining, which is considered an interim use. Rezoning would occur at the time of the former submittal and approval of development proposal. It would likely be rezoned from its current designation to zone 6, which currently allows for a variety of commercial/office/retail uses, as well as senior apartments and continuum of care facilities. The permitted uses section of zone 6 would also need to be amended to include apartments as a use.

Gwyn Wheeler, Continental Properties, commented they manage their own properties. She provided a history of Continental Properties and described the variety of units and site amenities with their uniqueness and high quality.

Vice-Chair Burke asked for clarity of the parking comparison between the current Springs development and the proposed Springs development.

Ms. Wheeler said there would be 2.4 parking spaces per unit. She compared the parking of the Springs at Apple Valley and Springs at Cobblestone Lake. In the Springs at Cobblestone Lake there would be parking outside the fenced area where at the Springs at Apple Valley all required parking is on site.

Vice-Chair Burke inquired how far the apartments would be from the retaining wall and berm.

Ms. Wheeler said the setbacks are in addition to the space Dakota County wants to reserve. Today it is about 50 feet from the right-of-way on Pilot Knob Road. There is a significant grade change. It brings the buildings down and that should help with the sound. They would have plenty of space to provide high quality landscaping. She said it gets a little tighter along 160th Street but still feels there is plenty of space to allow for high quality landscaping on that side as well.

Commissioner Alwin asked how it works with the fence and about the grade deferential.

Ms. Wheeler replied they will have to make sure it is safe because there will be a higher wall and will need to install some sort of guardrail or fence on top of that wall. From the intersection there would not be a lot of fencing shown due to the downward slope of the grade.

Commissioner Scanlan inquired about the term used for this proposal as a gateway community and asked how this proposed gated community fits into Cobblestone Lake.

Ms. Wheeler said she feels it fits for the community and could blend in very well. She believes it is still inviting and gives a sense of security.

Commissioner Scanlan asked how this gated community is going to interact with the rest of the overall community.

Ms. Wheeler replied they would have gates that create some connectivity with the public sidewalks and trail. They feel it is such a walkable community with all the retail.

Commissioner Scanlan expressed concern that there are 14 associations within the master association which takes in about 800 people. He said the whole concept of Cobblestone is the interaction of neighbors and neighboring properties and the live/walk lifestyle. He feels that with a gated community they are taking that away and not allowing that to happen. He feels they are not really becoming a member of Cobblestone at all. They would be coming into Cobblestone but wanting to be this isolated section. It is not something of the overall development that has taken place in Cobblestone to this point. It has been talked about in the 2030 Comp Plan the fact that the latter has been the last areas of the development. It puts a signature on the overall development. He said he has reservations and concerns with that. He feels the first Springs project was good and fits in but this project does not fit into Cobblestone. He expressed concern about the parking across the street.

Ms. Wheeler stated the greenway would be extended. It would still be fenced but people can access the pathway. She believes they can still be integrated and still be fenced.

Vice-Chair Burke asked what percentage of their total units are in fenced communities.

Ms. Wheeler replied at least 75 percent are gated and fenced.

Commissioner Scanlan inquired as to the fact that they have developed other communities without fencing.

Ms. Wheeler replied correct and they have a small percentage that they had not.

Commissioner Scanlan asked if that was a consideration with this project.

Ms. Wheeler answered that it is always their preference to have a gated community.

Commissioner Alwin commented that he likes what they had done architecturally and blended to make this fit in. There is nice flow from the single-family and the other multi-family. This is a nice transition piece and it blends in well. He feels design wise it compliments what is there.

Commissioner Kurtz commented that she thought a gated area would be different if it was in the middle of the development but since it is on the end at the corner of 160th Street and Pilot Knob Road maybe they feel a little bit more secure having something gated.

Vice-Chair Burke asked what their options would be if the Planning Commission said no to the on-street parking and asked that the 2.4 ratio has to be on site.

Ms. Wheeler answered that they would have to review the site plan and it would be challenging because this is a small project on a compact site.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next regular Planning Commission meeting would take place Wednesday, February 7, 2018, at 7:00 p.m.

7. ADJOURNMENT

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

MOTION: Commissioner Schindler moved, seconded by Commissioner Scanlan to adjourn the meeting at 8:34 p.m. Ayes - 5 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission
on _____.

_____
Tom Melander, Chair