Dakota County Residential Organics Drop Off IUP

PROJECT REVIEW

Existing Conditions

Property Location:	14955 Galaxie Ave		
Legal Description:	Lot 1, Block 1 Western Service Center		
Comprehensive Plan Designation	INS - Institutional		
Zoning Classification	P - Institutional		
Existing Platting	Platted Lot		
Current Land Use	Government services facility, library and court house.		
Size:	15.52 acres		
Topography:	Flat		
Existing Vegetation	Urban landscape		
Other Significant Natural Features	N/A		
Adjacent Properties/Land Uses	**NORTH**	**Apple Valley Municipal Center/AVPD and Anderson Mortuary**	
		Comprehensive Plan	INS-Institutional and C-Commercial
		Zoning/Land Use	P-Institutional and PD-290, Zone 1
	SOUTH	**150th Street W (CSAH 42) and CVS, M & I Bank, and MN Auto Service**	
		Comprehensive Plan	C-Commercial
		Zoning/Land Use	PD-244 and GB-General Business
	EAST	**Fischer Marketplace**	
		Comprehensive Plan	C-Commercial
		Zoning/Land Use	PD-646, Zone 2
	WEST	**Apple Place Bowl/Bogarts and DEQO**	
		Comprehensive Plan	C-Commercial
		Zoning/Land Use	PD-290, Zones 1 and 2

Development Project Review

Comprehensive Plan: The Comprehensive plan guides the development of the site for "INS" (Institutional) uses. The 2030 plan states Downtown Apple Valley is the civic center of the City and is the location for city offices, county service center, county library and the post office. The plan also states "The City will support the Downtown as the primary shopping, service and activity center within Apple Valley." In relation to institutional uses, the plan states the following: "The City seeks to maximize the local benefits of regional park and institutional uses while avoiding expansion or changes in use that have a significant negative impact on adjacent properties."

Zoning: The property is zoned "P" (Institutional) which allows uses such as schools, libraries, art galleries and churches. Governmental service centers, administrative offices and maintenance facility buildings are also permitted in the zone. The Minnesota Pollution Control Agency (MPCA) defines a "Source Separated Organic Material Drop-Off Site" as a waste "Transfer Station." Waste transfer stations are not listed as a permitted, conditional or accessory use in the P zoning district. The petitioner states that the organics drop-off location provides a public a service like the other services offered at the building.

A waste collection or transfer facility, open to the public, is not allowed in the P-Institutional district or any zoning district currently in the City of Apple Valley. In fact, the City removed refuse or garbage disposal facilities from the list of allowed conditional uses in the "I-2" (General Industrial) zoning district when the I-2 district was updated in 2015. The City updated its zoning code in 2015 to remove some of the uses with the greatest number of nuisance characteristics in the City's most intense industrial zoning district. The City found that solid waste facilities were not appropriate in a fully developed suburban community.

An Interim Use Permit (IUP) is a permit that allows for temporary use on a property until one of three events occurs: until a specific date, until the occurrence of a particular event, or until the zoning regulations no longer permit it. The City normally limits IUPs to a one-year period. City staff advised that the County's IUP should be for a period of one year; after that an ordinance amendment should be pursued. The County prefers to move forward with a request for a 6-year IUP. § 155.401 regulates IUPs and provides the conditions under which the permit may be issued.

1. The use is deemed to be temporary in light of the comprehensive guide plan designation for the property site on which the use is proposed to be located and the use conforms to the zoning regulations herein;
2. The date or event that will terminate the use can be identified with certainty;
3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
4. The user agrees to any conditions that the Council deems appropriate for permission of the use; and
5. The use meets the standards set forth in the zoning regulations herein governing conditional use permits.

The comprehensive plan designation for the property, "P" (Institutional) does not specify waste collection or transfer facilities as an activity allowed in an institutional district in the Downtown. The interim use must meet the standards set forth in the section that addresses conditional use permits, which includes the following:

1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or City.
2. Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions.
3. Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that are.
4. Will be served adequately by existing essential public facilities and services.
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.
7. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

8. These standards apply in addition to specific conditions as may be applied throughout the code.

Dakota County staff state that they will carefully manage the site to ensure that it does not become a nuisance. However, any lapse in maintenance or carelessness could lead to nuisance issues. A review of aerial photos during the last several years shows that the dumpster area is often not well maintained. Photos taken in April 2018 show waste and materials outside the dumpster and dumpster lids open.

Potential nuisance impacts from a poorly managed waste disposal facility include insect, bird, rodent and rat issues; odors; unsightliness; abandoned hazardous and difficult-to-dispose waste, etc. City Planning staff is concerned that any nuisances resulting from this area could impact the entire Downtown and commercial center of the City. Staff estimates that this container/drop-off area will be approximately 490' from the weekly farmer's market that takes place in the Municipal Center parking lot on Saturdays. The site is approximately 460' from the nearest restaurant, Bogarts, and approximately 780' from IHOP, Noodles and Jimmy Johns. The site will be approximately 1,000' from the nearest grocery store, Fresh Thyme.

Preliminary Plat: No platted is requested or required for this request.

Site Plan: The petitioner would like to expand the existing dumpster enclosure area on the north side of the WSC building by the loading dock area. The enclosure would be expanded to the north to create enough room for a separated enclosure area for the organics drop-off. Organics drop off would occur on the north side of the dumpster enclosure and would be accessed by a door that would have a lock for security. Those who participate in the program would be given a code to unlock the door. The dumpster enclosure would have an internal fence that would separate the WSC refuse from the organics drop off area.

The site plan shows that an existing landscape island would be removed and a parking space reconfigured to provide two wider-than-typical parking spaces. The island should be reconstructed to provide a clear drive lane.

Collection of the garbage, organics and recycling would occur on the west side of the enclosure where 10' wide doors will be constructed.

Grading Plan: Minimal grading will be needed to expand the existing dumpster enclosure area. There is a slight slope on the area beginning near the docks and descending to the north.

Elevation Drawings: The elevation drawings show that the enclosure area will be constructed of concrete block and face brick that will match the exterior of the WSC building. The container screen would be 7' 9" tall from the parking lot to the top of the sill. This should ensure complete screening of the dumpster containers. There is a concern that this structure would not serve as an "interim" structure, but would be a permanent structure. The future use of this dumpster area should be specified.

Landscape Plan: No landscape plan provided.

Availability of Municipal Utilities: N/A

Street Classifications/Accesses/Circulation:

- CSAH 42 (150th Street W.) – Principal Arterial street.
- Galaxie Ave – Collector street.
- Garrett Ave – Local commercial street.

Pedestrian Access: Pedestrian access is available through the site from Galaxie Ave to the east side of the building which connects to sidewalk around the north side of the building. Pedestrian routes from the west side of the site are not available. Most pedestrians and cyclists are likely to enter the site from the east or the south.

Public Safety Issues: Public drop-off facilities can be problematic because they can attract dumping of difficult to dispose of items like tires, televisions, yard waste, etc. The petitioners state that the residential organics drop off is different because only those who are participating in the program will have access, and they will only have access to the organics dumpster. The County states that they do not experience issues with drop off of unwanted items at any of their existing drop-off facilities, although they do note one instance of illegal dumping of yard waste at the Holland Lake Trail site.

Recreation Issues: None identified.

Signs: No sign approvals are given at this time. No signs may be installed prior to the issuance of a permit. A separate sign permit must be obtained prior to the installation of any signs on the site or the building.

Public Hearing Comments: To be taken.