CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JULY 18, 2018

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, Tim Burke, Keith Diekmann, Jodi Kurtz, Paul Scanlan and David Schindler.

Members Absent: Ken Alwin.

Staff Present: City Attorney Mike Dougherty, City Engineer Brandon Anderson, Community Development Director Bruce Nordquist, City Planner Tom Lovelace, 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.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the agenda. Ayes - 6 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the minutes of the meeting of June 20, 2018. Ayes - 5 - Nays - 0. Abstained – 1 (Melander)

4. PUBLIC HEARINGS

A. Holiday Stationstore #0316 Conditional Use Permit Amendment – PC18-19-C

Chair Melander opened the public hearing at 7:02 p.m.

Planner/Economic Development Specialist Alex Sharpe stated Holiday Stationstores, has applied for a Conditional Use Permit Amendment (CUP) to expand their current car wash. In the I-1 "Limited Industrial" zone, car washes are considered a conditional use. The existing car wash received a CUP in 2000, which is proposed to be amended to add a second car wash bay. The site is currently used as a motor fuel station, as well as a truck stop, both of which are conditional uses within the I-1 zone. The proposed car wash would remove two parking spaces for large semi-trailers. This will limit the overnight parking at the site, as there will no longer be any stalls for semi-trailers to park.

The additional car wash bay is 31' from the property line, which meets the required 10' interior side setbacks in the I-1 zone. Staff from multiple departments have reviewed the proposal and placed conditions accordingly. Natural Resources has requested that one of the two Norway Maple trees proposed on the landscape plan be replaced with
different hardwood tree species to add to diversity on the site and within the City as a whole.

Commissioner Scanlan inquired if there was an elevation drawing.

Mr. Sharpe answered that elevation drawings were not included but materials are to be the same as the existing façade and the addition would be an extension of the current wall.

Chair Melander closed the public hearing at 7:06 p.m.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of the Conditional Use Permit amendment subject to the following conditions:

1. The conditional use permit shall apply to property legally described as Lot 1, Block 1, Holiday Johnny Cake Addition.
2. Such operations shall be conducted in conformance with the site plan dated June 19, 2018, on file at the City offices.
3. Landscaping shall be installed and maintained per the landscape plan dated June 19, 2018, on file at the City offices.
4. One of the Norway Maples proposed on the landscape plan dated June 18, 2018 shall be replaced with a different hardwood tree species for increased site diversity of tree species.
5. The conditional use permit may be revoked for cause if the terms of (2) through (4) are not adhered to.

Ayes - 6 - Nays - 0.

B. Dakota County Residential Organics Drop IUP – PC18-18-IUP

Chair Melander opened the public hearing at 7:07 p.m.

Planner Kathy Bodmer stated Dakota County requests consideration of an interim use permit (IUP) to operate a residential organics drop-off facility at its Western Services Center (WSC) at 14955 Galaxie Ave for a period not to exceed six years.

Dakota County would like to expand its dumpster enclosure area on the north side of the Western Service Center (WSC) building to create a secured enclosure area for residents to drop off bagged organics waste. Residents who sign up for the program would be given a code to access the secured organics dumpster. Access to the site would be available from 5:00 a.m. to 10:00 p.m. daily. The dumpster would be a 6-yard dumpster and the County estimates it would be serviced a minimum of two times per week. Approximately 1,400 residents are expected to participate and dispose an average of 10 yards of organics per week.

The WSC is located in the "P" (Institutional) zoning district. The "P" district does not have a provision to allow operation of a waste collection or waste transfer facility. It is not listed as a permitted, conditional or accessory use. A compost collection area for the building would be permitted in the zone to service that facility. However, the site will be available for the public to use which changes the use to a waste collection/waste transfer facility.

An interim use permit is a permit that allows a temporary use of the property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. Dakota County requests the IUP for a period of six years or until curbside collection of organics is widely available to County residents. The City issues IUPs for no longer than one year. IUPs must meet the same standards as a conditional use permit.

Organics includes food waste, non-recyclable paper and certified compostable products. The County estimates that more than one-third of what is thrown away as trash could be composted. Waste collected at the organics drop-off site would be hauled to a commercial composting facility outside of Rosemount.

The WSC building is a government services building with a connected library. It provides general offices for County staff and court facilities. Dakota County wishes to locate the facility at the WSC building because it is conveniently located in the City's Downtown and centrally located for many residents. An analysis of potential locations found that this location had the highest number of households within a two-mile radius.

The City will need to determine whether the proposed drop-off facility is compatible with the use of the building as a service center building and its location in the Downtown area of Apple Valley. The Apple Valley Downtown is the commercial center of the City and contains a mix of office, retail, service, restaurant and grocery businesses. A less-than-well-maintained drop-off facility could attract rodents, rats, create odors and negatively impact the Downtown. The two existing Dakota County Organics Drop-Off Facilities are located on park property which provides a buffer between the drop-off area and abutting properties.

Commissioner Scanlan asked what the intent was for curbside pick-up versus the IUP for 6 years.

Ms. Bodmer answered whichever occurs sooner but no longer than the 6 years. The 6 years is a specific time frame for Dakota County. She added that some curbside pick-up is being tested in Minneapolis and other communities.

Commissioner Scanlan asked if this is limited to people in a 2-mile radius that can use it or to people in Apple Valley outside of that 2-mile radius as long as they sign up for the program.

Ms. Bodmer answered she believes the latter would be the case. There are others in Apple Valley that are participating now in the Lebanon Hills site and that is well outside of that 2-mile window.

Commissioner Scanlan asked if there was a lighting plan for safety purposes since this would be open at 5:00 a.m. He added this should be a safe environment for people.

Ms. Bodmer answered that is an excellent point and that the City had not yet received a lighting plan. She said the City will ask for that as a follow up item.

Commissioner Kurtz inquired if there were other sites identified in Apple Valley or just this area.

Ms. Bodmer replied that Dakota County did not share their methodology and they only asked for this site.

Commissioner Kurtz asked if there was a concern for residents sharing codes to get into the site.

Ms. Bodmer said she would defer that to Dakota County.

Commissioner Diekmann inquired what the height of the existing garbage enclosure structure is because he sees from pictures that the tops of the containers are over the top of the structure and wondered how this is by comparison. He said he assumes the new one would be taller so that would not be possible to see those tops.

Ms. Bodmer said she thought the new enclosure will be 17½ feet tall and it is completely screened but would need to confirm.

Chair Melander asked if 6 years was not rather long for an IUP.

Ms. Bodmer answered yes that it is and usually an IUP is valid for a year and it comes back to be re-evaluated. She said that was proposed to the County and they did not feel that would work for them.

Community Development Director Bruce Nordquist, 7100 147th Street W., spoke to the Downtown business district, the keys in the 2040 Comprehensive Plan, successful Downtown, sustainability and commented there are better locations for what we all support regarding organic recycling.

Commissioner Schindler commented that he does not understand why adding a dumpster to two more would be such a concern. He said from what he sees from the pictures is more disturbing than what they want to construct with a third dumpster and actually build the walls up and have it completely enclosed. He does not understand why adding one more dumpster to the already two dumpsters would drastically ruin the entire business district. He does not see any problem with it since it will be picked up twice a week and does not understand what the concern is. He asked what he is missing in this.

Mr. Nordquist said every business in the business district has their own solid waste pick-up and hopefully has recycling and every restaurant handles their own waste but this program would be adding the waste from 1400 households to a transfer location that is not permitted in the district.

Commissioner Diekmann commented about dry-cleaning businesses and asked if it is now a requirement for an environmental assessment to be conducted and asked if that is now a requirement for landowners. He asked who is negatively impact by having this there and who will have additional requirements.

Mr. Nordquist answered anybody that is adjacent to it. It becomes an impediment to any adjacent property owner. It becomes noted and it becomes part of the record. And because it becomes part of the record it affects the valuation of the adjacent property for purchase or use.

Commissioner Diekmann asked for a zoning map to see what the adjacent properties are.

Ms. Bodmer answered the surrounding properties are zoned PD-290 primarily limited businesses and institutional. Office uses are nearby.

Commissioner Diekmann asked if there is any area in the City that would permit this as a conditional use or the like.

Ms. Bodmer responded that at this time no zoning district in the City allows a waste transfer site.

Georg Fischer, Dakota County Environmental Resource Director, provided a background on organics. He commented there had been a lot done with recycling in the County. They are projecting out 6 years on this program and that is why they are asking for a 6 year IUP. Putting the organic drop-off site on County property allows them to get the best bang for their buck. Western Service Center has the most residents in a 2-mile radius that have signed up. If the drop-off site would not be owned by Dakota County it would require more maintenance and that is why they are looking at the Western Service Center.

Commissioner Diekmann asked for an explanation of the difference between organics and yard waste.

Mr. Fischer answered that organics are food waste and napkins where yard waste is grass clippings and things of that nature.

Commissioner Diekmann asked for a map of all the County owned facilities that the County investigated for alternate locations. He asked if this could be available at the next follow-up meeting. He commented that $124,000 seems to be quite high and asked about the cost of the two other sites.

Mr. Fischer said the other two sites were $14,000 and were a different structure.

Commissioner Diekmann said he understands why they were considerably cheaper because you did not have to match the building. He asked if it would not make sense to put the drop-off site at a location where they did not have to match the building with the materials. He asked if the cost would not be less.

Mr. Fischer answered yes the cost would likely be less. The issue would be that they would have to find that County site or a site that was willing to partner with them. They would have to find people to maintain it. He added they already have the staff to maintain it at the Western Service Center.

Commissioner Diekmann asked when this was to be implemented.

Mr. Fischer said 2018 to 2020 is their Master Plan.

Commissioner Scanlan said he agrees with what Commissioner Diekmann said. He asked what other sites besides County owned properties would be suitable for this program. He would like to see all the information put together to see what is the best solution for Dakota County to achieve their goals and for the City to achieve our goals. What is best for the residents of the community to deal with to come up with the best solution for Apple Valley. It is right next to Apple Valley Municipal Center and right next to our business district. Is this the best place for it. He feels another location in Apple Valley would be supported just as well as these other facilities and get the same response from people.

Mr. Fischer said they are open to other sites for discussions.

Commissioner Kurtz asked if this includes napkins and not bones and meats.

Mr. Fischer said organics can be other types beside foods so yes bones and meats can be put in there as an organics collection site.

Commissioner Kurtz asked if anybody had gone around to businesses to ask what their opinion was.

Mr. Fischer replied that they did not go around and check with businesses but they did provide the mailings labels for the public hearing this evening.

Commissioner Kurtz asked if there had been any comments from them.

Ms. Bodmer replied no, not from the business community, but there may be neighbors in the audience tonight.

Commissioner Burke asked what the vision in the six years is.

Mr. Fischer answered that he would like to see two or three more sites going in.

Commissioner Burke asked if there would be potential for curbside pickup then would those organic drop-off sites go away.

Mr. Fischer answered that would the dream for the Minnesota Pollution Control Agency (MPCA). The MPCA pushed for the policy plans.

Mr. Nordquist suggested the mulch store in Rosemount and said it is of similar distance in relationship to the Eagan site. He added that Apple Valley is already touched by the Eagan site.

Lori Frekut, Dakota County, commented that the mulch store is a convenience store available to residents to drop off. This would just be a supplemental location.

Lisa Hiebert, 14344 Ebony Lane, said she is a strong proponent for this. It brings awareness to her family. She feels this is important. She agrees that it is in a business district but it is a convenience to come into the business district. She said it sends a strong signal that Apple Valley cares about its environment. She hopes that one day Apple Valley and Dakota County will have the curbside pick-up.

Ginger Hamer, 15688 Highview Dr, wants to second everything the previous resident said. She likes the location of Western Service Center. She currently takes her organics up to Eagan. If she had a local site she could save room in her freezer. The program gave educational materials to learn all about it. When Apple Valley finally has a site she will encourage all her neighbors to participate in the program. Currently it is a commitment to drive all the way up to Eagan.

Tom Schuenke, Wings Financial Credit Union, 14985 Glazier Ave, said they have 180,000 sq. ft. of Class A office space. They have a solid investment in a super block. He does not want anything to come in with concern. He asked if this goes to an ordinance amendment does it open the doors for additional sites. He feels this needs to be thought through. He said the County still has to service the two sites they have.

Sharra Brockman, 13868 Essex Trl, said she uses the organics site weekly. She said there is no odor at the organic sites. People close the cans all the way and she has never seen pests there. She rarely sees cars there and does not think there would be traffic issues. She said we add green space and why would the City not want to be a leader in this too. She feels it provides convenience. Having the site in the downtown area creates awareness. She thinks it is attractive in the business district while doing other shopping and business.

Sheri Gedlinske, 13474 Georgia Ct., commented this site would be a convenience. She has to drive to Holland Lake in Eagan now. She would like to see it in a central location. Citizens could use it as a normal day of business in Apple Valley.

David Garthune, 5887 – 144th Street W, said organics recycling is a good topic and good problem to solve. Apple Valley has an opportunity to get out in front and the plastics is a huge problem. He believes organic recycling is part of it.

Chair Melander said he has been behind recycling many years ago. Before a commercial potential tenant moves into the City they do their investigating on their own. They do their work first to see if it fits. There has been a terrific investment in the center of the City. A lot of dumpsters are locked. Some people leave mattresses by dumpsters. Just because it is locked does not keep people from leaving items there. Animals like squirrels and raccoons can be persistent. He said he is nervous about this as a location for an organic drop-off site. We see a lot of "not in my backyard

stuff". People can think this is a great idea but it just does not belong in my backyard. He believes there are better places in the County to have this. He added that folks do not follow directions. They throw anything in there. He feels this is not the best site for an organic drop-off.

Chair Melander closed the public hearing at 8:42 p.m. and asked for a break.

Commissioner Burke left for the evening. At 8:43 p.m.

Meeting continued at 8:49 p.m.

C. Menards at Hanson Concrete – PC18-17-ZSB

Chair Melander opened the public hearing at 8:49 p.m.

City Planner Tom Lovelace stated Menard, Inc. is requesting an amendment to the 2030 Comprehensive Plan Land Use Map, rezoning of property, subdivision and site plan building permit authorization to allow for construction of a 210,000-sq.ft. Menard's store on 19-20 acres of a 50.5-acre unplatted parcel. The property is located at the northwest corner of 150th Street West and Johnny Cake Ridge Road.

The property is currently guided and zoned for industrial uses. The applicant is requesting that the southwest 19-20 acres be re-designated for commercial/retail uses. Approximately 23 acres of the site will retain its existing "IND" (Industrial) designation and will be developed for office/office warehouse uses and storm water ponding. The applicant is also requesting that the property be rezoned from "I-2" (General Industrial) to "I-1" Limited Industrial) and "GB" (General Business) to allow for retail (Menard's store) and office/office warehouse uses.

The proposed preliminary plat will subdivide the unplatted parcel into two (2) lots and three (3) outlots. Lot 1 will be the location of a new Menard's home improvement store. The applicant has not identified any land use plans for the second lot, which will be 4.4 acres in area.

Outlots A and B and the northwest corner of Outlot C will be used for storm water ponding. The remaining portion of the 13.9-acre Outlot C not used for ponding purposes will be reserved for future subdivision and development.

The City uses the zoning ordinance to regulate the intensity and characteristics of development based upon land use criteria and performance standards.

Three rezoning options are available for the City to consider. The first would be to rezone the properties consistent with the proposed Comp Plan designations.

The second would be rezone the property to "PD" (Planned Development). City code defines a Planned Development as an urban development often having two or more principal uses and having specialized performance standards relating to an overall approved development plan to provide for

an optimal land use relationship. Rezoning to a Planned Development would allow the City to negotiate with the land owner/developer on the type of uses, site coverage, area requirements and performance standards, and development phasing specific to the project area.

The third option, which the applicant has indicated on their plans, would be to rezone the property "GB" (General Business) and "I-1" (Limited Industrial). General Business districts are designed for heavy uses and those businesses which tend to serve other businesses and industry as well as residents. Limited Industrial districts are areas that are appropriate for manufacturing, warehousing, and similar industrial uses having a minimum of nuisance characteristics.

He reviewed the site plan, building elevations, landscape and utilities plans and site access.

Chair Melander asked if the other two lots on the east side showed no provision for access and somebody would need to drive through Menards to get to those other two lots.

Mr. Lovelace answered correct and said we should not allow for any access off that east/west leg off Street A.

Chair Melander asked if that would hamstring anybody buying those lots to do anything with.

Mr. Lovelace said there would be a private street access.

Commissioner Diekmann asked why Street A does not go to the south.

Mr. Lovelace said they are just not showing it.

Commissioner Diekmann believes the street should be the same width as Street A. He asked where on the plans the monument sign would be located because there are power lines there.

Tom O'Neil, Menards, said that is an open issue.

Commissioner Schindler asked about access onto County Road 42 with a right-in/right out and if that was mandatory to make this site work.

City Engineer Brandon Anderson answered no but it helps with the traffic on 149th Street and Dakota County has spacing guidelines.

Commissioner Scanlan inquired how many parking spaces are in the current lot.

Mr. Lovelace said he would have to get back to them on that.

Commissioner Scanlan said he would like to see a greater variety of landscaping on the back side. He had a concern for people cutting through parking lots.

Mr. Lovelace said that would need to be discussed with the applicant.

Commissioner Schindler commented that Menards had different sites in Apple Valley. He asked if they are going to move again after this. He wondered why he should feel this site is the right place for them now.

Mr. O'Neil said Menards had successful stores in Apple Valley. They do not have the room to bring product to their customers. They cannot foresee 10-12 years down the road. He agreed the site is troubling and they are trying to address issues to Johnny Cake Ridge Road. They still need to work with the City on the right-of-way. It conflicts with the North Creek Greenway.

Chair Melander commented the he had been trying to protect this as an industrial site. He asked if Menards makes things or do they sell things other people make.

Mr. O'Neil said they do have plants that manufacture a number of products and ship out of Eau Claire to the greater Twin Cities area.

Chair Melander commented he would hate to see happen here what went on in Burnsville and the old store sat empty.

Mr. O'Neil said they continue to field calls and do not know when they can get in and open a new store in the market.

Chair Melander closed the public hearing at 9:51 p.m.

5. LAND USE/ACTION ITEMS

- NONE -

6. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next regular Planning Commission meeting would take place Wednesday, August 1, 2018, 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 Schindler moved, seconded by Commissioner Scanlan to adjourn the meeting at 9:52 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