CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JULY 19, 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, Keith Diekmann, Jodi Kurtz and Paul Scanlan

Members Absent: Tim Burke and David Schindler

Staff Present: City Attorney Mike Dougherty, Community Development Director Bruce Nordquist, City Engineer Brandon Anderson, City Planner Tom Lovelace, Planner Kathy Bodmer and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Chair Melander asked if there were any changes to the agenda. Hearing none he called for a motion.

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

3. CONSENT ITEMS

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of June 21, 2017. Ayes - 4 - Nays - 0. Abstained – 1 (Kurtz)

4. PUBLIC HEARINGS

A. Ryan Real Estate/Launch Properties Redevelopment – Public hearing to consider proposed zoning amendments, conditional use permit and site plan review/building permit authorization to allow for redevelopment of the Ryan Real Estate property at for a 9,000-sq. ft. single occupant restaurant (Class I) with drive-thru window service. **(PC17-09-ZCVB)**

LOCATION: 14750 Cedar Ave
PETITIONER: Launch Properties

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

Planner Kathy Bodmer stated Launch Properties requests consideration of an application for the redevelopment of the Ryan Real Estate building at 14750 Cedar Ave. The proposed development would remove the existing building and replace it with a 9,000 sq. ft. Class I Casual restaurant with two drive-thru lanes. The requested land use actions would be the following:

1. Amend PD-290, Zone 1 to allow drive-thru lanes in connection with a Class I Restaurant

2. Amend PD-290, Zone 1 to allow reduced parking and building setbacks from Cedar Ave, 147th Street and Glazier Ave.
3. Conditional Use Permit (CUP) for drive-thru lanes.
4. Site plan review/building permit authorization for 9,000 sq. ft. Class I restaurant.

The petitioners propose to construct the building on the northwest corner of the subject property with the building aligned in a north-south orientation parallel to Cedar Ave. The front and main entrance will be on the south side of the building. The double drive-thru lanes are proposed to be accessed from the east side of the parking lot and follows counter-clockwise around the north and then west sides of the site between Cedar Avenue and the building. The existing driveway access off of 147th Street is proposed to be closed. A right-in-only access is proposed to be constructed on Glazier Ave approximately 230' south of the Glazier Ave and 147th Street intersection. A second full access driveway is proposed south of the right-in-only access with a dedicated enter lane, right turn exit lane and left turn exit lane. The required number of parking spaces is calculated based on the number of seats. With 201 indoor seats and 28 outdoor seats, a total of 84 parking spaces would be required; ninety-seven (97) spaces are provided.

The petitioners seek to amend the planned development zoning district (PD-290, Zone 1) to reduce building setbacks from Cedar Ave from 40' to 26', and parking lot setbacks from Cedar Ave from 20' to 0.' The 147th Street parking setbacks are proposed to be reduced from 20' to 4'. The parking lot setbacks from Glazier Ave are proposed to be reduced from 20' to 10'. When Dakota County improved Cedar Avenue in 2013, the County acquired additional right-of-way (ROW) and trail, drainage and utility easements (TDU) to place a corner monument and landscape feature on the northwest corner of the site. The reduced setbacks are needed as a result of the additional easements. Class I restaurants are a permitted use in the zoning district, but drive-thru lanes in connection with a Class I restaurant are currently not allowed. The petitioner requests an amendment to the PD that would allow two drive-thru lanes.

Ms. Bodmer reviewed the easements, setbacks, building design and dumpster placement.

City Engineer Brandon Anderson reviewed the traffic impacts on the area intersections and the surrounding property owners and provided concept plans.

Chair Melander asked if the roundabout was adopted could it alleviate the problem.

Mr. Anderson answered yes it would alleviate the problem with the intersection.

Commissioner Alwin inquired if traveling eastbound on 147th Street W if there would be a "no left turn" into the Cedar Marketplace Applebees.

Mr. Anderson responded that is correct and the intersection now works on the level of a C rating. The measurement is on a scale of A to F rating of a delay at the intersection with A being the best. Anything that operates at a level E or F he considers not acceptable.

Chair Melander commented he does not feel it works at the level of a C now. He said he does not think that intersection works well if you want to travel west.

Commissioner Scanlan asked if there had been any feedback from the commercial area to the north. Businesses need to retain their clientele.

Ms. Bodmer answered the petitioner has been contacting adjacent property owners.

Commissioner Scanlan asked for any historical perspective why Dakota County obtained additional easements on Cedar Avenue when they made improvements to Cedar Avenue.

Ms. Bodmer answered it was because Dakota County wanted to create the signature intersection and landscape features with the entryway monuments and the landscaping around it.

Commissioner Scanlan inquired if adding an additional drive-thru lane would take away the element of that feature for the Cedar Avenue project. He expressed concern for left hand traffic to exit away from the drive-thru lane. He commented on the number of parking spaces being over the amount needed and if they could take a couple parking spaces in the center and shift something over in the design plan so adjustments could be made without going into those easements.

Wendy Hunter, representing Portillo's, gave a brief history of the company.

Dan Regan, Launch Properties, provided addition information.

Chair Melander questioned if what you are proposing here with a drive-thru window is already working in other locations.

Peggy Hart, with Portillo's, described the drive-thru process and said the double lanes enhance the customer experience. She explained the on-line application and how everything on their menu is made to order.

Mr. Regan responded yes, it is not the first time this has been done. This is happening at 45 – 50 Portillo's with the double drive-thru operations.

Commissioner Alwin commented that he has driven past Portillo's in Woodbury and asked if the second lane is really a drive around lane.

Ms. Hart answered yes that it is.

Commissioner Kurtz inquired about the location of the patio on the left side and if there was a reason it was not on the opposite side of the site.

Ms. Hart answered that it flows better with the patio on the left side and gives them the ability to have a larger patio.

Mr. Regan said the entire patio is secured so nobody can get hit.

Commissioner Scanlan asked if there would be signage on all four sides.

Ms. Bodmer said they would be allowed to have signs on the main facade and allowed to copy those designs on other elevations.

Commissioner Scanlan had concerns for the sidewalk width and thought they may be short on the patio end on the south.

Ms. Bodmer commented that typically staff would like to see 6 feet and she had not looked at that detail but will review it.

Commissioner Scanlan asked Mr. Regan if he foreseen any issue with increasing of the sidewalk area in front of the outdoor seating.

Mr. Regan answered they would have to take a closer look and was fairly certain that they could come up with a way to resolve that concern.

Commissioner Scanlan asked for a way to prevent the left-hand turn lane across the front of the building. He felt this was a safety concern because cars would be crossing the front entrance of the building when people would be trying to walk in or exit.

Mr. Regan thought it would better for the cars to circulate around the island that are trying to find a place to park than it would be to restrict that left-hand movement.

Ms. Hart added that they could put a sign that says "no left turn" so it forces people to go straight.

Commissioner Scanlan expressed concern for the location of the trash enclosure and said he is supportive of what staff is saying. He was also concerned for the monument signage that the City and Dakota County put the effort into and feels the applicant downplayed importance in terms of the landscaping and still retain the two drive-thru lanes.

Mr. Regan said he did not intend to downplay it and they will work with staff to address that.

Commissioner Scanlan addressed the renderings and the importance of architectural balance considering that the back side of the building is on a prominent corner. He believes something more can be done there to bring the balance so it does not say this is the back of the building. He believes more design elements can be brought from the front of the building to the back.

Commissioner Diekmann referred to an elevation drawing and asked if there was a utility box between the trash enclosure and the restaurant.

Ms. Hart answered that it is an electrical transformer.

Commissioner Diekmann commented that from an operational standpoint he agrees with having the trash enclosure remain where it is at on the plans and understands that and he could support that if the applicant could explain it and what they would do to minimize the effects of it being there. He said that is an important thing.

Mark Matijasevich, Dunbar Way, was familiar with Portillo's in Chicago and is excited that Portillo's will be moving to Apple Valley.

Tom Schuenke, Wings Financial Credit Union, expressed concern for the parking and where people are going to go. He experiences problems with people using the Wings parking lot now. He commented that the roundabout will empty right into Wings parking lot. He has concerns with the amount traffic.

Chair Melander closed the public hearing at 8:23 p.m.

5. LAND USE/ACTION ITEMS

--NONE--

6. OTHER BUSINESS

A. 2040 Comprehensive Plan Update

Cindy Gray and David Sweeney, SRF Consulting, provided information on the 2040 Comprehensive Plan.

Discussion followed.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, August 2, 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 9:32 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