CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
SEPTEMBER 20, 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, Jodi Kurtz, Paul Scanlan and David Schindler

Members Absent:

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, Planner Tom Lovelace, 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. Hearing none he called for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, approving the agenda. Ayes - 7 - Nays - 0.

3. CONSENT ITEMS

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, approving the minutes of the meeting of September 6, 2017. Ayes - 6 - Nays - 0. Abstained – 1 (Scanlan)

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, recommending approval of Site Plan Review/Building Permit Authorization for 6,880 sq. ft. Building Additions and Revised Bus and Vehicle Parking Areas at Diamond Path Elementary, 14455 Diamond Path. Ayes - 7 - Nays - 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Diekmann, adopting **Resolution 2017-02** Finding that the Sale of the Village Pointe Plaza Property at 7070 - 153rd Street West (Preliminary platted as Lots 1 and 2, Block 1 VILLAGE POINTE PLAZA) is Consistent with the 2030 Comprehensive Plan. Ayes - 7 - Nays - 0.

4. PUBLIC HEARINGS

A. Wasatch Storage - PC17-32-SFGB

1. Preliminary Plat Application for a 16.03 Acre Site

2. Site Plan/Building Permit Authorization

Location: Northeast corner of 147th St. W. and Johnny Cake Ridge Rd
Petitioner: Wasatch Partners and Patina Apple Valley Land, LLC

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

Planner/Economic Development Specialist Alex Sharpe stated Wasatch Storage Partners, LLC has 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 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 3 properties to develop an approximately 125,000 sq. ft. self-storage facility. The largest lot, at 7.07 acres, is proposed to be along the majority of the northern border, and is proposed to be the storage facility site.

An additional two outlots are proposed. Outlot A is proposed to be 5.63 acres and is along the eastern side of the property, adjacent to Evendale Way. The smallest lot, outlot B is proposed to be 3.15 acres, and is northeast of the intersection of Johnny Cake Ridge Road and Upper 147th Street W. The remaining acreage, .18 acres, is dedicated additional right-of-way to construct a permanent cul-de-sac at the terminus of Evendale Way.

The structure is set back 60' from the northern property line, as required by City code for an industrial use adjacent to residential. There is additional green-space between the drive isle around the building and the residential homes to the north.

The property is zoned "I-1" (Limited Industrial). The Limited Industrial zone permits "auto, marine, and truck storage when completely within a building".

Commissioner Alwin inquired if the intersection at 147th Street W and Johnny Cake Ridge Road was planned to be signalized or have a roundabout installed.

Mr. Sharpe answered that the intersection has been evaluated for a signalized intersection.

City Engineer Brandon Anderson commented staff is comfortable with a right-in, right-out and they are not concerned about stacking on that side of the signal.

Commissioner Scanlan asked what the hours of operation would be. He had a concern for the red colored door as they have a tendency to fade. He asked if a lighting plan could be available for review and what the usefulness of the outlots would be with an easement going through it.

Mr. Sharpe answered that the applicant would be better to review the hours of operation and colors of the building. He added that a photometric plan was included in the packet. He said outlot B would have two access points and the lot is large enough for a building with limited size and that parking could be over the top of the pipeline. It would be a buildable lot.

Commissioner Diekmann inquired about the access off of Johnny Cake Ridge Road and if the access was moved closer to 147th Street and with the storage site being gated, how would a person get access to outlot B.

Mr. Sharpe said the access would need to be shared and could not be secured at that point. There would need to be an amended site plan.

Chair Melander identified that he was familiar with this design that is in another location and said it functions well and is not an intrusion on the neighborhood.

Scott Wyckoff, Wasatch Storage Partners LLC, commented he will work with the City regarding the access point. He said most of the units are climate controlled. He reviewed the hours of operation, the pipeline easement and color of doors as their brand color with the gray. They could change the color of the doors on the north side to accommodate the neighborhood to the north so there is less of an impact.

Commissioner Schindler asked if the security was to just get into the gray building area.

Mr. Wyckoff answered beyond the access point everything would be secured with gate and fencing.

Commission Schindler asked how it works once you drive into the facility.

Mr. Wyckoff replied it is a drive-through concept with drive aisle 25 feet wide where the customers drive in, parallel park and load or unload as needed.

Chair Melander inquired as to the floor surface.

Mr. Wyckoff answered it is a burned finish and smooth with a sealer and a wax.

Mike Erdman, 5936 – 144th Street W., said he was not speaking for his neighbors but as an individual and that he is in favor of the project. He would like to see the trees staggered on the north side and dull colored doors facing the north to the neighborhood. He would like the access point moved farther south and would prefer a right in, right out only from the site. He suggested the southbound traffic enter the site from 147th Street. He inquired what the noise from the air conditioning units would be like and would like more explanation on the lighting.

Chair Melander closed the public hearing at 7:43 p.m.

B. Cobblestone Lake South Shore 9th Addition - PC17-19-SF and PC17-29-ZB

1. Planned Development Ordinance Amendment to Allow for More Than One Drive-Through Lane in Conjunction with a Class II Restaurants in Planned Development Ordinance No. 703/Zone 6
2. Replat of Outlot A, Cobblestone Lake South Shore 4th Addition into Two Lots

3. Site Plan/Building Permit Authorization to Allow for Construction for the Purpose of Future Construction of an 8,150-sq. ft. Retail Building on a 1.26-Acre Lot

Location: Southeast corner of 157th Street West and Emperor Avenue
Petitioner: South Shore Development, Inc. and Hempel Companies, a.k.a. Bear Cobblestone 2, LLC

Chair Melander opened the public hearing at 7:44 p.m.

City Planner Tom Lovelace stated the applicant is proposing to subdivide the existing outlot into two lots. Lot 1 will be 1.26 acres and 216 feet wide and Lot 2 will be .71 acres with a lot width of 121.5 feet. Both lots exceed the minimum lot area and lot width requirements.

The applicant has indicated on the site plan that an 8,148-sq. ft. retail building will be constructed on Lot 1, which will have a drive-through lane for a restaurant. "PD-703" allows only one drive-through window service in conjunction with a restaurant facility in the overall development, which is currently located at the Costa Vida restaurant at 15678 Pilot Knob Road. The applicant has requested an amendment to the planned development ordinance to allow for a second drive-through window.

He reviewed the site plan, utility plans, landscape plans and stated the City Engineer has reviewed the grading plan and revisions shall be made to the plan per his recommendations.

The outlot is currently guided "MIX" (Mixed Use). Mixed use areas contain a mix of retail and service business, office, institutional, medium and higher density residential, public uses and/or park and recreation uses. The uses may be mixed vertically (in a common structure) or horizontally (in a common site or area).

The property is zoned Planned Development No. 703/zone 6. Identified uses in zone 6 include a wide variety of retail, restaurants, professional offices, educational tutoring services, convenience stores, apartments, and continuum of care facilities. The applicant has indicated on the site plan that an 8,148-sq. ft. retail building will be constructed on Lot 1, which will have a drive-through lane for a restaurant.

Commissioner Diekmann asked for clarification on where the menu board for the drive-through would be located and if there would be any stacking.

Mr. Lovelace answered that the applicant had not addressed the location of the menu board yet. Stacking would be provided and they would allow for a bypass lane.

Commissioner Diekmann asked for definition of a Class II restaurant.

Mr. Lovelace said a Class II restaurant could be a fast food restaurant but could be prohibitive to national fast food chains by limiting the size and the hours of operation. They are similar to Costa Vida and they are required to meet these requirements and they seem to abide by it without a problem.

Commissioner Scanlan asked if there have been any tenants identified.

Mr. Lovelace responded not that he is aware of.

Commissioner Scanlan said that we are just looking at this as a speculation.

Mr. Lovelace answered yes, probably a spec building.

Commissioner Scanlan asked for explanation for the general public viewing tonight's meeting as to why this is being considered after the last restaurant that there was a specific notation made that there was not going to be another drive-through in Cobblestone. He asked for clarification why this request is before the Commission.

Mr. Lovelace responded that it is being considered because the applicant requested it.

Commissioner Scanlan commented that not everybody understands the process and he was trying to educate them on that.

Mr. Lovelace said the property owner has the right to make a request for a zoning amendment or a rezoning of their property and bring it before the City Planning Commission and City Council at any time.

Commissioner Scanlan inquired about the signage and the ordinance regarding lit signage facing toward the residential zone and how that applies to this project. He said there is still some signage on another building that shows toward the residential zone.

Mr. Lovelace answered that this one would be an interesting one to address because right across the street from it is the Orchard Path continuum care facility which technically is really a commercial use. Would they be allowed to illuminate their lighting on the east side of the building, we would need to take a look at that further.

Commissioner Scanlan referenced Commissioner Diekmann's comment on the location of the menu boards with the sound speaker and noise with that being projected into that same residential zone. He commented there is no secret he objects to these drive-throughs in Cobblestone and asked for explanation of the whole concept in Cobblestone and the reason there were not supposed to be drive-throughs from the beginning.

Mr. Lovelace responded that Cobblestone Lake was a planned development of intensity uses as you moved from east to west with the idea of having the commercial in a prominent location along Pilot Knob which is an arterial road where you see a lot of traffic. It started out in 2001 with the construction of single family development with the first phase which is located along the west side of Diamond Path Road. As you moved further to the west you generally see a little bit more intensity with your housing component with the hope that you see higher density of townhomes and apartment buildings. There is still one site that is available for an apartment and that is in the southwest corner of the Cobblestone Lake development.

Chair Melander commented that when the City started with the Cobblestone Lake area it was just plain land and that there was nothing cut in stone and it has been his experience with Cobblestone that things have changed. He said over the years there had been innumerable changes to that original concept plan and it continues to evolve. Nothing has been more fluent than the restaurant business. We encourage business and go with what the market demands. Apple Valley has been successful as a city because we accommodate change and we encourage business around here.

Commissioner Alwin asked about the area around Target and if the businesses around there are attracting more traffic that Target.

Mr. Lovelace commented that businesses want to be part of the energy that Target draws to the area.

Commission Scanlan said he does not disagree totally with Chair Melander's comments of how we look at change and try to accommodate a business but thinks we need to take a look back and see what Cobblestone is and retain some of that and not let an outside source come in and try to control that. He thinks that allowing another drive-through in Cobblestone, what we are driving after is that it is not supporting Cobblestone or the surrounding neighborhoods or even Target. It is supporting the residents from the south outside of Apple Valley that are driving by. And then getting that transient traffic that comes into Cobblestone, which is exactly what we do not want, and then having that go into the residential zone. He said he thinks we can accommodate business but that it should be done in a thoughtful manner. He said these rules were set up from the beginning for a reason. There was a lot of thought put into that. We made an adjustment and that should be respected.

Chair Melander stated if there are a separate set of rules for Cobblestone opposed to the rest of the City, he would like to be enlightened.

Ben Krsnak, Hempel Companies, provided additional information.

Commissioner Diekmann inquired if it could be shared what kind of restaurant was interested.

Mr. Krsnak replied that there are a number of fast casual concepts that have come out like a fast and fresh salad or sandwich concept that opens at about 10:00 or 11:00.

Commissioner Diekmann commented if you talk to residents or neighborhood they are always looking for variety in restaurant. He thinks this neighborhood can support more variety of restaurants. He wanted to make sure that they are clear that if they go to amend the ordinance and then to come back and want to amend it again, for example a coffee place, that becomes very difficult and troublesome. He said it should be thought about and how we go forward. As far as the architecture of the building, he was happy to see that it does not look like the other buildings. If it looked like the other buildings he would be inclined to oppose because there are enough of those same looking buildings and he likes what is shown here.

Commissioner Scanlan inquired about the signage on the east side and if that was a concern.

Mr. Krsnak replied that it is not a concern because with all the traffic on the west side, the signage is really on that side.

Commissioner Scanlan asked Mr. Krsnak if he could speak to their market research and who they see as the customer base for this restaurant concept.

Chair Melander commented that he did not think that was part of the Planning Commission's business and that land use is being discussed tonight. He said the application was for land use.

Commissioner Scanlan said in his opinion it is important that we understand who the customer is coming in in terms that we do not want to have all this additional transient traffic coming into a residential zone.

Chair Melander said this is part of a larger discussion and doubts if the applicant is going to tell us the name of the client they have in mind for this. He suspects the applicant would not embark on this unless they had a pretty good indication that somebody is willing to make a commitment.

Jon Ahlbrecht, 15830 Drawstone Trail, commented that several of his concerns had already been raised by the Commission and he expressed concern for the amount of transient traffic into the neighborhood which he feels will be caused primarily by this drive-through. He would like to see the ordinance upheld and restricted to one drive-through in this area. He said it is difficult to navigate through the parking lots in the shopping district. The streets are not overly wide. He would like to see something other than another fast food restaurant. He would like to see more screening between the Presbyterian Homes facility and the drive-through if it were to be allowed.

Commissioner Scanlan questioned how north bound traffic would exit left from Emperor Avenue to go toward Pilot Knob Road.

Mr. Lovelace answered 157th Street W and Emperor Avenue is a full intersection.

Commissioner Scanlan said people are going to have a hard time making a left hand turn to get back to Pilot Knob Road when the cars from the 157th Street and Pilot Knob Road at the signalized intersection are coming into the Target parking lot. He said folks will have a difficult time making a left hand turn to get back onto 157th Street to get back out to Pilot Knob Road.

Mr. Lovelace responded that the City Engineer will take a look at it.

Chair Melander closed the public hearing at 8:31 p.m.

C. Amendments to Planned Development Ordinance No. 507

Chair Melander opened the public hearing at 8:32 p.m.

City Planner Tom Lovelace said for consideration are two proposed zoning amendments to Planned Development No. 507 to allow on-sale liquor as a permitted use and identify Class I restaurants as a permitted use. The planned development ordinance currently allows for a Class I restaurant, either as a free-standing or within a multi-tenant building as a permitted use in zone 1. On-sale wine and/or 3.2% liquor in conjunction with a restaurant facility is a permitted use in zone 2; and on-sale liquor in conjunction with a restaurant facility and Class I restaurants are permitted conditional uses in zone 2 only.

During review of a request for a proposed restaurant with on-sale liquor in zone 1 of the planned development, staff became aware that this would not be allowed under the current ordinance. This review also concluded that the on-sale liquor operations at the existing Red Robin restaurant is not currently allowed.

Staff is proposing simplifying the Class I restaurant description in zone 1 by removing the "either free-standing or within a multi-tenant building" language, separating Class I and Class II restaurant descriptions, and adding on-sale wine and 3.2% liquor, and on-sale liquor in conjunction with a Class I restaurant facility as a permitted uses in that zone.

Commissioner Alwin asked for explanation of the different kinds of liquor licenses.

Mr. Lovelace described them.

Chair Melander closed the public hearing at 8:41 p.m.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann recommending amending the ordinance related to liquor in Section A18-2 in the City Code. Ayes - 7 - Nays - 0.

5. LAND USE/ACTION ITEMS

A. Cub Foods Parking Variance - PC17-28-V

1. Consider a Variance from the Minimum Required Number of Parking Spaces for a Retail Grocery Store and Fitness Center Facility

Location: 15350 Cedar Avenue
Petitioner: Supervalu Holdings, Inc.

City Planner Tom Lovelace stated staff is recommending approval to allow for a minimum of 434 parking spaces and 48 proof-of-parking spaces for a 88,210-sq. ft. retail grocery store and 19,900-sq. ft. fitness center on Lot 1, Block 1, Cub Foods 2nd Addition, due to the following:

1. The granting of the variance will not alter the general character of the locality.

2. The granting of the variance will be consistent with the comprehensive plan’s goals and policies by providing a redevelopment opportunity and retaining or increasing downtown employment opportunities and tax base.

The request from Supervalu Holdings, Inc., is for a variance from the minimum parking requirements for a grocery store and fitness facility. The applicant will be downsizing their current grocery store, located at 15350 Cedar Avenue, from 108,110 sq. ft. to 88,210 sq. ft. and leasing out the remaining 19,900 sq. ft. to Planet Fitness for a fitness center.

Minimum parking requirements for a retail grocery store is "one space for each 150 feet of floor area up to a total of 20,000 sq. ft.; thereafter, one space for each 200 sq. ft. of floor area". Recreation and sports training facilities such as Planet Fitness has a minimum parking requirement of "one space for every three occupants, based on the maximum occupant load of the building". Upward or downward revisions may be considered based upon experiences of the city.

The proposed parking spaces in the rear of the building will be utilized for employee parking and would be able to address any parking stress on the front lot.

He added staff expressed concerns regarding potential conflicts with access by delivery and emergency vehicles with the proposed parking in the rear of the building. The applicant has submitted auto-turn plans that have been reviewed by staff and no significant issues were identified. There is a fire hydrant along the south side of the property, which the applicant has located a parking space. That space will need to be removed.

John Gilderman, representing Cub Foods, provided additional information.

Discussion followed.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke recommending a variance to allow for a minimum of 434 parking spaces and 48 proof-of-parking spaces for a 88,210-sq. ft. retail grocery store and 19,900-sq. ft. fitness center on Lot 1, Block 1, Cub Foods 2nd Addition, due to the following:

1. The granting of the variance will not alter the general character of the locality.
2. The granting of the variance will be consistent with the comprehensive plan's goals and policies by providing a redevelopment opportunity and retaining or increasing downtown employment opportunities and tax base.

Ayes - 7 - Nays - 0.

6. OTHER BUSINESS

A. 2040 Comprehensive Plan Update

Cindy Gray, 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, October 4, 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 9:48 p.m. Ayes - 7 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on _____.

_____
Tom Melander, Chair