

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
NOVEMBER 3, 2010

1. CALL TO ORDER

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

Members Present: Jeannine Churchill, Tom Melander, David Schindler, Keith Diekmann and Paul Scanlan

Members Absent: Ken Alwin and Tim Burke

Staff Present: Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Associate City Planner Margaret Dykes, City Attorney Sharon Hills, Assistant City Engineer David Bennett, and Department Assistant Barbara Wolff

2. APPROVAL OF AGENDA

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

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, to approve the agenda. The motion carried 5-0.

3. APPROVAL OF MINUTES OF OCTOBER 20, 2010

Chair Churchill asked if there were any changes to the minutes. Hearing none she called for a motion.

MOTION: Commissioner Schindler moved, seconded by Commissioner Diekmann, to recommend approval of the minutes of the October 20, 2010, meeting. The motion carried 5-0.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

--NONE--

6. LAND USE/ACTION ITEMS

--NONE--

7. OTHER BUSINESS

A. Sketch Plan Review of proposed McDonald's Menu Board Sign. (PC10-40-V)

Associate City Planner Margaret Dykes stated that the applicant would like feedback from the Planning Commission regarding a proposed sign code amendment to allow for two menu boards for drive-thru restaurants with two queue lanes.

McDonald's restaurant, located at 7667-150th Street West, has a two-lane configuration for its drive-thru service with two order confirmation intercoms and one menu board. The existing menu board, measuring approximately 43 sq. ft., is located closest to the east drive-thru lane. The applicant says that because the majority of McDonald's business (approximately 70%) is done through the drive-thru, the single menu board creates traffic congestion. The applicant says this is because customers in the west drive-thru lane cannot adequately see the menu board until they are at the order board, causing traffic to back up while customers decide on their order. The applicant states that the traffic congestion will continue to be a problem because the number of menu items will continue to expand, and the average customer order has become larger.

The sign code states that restaurants with drive-thru service are allowed a maximum of one 50 sq. ft. menu board. This menu board is in addition to any other signs permitted on the site. The sign code was amended in 2002 to allow menu boards to go up to 50 sq. ft. The code was amended so that the City could:

- Establish standards which would permit businesses in the city a reasonable and equitable opportunity to identify themselves;
- Preserve and promote civic beauty and not allow signs which would detract from this objective because of unusual size, shape, height, location, condition, cluttering or illumination;
- Insure that signs in the city shall not create a safety hazard; and,
- Preserve and protect the value of the land and buildings.

The code does not make provisions for sites that have two drive-thru lanes. The McDonald's two-lane configuration is unique as there are no other Class II restaurants in Apple Valley that have two drive-thru lanes; all others have only one lane and one menu board.

The request from McDonald's for an additional menu board would require the city to amend its ordinance, rather than grant a variance because the code specifically states that only one menu board is allowed per site.

Dykes asked for comments or questions from the Planning Commission.

Commissioner Melander said he would be curious to know how many neighboring cities are allowing two menu boards.

Dykes said that is research staff would conduct if the applicant moved forward.

Commissioner Scanlan commented that the lanes did not appear to match up with each other. He asked if the applicant has considered a lane change so that the two lanes could share the one menu board.

Dykes replied that the applicant could speak to that.

Commissioner Diekmann said that, in general, he feels it is prudent for each ordering station to have its own menu board. He said he was concerned with site line issues and the placement of the board with the parking lot directly behind it. In general, each ordering station should have visibility to the board.

Chair Churchill said it is odd how the menu board is placed now. She commented that she isn't sure that changing the City's code is necessary. She said she is hesitant unless this is the only way that the applicant can serve their customers.

Dykes said, according to the applicant's information, this restaurant is one of the busiest in the region. She said about 70% of their business comes from drive-thru service. She said the applicant also stated that there

is traffic congestion although they may be able to speak to opportunities to re-evaluate the placement of the board.

Chair Churchill said that in her experience, the traffic congestion is not at the menu board; it is waiting in line to pick up the food. She asked for the petitioner to come forward to address the Commission.

Geoff Michael, stated he is a sign salesperson and also a chairman of a Planning Commission. He said he sees this as a code issue and if he was in the Planning Commission's position, he would ask himself why the code is so unique that it allows one menu board for two order entry points. Mr. Michael said that in the last seven years he has placed signs at the McDonald's restaurants that have been built either from scratch or remodeled. He said that he has not installed signs at any locations that haven't had two order entry points with two menu boards and the most recent one he has been associated with was the Burnsville location. He stated that the Apple Valley restaurant conducts 70.4% of their business from their drive-thru.

Ray Croaston, construction manager for McDonald's, stated that there are 645 McDonald's restaurants in the region, 181 in the Twin Cities co-op and currently about 75 of them have a side-by-side drive-thru and the Apple Valley location is the only one with one menu board. He said that they've found that it is most natural for people to look to the left and for the menu board to be placed at an angle. He stated that what they're doing at the speaker causes a problem in the kitchen. Also, Mr. Croaston stated 15-20% of the customers in Apple Valley also visit their restaurants in Rosemount, Burnsville, and other neighboring communities.

Mr. Croaston stated that they like to keep the restaurant sites the same as much as possible, with a counter-clockwise movement of the vehicles, the menu board on the left at an angle, and 80-100 ft. back from the cash booth. At the time the location in Apple Valley opened, the drive-thru generated 55-60% of the business. The sales have increased causing more congestion, which is prompting this request. He said other locations in the metro area that have two-menu board drive-thrus include Wayzata, Maplewood, Hastings, Minnetonka, Minneapolis, Arden Hills, Mendota Heights, and Burnsville.

Chair Churchill asked the applicant if he has looked at the traffic safety issue with the placement of the menu board obstructing the view of traffic.

Mr. Croaston said the pedestrian parking is segregated from the drive-thru lanes.

Chair Churchill said that there is still vehicle traffic that is exiting through the drive-thru lanes.

Mr. Croaston said that is so all the traffic didn't go out the front and so they could circulate and not be completely congested.

Commissioner Schindler asked where the potential second menu board would be placed.

Mr. Croaston said the sign would be placed in the existing island.

Commissioner Schindler asked if the area would be reconstructed.

Mr. Croaston replied yes.

Commissioner Scanlan asked what the size is of the menu boards at other restaurants with two lanes.

Mr. Croaston said it is the same size as what exists on site today; there would just be two of them.

Commissioner Scanlan asked if there is a need for such a large sign if it is dedicated to each lane.

Mr. Croaston said yes because of the large number of menu items. He said their items have become more sophisticated and the customers have become more sophisticated. It takes that size menu board to include all of their menu items.

Commissioner Diekmann asked how far away the order points are from the cash drawer now.

Mr. Croaston said he does not have the measurements but it is probably 120 feet.

Commissioner Diekmann asked how the placement of the menu board affects the cooking of the food.

Mr. Croaston said as the order is placed, it allows the kitchen to assemble the order.

Chair Churchill said the Planning Commission has dealt with menu boards at length on numerous occasions in the past because of lack of compliance and unattractive boards. She said that getting to a 50 ft. sq. sign menu board was a concession on their part to eliminate a clutter of multiple boards. She stated that the City cannot administer a code for just one fast-food restaurant. The City must look at crafting the code so that it would look at the site and be fair and reasonable to all of the restaurants in this class in the City. Chair Churchill said that before they would seriously consider changing the code they would need to hear from the City's traffic consultant because they do not want to create a potential hazard between cars.

Mr. Croaston said that their site plans have two islands and it's not an issue. He said they do it all the time.

Chair Churchill said from the Planning Commission's perspective it would be helpful to see site plans from other cities.

Mr. Croaston said Burnsville has two drive-thru lanes with two menu boards.

Commissioner Scanlan said it appears that McDonald's goal is to achieve more cars through the check-out lane.

Mr. Croaston said that right now the customer is getting slowed down.

Commissioner Scanlan asked what will be gained by adding a second menu board.

Mr. Croaston said his experience tells him 15-20 seconds per car.

Commissioner Melander commented that the more they talk about this the more uncomfortable he is becoming with the idea of a second menu board.

Mr. Croaston said they want to take care of their customers and their business.

Commissioner Melander said he doesn't want the City of Apple Valley to have a reputation of being unfair or difficult to work with, and they haven't in the past, but the more this issue is discussed, the more uncomfortable he is becoming with it.

Chair Churchill said she isn't prepared to give either a negative or a positive response. She said that what she's heard from the applicant is that this is good for McDonald's and good for the customers but she said she is not convinced that it is good for the City of Apple Valley. Chair Churchill told the applicant that the City of Apple Valley does not generally create our codes based on what our neighbors do. She said we look at the City of Apple Valley and consider our real estate and our growth pattern and the demands that are placed on our infrastructure. And then try to work to the best of the city and the businesses here in a fair and equitable manner.

Mr. Croaston said that they also want to make sure that it is safe on the lot.

Chair Churchill stated that it would be helpful, if the Planning Commission is going to contemplate changing the code, to at least see pictures of what this might look like based on other cities. She also stated that it is reasonable to ask that the applicant bring that to the City rather than asking the Commission to drive around to neighboring cities.

Mr. Croaston said no problem.

Dykes thanked the Planning Commission.

B. Discussion of a proposed American Institute of Architects Sustainable Design Assessment Team (AIA-SDAT) Program Grant.

City Planner Tom Lovelace stated that staff is currently preparing an application to the American Institute of Architects (AIA) Sustainable Design Assessment Team (SDAT) Program. This program provides pro bono services and up to \$15,000 (with a required one-time payment by the City of \$5,000) that will "bring together multidisciplinary teams of professionals to work with community decision-makers and stakeholders through an intensive planning process" with the purpose of helping communities develop a vision and framework for a sustainable future. The goal of the program is to help communities create a sustainable relationship between cultural, environmental, and economic systems.

Staff has chosen to focus the City's application on the Cedar Avenue corridor and the changes and sustainable transit oriented development (TOD) opportunities associated with inclusion within the corridor of the first Bus Rapid Transit (BRT) system in the state. If accepted, staff would hope that this exercise and final report would act as a companion document to the existing TOD study that was prepared by Cornejo Consulting and LHB, Inc. in 2008.

AIA asks that participating communities consider at least two topics in three areas of study: environmental, social, and economic. Staff is proposing that the focus of the assessment would be the following:

Environmental

- Water quality/quantity
- Transit and land use
- Energy efficiency

Social

- Demographic/income shifts
- Sense of community/place
- Pedestrian/bicycle options
- Access to jobs/housing

Economic

- Revitalization
- Jobs
- Transportation

Other important components of the assessment are securing an educational partner and creating a steering committee made up of representatives from the public and private sector. Staff has contacted Professor Carissa Schively-Slotterback at the University of Minnesota Humphrey Institute requesting participation in the assessment. Professor Schively-Slotterback was the faculty advisor for the Fischer Sand and Aggregate Study Area Capstone Project. Also, staff is currently preparing a list of public and private sector representatives to contact about sitting on the steering committee. Staff would hope that several members, if not all of the Commission, would express interest in sitting on the steering committee.

Community Development Director Bruce Nordquist added that the Metropolitan Council pre-development grant application is currently being reviewed by committees at the met Council. The Met Council is considering 15 different applications for funding and the City of Apple Valley's is ranked as number one. He said this grant would address and guide the development of an ordinance with the assistance of a consultant for an overlay along the Cedar corridor to allow present property owners to evolve into a different type of overlay that is supportive of transit oriented types of development.

Nordquist continued to say that the grant would also allow a demographic analysis which would tell us what types of users we could expect in the future. He said it is what is critically important to the region in terms of future corridor transit oriented development.

Commissioner Melander asked Lovelace if the only monetary contribution the city makes is \$5,000.

Lovelace said that the American Institute of Architects (AIA) would contribute \$15,000 and the City would contribute at a minimum \$5,000. If the City of Apple Valley is awarded the pre-development grant, the Livable Communities Demonstration Account (LCDA) money would be provided by the Metropolitan Council in the amount of \$60,000 to help assist staff in drafting an ordinance with a market analysis and demographic analysis.

Commissioner Melander said he wants to see concrete expectations of results instead of "buzz words".

Lovelace said that the wording is the AIA's terminology, although they will bring their team in to lead us through the design and the City has the opportunity to decide on the outcome. He said that we can take the buzz words and come up with an understanding of what it means to us. Staff is considering concrete design elements in concert with the changes to Cedar Avenue and bus rapid transit (BRT).

Commissioner Melander said he is willing to sit on the board.

Lovelace said one of the elements is the BRT and how that may relate to LRT. Perhaps that might provide us with the mixed use that the City can build along the Cedar corridor. He said that the BRT is the driver for the City to make this application. This BRT line is the first in the state and we should be proud of that. The application would address development to complement BRT and also complement future development along the Cedar corridor.

Commissioner Diekmann asked what staff envisions the deliverable to be. He asked if staff is looking for specific design ideas with driving policy changes.

Lovelace said that is difficult to answer. The 3-day charrette would guide us on how to shape and mold our ideas and if the City would make policies, what kind of teeth it would have. He said we may also explore what the opportunities would be to maximize the properties along Cedar Avenue and whether it be a mixed-use or a multi-story building.

Lovelace stated that the changes along Cedar Avenue and the BRT will change the face of Cedar Avenue. The City wants to take these changes and ask what the opportunities are for the properties along Cedar Avenue to maximize their uses and their values. Lovelace said the simple answer to Commissioner Diekmann's question is that it is open-ended and it is up to us to mold it to what we want.

Commissioner Diekmann said he is all for doing this application and thinks staff and the City will get great ideas and design concepts from it, although he wants it to be worth the time and effort. It will require a lot of time and effort from staff and committee members. He wants to see the City be able to influence what happens in the future because of this. He stated that he hasn't seen the Planning Commission going back and referencing past studies and perhaps it happens on a staff level, but he said he doesn't see it at his end. He said it is definitely worth pursuing, but he wants to see something fruitful from it afterwards.

Chair Churchill said what happens on Cedar Avenue will have a long and significant impact on the City in the way that the City grows, develops, and maintains, and the quality of life that our residents have. Additional emphasis with parallel track analysis before earth movers are out there changing everything around is a benefit, but we also need to know what our goal is. She said that maybe we need to study and seek creative input and address specific issues so that they're not lost in the reconstruction of Cedar Avenue. Chair Churchill said that there is value in additional fresh eyes and the time to do that is now.

Lovelace agreed that it is good to have the perspective from people that don't have the history of Apple Valley behind them. They may be a lot more excited by what they can see because we can't see it from our view.

Lovelace said staff will proceed with the application to meet the November 19th deadline.

Chair Churchill wished the planning staff good luck with the application.

C. Consideration of the 2011 Meeting Calendar.

Community Development Director Bruce Nordquist stated that the Planning Commission schedule shows only one meeting scheduled for the months of January, July, and November. Staff selected the third Wednesday of each month given the spacing between the meeting dates, as well as the fact that this will provide for alternate week spacing between Planning Commission and City Council meeting dates in each month.

Chair Churchill hearing no comments from the Planning Commission asked for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Melander to adopt the draft 2011 Planning Commission meeting calendar.

D. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that in addition to the pre-development application being considered by the Metropolitan Council, there is a second one also being considered. It is an updated industrial land use market study for the Hanson Concrete property. The marketplace has changed and also the highest priorities for the use of the property have changed. Nordquist stated that health services, financial services, and manufacturing are all in high demand in the marketplace today, although he said probably not by someone located in our region. He said that it may be a national or global user that is attracted to the Twin Cities. Job creation is driving the application and the Metropolitan Council also supported the application with a recommendation for funding. The two distinct studies demonstrate the merit of the applications and the Met Council moving forward with support of job creation in the City.

8. ADJOURNMENT

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

MOTION: Commissioner Schindler moved, seconded by Commissioner Diekmann, to adjourn the meeting at 7:59 p.m. The motion carried 5-0.

Respectfully Submitted,

Barbara L. Wolff, Planning Department Assistant

Approved by the Apple Valley Planning Commission on _____.