

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
SEPTEMBER 5, 2012

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, Paul Scanlan, and Brian Wasserman.

Members Absent: David Schindler.

Staff Present: Community Development Director Bruce Nordquist, City Planner Tom Lovelace, Associate Planner Kathy Bodmer, City Attorney Sharon Hills, Assistant City Engineer David Bennett and Department Assistant Joan Murphy.

2. APPROVAL OF AGENDA

Chair Melander asked if there were any changes to the agenda.

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

3. APPROVAL OF MINUTES OF AUGUST 15, 2012.

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

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of August 15, 2012, as written. Ayes - 4 - Nays - 0. Abstained - 2 - Alwin and Burke.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Kwik Trip Store Reconstruction— Consideration of a proposed replat, conditional use permits and site plan/building permit authorization to allow for the reconstruction of an existing gas/convenience store and car wash operation. **(PC12-30-SCB)**

LOCATION: 7510 – 145th Street West

PETITIONER: Kwik Trip, Inc - Convenience Store Investments

Chair Melander opened the public hearing at 7:01 p.m.

City Planner Tom Lovelace stated the applicant, Kwik Trip, Inc., requested to have the public hearing continued to the October 3, 2012, Planning Commission meeting.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, continuing the public hearing to the October 3, 2012, Planning Commission meeting. Ayes - 6 - Nays - 0.

6. LAND USE/ACTION ITEMS

A. Cub Foods Addition – Consideration of a proposed replat of an existing 11.6-acre lot into three (3) lots for future commercial/retail development on two lots located directly adjacent to 153rd Street West, with the remaining lot being the location of the existing Cub Foods grocery store. **(PC12-24-S)**

LOCATION: 15350 Cedar Avenue

PETITIONER: Oppidan, Inc. and SVH Realty, Inc.

City Planner Tom Lovelace stated the applicants, Oppidan, Inc. and SVH Realty, Inc. requested approval of the subdivision of an existing 11.6-acre lot into three lots.

Lot 1, 9.47 acres, would be the location of the existing Cub Foods grocery store. The applicant is proposing to reduce the size of the existing 108,527 sq. ft. store by approximately 15,000 sq. ft. as part of a remodeling project.

The one-acre Lot 2 is proposed to be the future location of a Class II restaurant with drive-thru lane(s). The final lot, 1.04 acres, would be proposed to be the location of a 7,000 sq. ft. multi-tenant retail building. Access to the proposed subdivision will be from 153rd Street West at the existing locations.

Access to Lots 2 and 3 within the proposed subdivision would be via existing drives located in Lot 1 and the lot directly to the east (the Appliance Smart store). Part of any approval of this subdivision would be the execution of cross access easement agreements between all parties that allow for ingress and egress from all lots as well as the property to the east of the proposed subdivision.

Sanitary and storm sewer lines to serve Lots 2 and 3 would be located within Lot 1. Maintenance and access agreement(s) would need to be executed for any utility lines that extend across multiple properties within the proposed subdivision.

Development of the existing parking lots along the north side of the property into building sites would likely see an increase in traffic along the existing most northerly east/west drive aisle. Concerns had been raised regarding the close proximity of the drive aisle intersection to the signalized intersection and potential vehicle stacking and sightline issues, which require that the intersection be moved farther south.

Chair Melander stated he did not see a sidewalk drawn in for the retail building.

Mr. Lovelace answered there were no sidewalks shown on the plans but the applicant would need to provide sidewalk plans before any building permit would be issued. Staff would have the ability to approve sidewalks to see that those connections would be made.

Commissioner Scanlan inquired if the handicapped access from Cedar Avenue to the Cub Foods store, which had previously been blocked due to Cedar Avenue construction, would come later.

Mr. Lovelace stated that would be reviewed internally when a building permit would be requested.

Commissioner Diekmann inquired how close a Class I restaurant could be to a neighborhood.

Mr. Lovelace said that had not been checked out yet. If the restaurant would be less than 1000 feet a variance would be needed.

Commissioner Diekmann asked if the changing of the south lot line for the retail building does anything to the site as a whole and if there would be cross access easements among all three lots.

Mr. Lovelace stated the changing of the south lot line does not do anything to the site as a whole but they prefer that the parking needed on Lot 3 would be wholly contained within their own property. He further stated there would not be direct access off 153rd Street so a cross access agreement would be part of the approval for the final plat that the developer would need to have executed.

Commissioner Diekmann asked if the current monument sign for the Cub Foods would be on the property of Lot 2 at that point and if all the signs including the one for the restaurant would be on that same monument sign.

Mr. Lovelace stated yes.

Commissioner Alwin inquired if after the lots are sold off if the sign for Cub Foods would remain where it is.

Mr. Lovelace stated that he assumes Cub Foods would plan to acquire an easement for the sign because it is a center sign including other retail businesses on it.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Burke, approving Cub Foods preliminary plat subject to the following conditions:

1. The south lot line of Lot 3 shall be revised to ensure that all parking spaces are located within the lot.
2. The most easterly intersection of the east/west drive aisle located on the north side of Lot 1 shall be located no closer than 150 feet from 153rd Street West as measured from the south curb line of 153rd Street West to the north curb line of the east/west drive aisle.

3. Maintenance and access agreement(s) will need to be executed for any utility lines that extend across multiple properties within the proposed subdivision.
4. A proof-of parking plan shall be approved to show 37 spaces along the west side of the existing building on Lot 1.
5. Connections shall be made to those public sidewalks that allow for pedestrian access to the lots within the proposed subdivision.

Ayes - 6 - Nays - 0.

B. Lot 3, Cub Foods Addition Retail Building – Consideration of site plan/building permit authorization to allow for construction of a 7,000 sq. ft. retail building on 1.04-acre lot. **(PC12-32-B)**

City Planner Tom Lovelace explained the applicants, Oppidan, Inc. and SVH Realty, Inc. requested site plan/building permit authorization approval to allow for construction of a 7,000 sq. ft. retail building on a 1.04-acre lot. The site is located on the south side of 153rd Street West, east of Cedar Avenue.

The project's site is part of a preliminary plat that would subdivide the existing 11.63-acre lot into three new lots. Lot 3, which is located in the northeast corner of the site, would be the location of the proposed multi-tenant retail building. No permit shall be issued for this project until after the approval and recording of the Cub Foods Addition final plat.

Access to the site would be via existing drives on the Cub Foods property and the lot directly to the east. Part of any approval of this site plan/building permit authorization would be the execution of cross access easement agreements between all parties that allow for ingress and egress from all lots within the proposed Cub Foods Addition subdivision as well as the property to the east of the proposed subdivision.

Thirteen (13) parking spaces located along the north property line do not meet the minimum length. Revisions would need to be made to bring those parking spaces into compliance. The striped areas at the end of the parking stalls located just south the project's site on the Cub Foods property should be replaced with raised parking islands.

The site plan did not identify the location of a trash enclosure that would be addressed with the applicant.

The plan shows a 6-foot wide sidewalk along the west side of the patio, which abuts the curb of the parking lot, which a portion may be impeded by vehicles parking in the abutting spaces. Staff is recommending that the sidewalk along the west side of the building be increased from 6 feet to a minimum of 7 ½ feet.

An existing sidewalk runs along the south side of 153rd Street West. A minimum of one connection from the sidewalk along 153rd Street West should be made to the building.

Revisions to the landscape plan should be made as per the Natural Resources Coordinator's comments, as identified in this staff report, at the time of submission of plans for a building permit. Existing utilities that currently serve the Cub Foods store would be extended to serve the proposed development. Storm sewer and a proposed underground storm water infiltration system would be installed to capture and treat storm water runoff.

Private utility easements and maintenance agreements would need to be executed prior to submittal for a building permit.

Commissioner Scanlan inquired if the 3 - 15' wide sidewalk was on the north side.

Mr. Lovelace answered yes it would be on the north side and it was expected to be just a service area where goods are received and not for use by the general public.

Chair Melander stated the plans show four slots in the place and inquired as to the other two tenants.

Mr. Lovelace stated the applicant identified Smashburger with a patio in one, Sport Clips in another and two more tenants in the future on the easterly end.

Commissioner Burke asked about snow piles in the winter months and if they would be piled in the Cub Foods lot.

Mr. Lovelace stated it may be moved in the Cub Foods lot and they may have an agreement for snow removal for all three of the lots.

Commissioner Diekmann inquired as to the purpose of the 15' wide sidewalk on the east side of the building and asked for clarification of the west side of the building with the overhang regarding the 6' wide sidewalk and the 2' overhang. He asked what the minimum sidewalk width the City is looking for.

Mr. Lovelace stated staff's concern of sidewalk width on the west side was for access to the building because parking was added on that side and with cars overlapping between the curb line and the fence line of the outdoor patio then sidewalk width was more of a concern. He stated the City is looking for a minimum of 5' and therefore recommended to the applicant that they consider 7 ½' because of the overhang. He said there was not a concern for sidewalk width on the east side.

Commissioner Diekmann asked if there was any concern for site access off 153rd Street where the plans allow for entrance but traffic was allowed to go right or left but not straight. He inquired if there would be signage for this area to control traffic through that intersection.

Mr. Lovelace stated the drive is private and he expects they would have stop signs at that location as internal controls.

Paul Tucci, Oppidan, Inc., shared that the reason for the wide sidewalk width on the east side was for an opportunity of a few chairs set out for a possible sandwich shop as one of the tenants. They

anticipate installing stop signs to control the east/west traffic in the drive aisle which would be longer in feet than it currently is now. Cross access agreements and snow removal plans are being addressed. Sidewalk connections from the east side of the building to 153rd Street West would be installed.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, approving the site plan/building permit authorization to allow for construction of a 7,000 sq. ft. retail building on Lot 3, Block 1 Cub Foods Addition, according to the preliminary plat, subject to the following conditions:

- Issuance of a building permit shall be contingent on the approval and recording of the Cub Foods Addition final plat.
- All parking spaces shall meet the minimum parking requirements.
- The striped areas at the end of the parking stalls located just south the project's site on the Cub Foods property shall be replaced with raised parking islands.
- The sidewalk along the west side of the building shall be increased from 6 feet to a minimum of 7½ feet.
- A minimum of one sidewalk connection from the sidewalk along 153rd Street West should be made to the building.
- The location and design of a trash enclosure shall be approved by City staff prior to issuance of a building permit.
- Private utility easements and maintenance agreements shall be executed prior to submittal for a building permit.
- A cross access easement agreement shall be executed prior to issuance of a building permit.
- All applicable City ordinances shall be strictly adhered to.

Ayes - 6 - Nays - 0.

7. OTHER BUSINESS

A. Cedar Avenue BRTOD Guide Plan Project Update – Update on the City's Bus Rapid Transit Oriented Design (BRTOD) Guide Plan that will provide design criteria and land use regulation tools to help guide development along the Cedar Avenue BRT corridor and within 1/2 mile of each station stop.

Associate Planner Kathy Bodmer updated the Commission that in 2010 the City of Apple Valley was awarded a \$60,000 Livable Communities Demonstration Account (LCDA) Pre-Development Grant from the Metropolitan Council to hire a consultant to perform a planning study of Bus Rapid Transit-Oriented Development (BRTOD) opportunities along the Cedar Avenue transitway. Hoisington Koegler Group, Inc. (HKGi) was selected to create a guide plan which would provide design criteria and land use regulation tools which would help to guide development along the BRT corridor and within 1/2 mile of the on-line Cedar Avenue transit stations in Apple Valley.

Bus rapid transit (BRT) service would begin operation in 2013 on Cedar Avenue, the first BRT system to operate in the State of Minnesota. The Apple Valley BRTOD Guide Plan would be used to guide development to create housing, retail, live/work, office and entertainment uses in more intensive configurations that take advantage of the enhanced transit service on Cedar Avenue.

Mark Koegler, Hoisington Koegler Group, Inc., project manager for the consulting group, provided an overview of the study and guide plan. The BRTOD Guide Plan would include the following three elements: (1) a synthesis of recently completed market studies and demographic analyses, (2) guide plans and design principles, and (3) recommended land use controls. He said Apple Valley is unique to have the BRTOD because it creates opportunity and he reviewed various designs for the different quadrants surrounding Cedar Avenue and County Rd 42.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, September 19, 2012, at 7:00 p.m.

8. ADJOURNMENT

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

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin to adjourn the meeting at 9:15 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 9/19/12.