

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
DECEMBER 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, Keith Diekmann, Paul Scanlan, David Schindler and Brian Wasserman.

Members Absent: Tim Burke

Staff Present: Community Development Director Bruce Nordquist, City Attorney Michael Klemm, 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 Alwin moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 5 - Nays - 0.

3. APPROVAL OF MINUTES OF NOVEMBER 7, 2012.

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

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of November 7, 2012, as written. Ayes - 4 - Nays - 0. Abstained - 1 - Diekmann.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARINGS

A. Chick-fil-A Restaurant – Consideration of a condition use permit, variances, and site plan building permit authorization to allow for construction of a 4,559 sq. ft. Class II restaurant with a drive-thru.

LOCATION: Southeast corner of 153rd Street West and Cedar Avenue

PETITIONER: Chick-fil-A, Inc. and SVH Realty, Inc.

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

Commissioner Schindler arrived at 7:03 p.m.

Community Development Director Bruce Nordquist stated the applicant requested approval of a conditional use permit, setback variances, signage variance and site plan/building permit authorization to allow for construction of a 4,559 sq. ft. Chick-fil-A restaurant, 38-space parking lot, and drive-thru lane on one acre lot. The site is located in the southeast corner of 153rd Street West and Cedar Avenue.

The proposed site is part of the replat of the existing Cub Foods property that consists of the replatting of the 11.63-acre lot into a one 9.63-acre lot and two one-acre lots. The proposed restaurant would be located on the one-acre lot located in the northwest corner of the plat.

Construction of the proposed restaurant would be contingent on the approval of CUB FOODS ADDITION final plat. A Class II restaurant is a conditional use within the "RB" (Retail Business) zoning district and cannot be located any closer than 1,000 feet from a residential or institutional use. This proposed restaurant will be located approximately 150 feet from the property line of a townhome development located on the west side of Cedar Avenue and 300 feet from the nearest dwelling unit in that development. A variance would need to be approved along with a conditional use permit. Conditions appear to be similar to other Class II restaurants along CSAH 42 that have received setback variances.

The site plan shows a 9 ft. x 35 ft. trash enclosure that would be located directly south the site on the Cub Foods property. Deliveries to the operation also would be made at that same general location. The City requires that all operations of a business occur on their own lot. The applicant would be receiving an easement from Supervalu that would allow them to build a trash enclosure on their property. The trash enclosure area would be located just to the south of the drive-thru aisle exit and the restaurant's delivery door. The potential conflicts of these activities in one location were raised as a concern during the Planning Commission's sketch plan review.

The proposed restaurant would be located 32 feet from the west property line, which is 18 feet closer than is allowed by code. A setback variance would need to be granted to allow for the building to be located on the property as proposed.

The development's foot candle measurement on their lighting plan should be taken from the new property lines. The grading and utilities plans were reviewed. He stated the City Engineer had recommended the north curb line of the drive-thru lane be relocated outside of an existing drainage and utility the easement.

The site plan indicates two menus boards for the drive-thru lanes. City code allows a maximum of one menu board shall be permitted on a parcel of land with a restaurant providing drive-up window service. A sign variance would need to be approved to allow for the two menu boards as requested. He stated the applicant is proposing a monument sign in the northeast corner of the site. The property is part of the former Apple Valley Retail Addition and has an approved major anchor/center sign. The major anchor/center sign shall be the only freestanding sign permitted for

the business or center as allowed by code. The proposed monument sign would not be allowed. He reviewed a list of issues.

Commissioner Scanlan inquired if a change should be made to the current ordinance to allow for two menu boards without the requirement for a variance.

Mr. Nordquist stated it would need to be addressed separately because of the time involved in preparing an ordinance and staff would like to move forward with it as a variance to meet the application deadline.

Jason Hill, Chick-fil-A, reviewed issue concerns previously outlined to include trash enclosure, drive-thru access, truck deliveries, lighting plan, curb line, menu boards and monument signage.

Commissioner Alwin asked if the delivery trucks would be full size 18-wheeler trucks and what the traffic flow of the trucks would be.

Mr. Hill answered that the truck deliveries would be 2 to 3 times per week and would be full sized trucks. The trucks would be scheduled to deliver in off-peak hours. He stated curb island protectors would be installed to prevent concrete breakage from the trucks driving over them.

Commissioner Scanlan asked if the delivery trucks would be their own trucks or third party trucks.

Mr. Hill answered they would be third party trucks.

Commissioner Scanlan asked if a truck traffic overlay could be provided for the next meeting to show how the trucks would maneuver to the restaurant site.

Chair Melander inquired as to the legality of the off-site trash enclosure.

City Attorney Michael Klemm stated that City Code requires the trash enclosures to be located on the parcel that it is serving. If it is the City's desire to allow the trash enclosure to be placed as shown on the site plan that issue does need to be addressed.

Commissioner Scanlan stated that since the plans indicate there are 3 parking stalls over the minimum requirement he suggested removing one parking spot next to the outdoor seating and provide privacy for the outside dining area.

Mr. Hill said they could consider that.

Commissioner Scanlan would like to see more balanced architecture to the building. He believes the building is unique to this lot and would like to see more architectural components brought to the south end of the building including the east and west sides as in the extensions seen on the sides of the building.

Mr. Hill stated they would see what they could do within reason so not to draw attention to it and confuse customers since the south side is the service and delivery entrance. They would review the design and see if there is something else they could do to make it more attractive.

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

6. LAND USE/ACTION ITEMS

--NONE--

7. OTHER BUSINESS

A. Approve 2013 Planning Commission Calendar.

Community Development Director Bruce Nordquist presented the 2013 meeting calendar and application deadlines.

MOTION: Commissioner Alwin moved, seconded by Commissioner Diekmann, to approve the 2013 Planning Commission Calendar. Ayes - 6 - Nays - 0.

B. Review of upcoming schedule and other updates.

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting would take place Wednesday, December 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 Alwin moved, seconded by Commissioner Scanlan to adjourn the meeting at 7:47 p.m. Ayes - 6 - Nays - 0.

Respectfully Submitted,

/s/ Joan Murphy
Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on 1/16/13.