

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
MARCH 2, 2016

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, Angela Polozun, Paul Scanlan and David Schindler.

Members Absent: Keith Diekmann

Staff Present: City Attorney Sharon Hills, City Planner Tom Lovelace, City Engineer Brandon Anderson 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 Burke moved, seconded by Commissioner Scanlan, approving the agenda. Ayes - 5 - Nays - 0.

3. APPROVAL OF MINUTES FEBRUARY 17, 2016

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

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of February 17, 2016. Ayes - 4 - Nays - 0. Abstain – 1 (Melander)

Commissioner Schindler arrived at 7:01 p.m.

4. ANNUAL BUSINESS MEETING

Chair Melander opened the annual business meeting and asked for nominations.

The Commission nominated and elected officer positions amongst themselves for Chair, Vice-Chair and Secretary. The officers, given only one nomination for each office, were accepted by unanimous consent under Robert's Rules of Order:

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan to nominate Thomas Melander to continue to serve as the Chair of the Planning Commission for one year. Ayes - 6 - Nays – 0.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan to nominate Tim Burke to continue to serve as the Vice-Chair of the Planning Commission for one year. Ayes - 6 - Nays – 0.

MOTION: Commissioner Burke moved, seconded by Commissioner Alwin to nominate David Schindler to serve as Secretary of the Planning Commission for another year. Ayes - 6 - Nays – 0.

5. CONSENT ITEMS

--NONE--

6. PUBLIC HEARINGS

--NONE--

7. LAND USE/ACTION ITEMS

A. Cobblestone Retail II – Consideration of final plat of an outlot, zoning amendment to allow for a drive-up window in conjunction with a restaurant, and site plan/building permit authorization to allow for construction of a 6,288-sq. ft. retail building on a .98-acre lot. **(PC16-04-ZFB)**

LOCATION: Northwest corner 157th Street West and Cobblestone Lake Parkway

PETITIONER: Bear Cobblestone 2, LLC

City Planner Tom Lovelace stated the proposed use is consistent with the rezoning, with the exception of the request for a drive-up window for a proposed restaurant. Staff has concerns about allowing this, which may open the door for allowing freestanding restaurants with drive-up windows. Staff is proposing that the amendment include certain restrictions and requirements to ensure that it will not be detrimental to the character of the development.

The proposed project will share parking and access with the lot to the north, which has two additional driveways and 55 parking spaces. Access and parking will be sufficient to serve both properties.

There is a shared access and parking agreement among all properties within the Cobblestone Lake Commercial development, which allows for additional access drives and parking for the proposed project.

The planned development ordinance requires that parking lots with fifteen (15) or more parking spaces shall provide for parking for bicycles adjacent to the front of the building at a location that will not impede use of any sidewalk. The applicant shall be required to install a bike rack in front of building.

The site plan does not identify the location of a trash enclosure to serve the site. The applicant has stated that they will store trash in the building.

The applicant has modified the drive-up lane to the satisfaction of the City Engineer.

The original landscape plan identified a wide and diverse variety of plantings. Staff reviewed the original plan, recommended that a better mix of deciduous trees be planted and that additional landscaping be added along the south, and east side of the property to help screen the drive-up lane from the adjacent public roadways and gathering areas. The applicant has submitted a revised plan that addresses staff's concerns.

Mr. Lovelace reviewed the storm water runoff plan. He said the building elevation plan identifies an area for signage as well as a 5-ft. x 5-ft. menu board that will be attached to the south wall of the building. No formal sign application has been submitted with this request. All signage shall conform to City's sign ordinance and special performance standards set forth in Planned Development Ordinance No. 703.

Discussion followed.

Scott Nelson, DJR Architecture Inc., and Ben Krsnak, Hempel Properties and Bear Cobblestone 2, provided additional information.

- MOTION:** Commissioner Alwin moved, seconded by Commissioner Schindler recommending approval of a planned development ordinance amendment to allow Class II restaurants with drive-up window in a multi-tenant retail building, subject to the following restrictions:
- a. The restaurant shall occupy no more than 50% of multi-tenant building and shall not exceed 3,000 square feet in building area.
 - b. Only one restaurant of this type shall be allowed in zone 6.
 - c. Landscaping, screen wall, or a combination thereof shall be installed between the drive-up window lane and any private and public street, and open gathering spaces.
 - d. Hours of operation shall be conformed to the hours of 10:00 a.m. to 11:00 p.m. daily including the drive-thru hours.
 - e. Only one drive-up lane and menu board shall be allowed.

Commissioner Burke amended the motion to include:

- f. The sidewalk shall be continued at the same level across the driveway.

Ayes - 5 - Nays - 1 (Scanlan)

- MOTION:** Commissioner Alwin moved, seconded by Commissioner Burke recommending approval of site plan/building permit authorization approval to allow for construction of a 6,288 sq. ft. multi-tenant retail building and 48 surface parking spaces on Lot 1,

Block 1 COBBLESTONE LAKE COMMERCIAL 6 ADDITION; subject to the following conditions:

- a. Approval and issuance of a building permit shall be subject to the recording of the COBBLESTONE LAKE COMMERCIAL 6th ADDITION final plat.
- b. Construction shall occur in conformance with the site plan dated February 23, 2016.
- c. Construction shall occur in conformance with the landscape plan dated February 23, 2016; subject to submission of a detailed landscape planting price list for verification of the City's 2 ½ % landscaping requirement at the time of building permit application and additional landscaping along the west and east side of the drive-up lane.
- d. Construction shall occur in conformance with the elevation plan dated February 25, 2016.
- e. Site grading shall occur in conformance with a final grading plan to be submitted for review and approval by the City Engineer.
- f. Utility construction shall occur in conformance with a final utility plan to be submitted for review and approval by the City Engineer.
- g. Construction shall be in conformance with the lighting plan dated January 20, 2016, subject to requirement that any site lighting shall consist of downcast, shoebox lighting fixtures or wallpacks with deflector shields, which confines the light to the property.
- h. A separate application and signage plan in conformance with the sign regulations must be submitted for review and approval to the City prior to the erection of any signs.
- i. A bike rack shall be installed in front of the building at a location that will not obstruct the use of any sidewalk.
- j. All applicable ordinances shall be strictly adhered to.

Ayes - 5 - Nays – 1 (Scanlan)

Commission Scanlan commented he is not opposing the concept of the restaurant. He said the architecture of the building and the landscaping are great. He stated he still has pedestrian safety concerns that he feels were not addressed. He added that the driveway cutting through destroys the character of what is to be achieved here within Cobblestone Lake. He believes it is a great opportunity for the restaurant to embrace and utilize the plaza area but without the driveway.

8. OTHER BUSINESS

A. Review of upcoming schedule and other updates.

City Planner Tom Lovelace stated that the next Planning Commission meeting would take place Wednesday, March 16, 2016, at 7:00 p.m.

9. ADJOURNMENT

