

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2019 - 077

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A GASOLINE/FUEL STATION WITH CONVENIENCE STORE AND CAR WASH IN THE INWOOD PUD

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, RPS Legacy Desoto Properties, Little Canada, MN and Kwik Trip, Inc., PO Box 2107, La Crosse, WI, have submitted an application to the City of Lake Elmo (City) for a Preliminary Plat and Final Plat to be called Inwood 6th Addition on an approximately 9.9 acre site on the southeast corner of Inwood Avenue and 5th Street North in the Inwood PUD (PID: 33.029.21.13.0017), a copy of which is on file in the City of Lake Elmo Planning Department; and

WHEREAS, RPS Legacy Desoto Properties, Little Canada, MN and Kwik Trip, Inc., PO Box 2107, La Crosse, WI, have submitted an application to the City of Lake Elmo (City) for a Conditional Use Permit to construct a gasoline/fuel station with a convenience store and a car wash; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on August 12, 2019 to consider the Minor Subdivision, Final Plat and Conditional Use Permit request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Minor Subdivision, Final Plat and Conditional Use Permit subject to seven conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision, Final Plat and Conditional Use Permit as part of a memorandum to the City Council for the October 15, 2019 Council Meeting; and

WHEREAS, the City Council reviewed the application at its meeting held on October 15, 2019 and made the following findings of fact:

- That the proposed Kwik Trip fuel station/convenience store will meet all City zoning ordinance requirements, such as landscaping, erosion and sediment control.
- That the proposed Kwik Trip fuel station/convenience store will be consistent with the City's engineering standards provided the developer updates the plans to address the City Engineer's comments documented in a letter August 6, 2019.

- That the proposed architectural design of the gasoline station, canopy and car wash are consistent with the Lake Elmo Design Guidelines and Standards Manual.
- That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or City.
- That the use or development conforms to the City of Lake Elmo Comprehensive Plan.
- That the use or development is consistent with the Inwood PUD and will be compatible with the existing neighborhood.
- That the proposed use meets all specific development standards for such use listed in Article 7 of the Zoning Code.
- That the proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- That the proposed use will not be hazardous or create a nuisance as defined under the Zoning Code to existing or future neighboring structures.
- That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems.
- That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- That vehicular approaches to the property will not create traffic congestion or interfere with traffic on surrounding public thoroughfares after the installation of a traffic signal system at Inwood Avenue and 5th Street North.
- That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Conditional Use Permit for the proposed gasoline station with a convenience store and car wash to be located on 5th Street North in the Inwood 6th Addition subject to the following conditions:

- 1) All required modifications to the proposed plat and project plans as requested by the City Engineer in a review memo dated August 6, 2019 shall be incorporated into the final plat and project plans before the City approves the building permit for the gasoline station. Required modifications include, but are not limited to, the following:

- a. The design of the east-bound right turn lane proposed for the western access on 5th Street must be revised to incorporate a 150-foot full width turn lane with a 5:1 taper to account for the design speed of the road as suggested by the City Engineer and the supporting consultant.
 - b. The design of the western driveway access onto 5th Street must be revised per the recommendation of the City Engineer to accommodate right turns in only. The design of the access must be approved by the City before the City approves the building permit.
 - c. The width of the eastern full access driveway may need to be modified to 40 feet to allow for one inbound lane (16 feet wide) and two outbound lanes (left and right turn lanes, 12 feet wide).
- 2) The applicant shall provide for an access easement over the entire portion of the shared western driveway located on Lot 1, Block 1 to provide dedicated access for Outlot A.
- 3) The developer shall acquire the needed permits from South Washington Watershed District before starting any grading or development activity on the site.
- 4) The applicant shall pay the City a parkland dedication fee in the amount of \$10,215 before the City releases the minor subdivision or final plat for recording.
- 5) The Landscape Plan shall be updated and reviewed by the City's Landscape Architect. Any modifications requested by the Landscape Architect or the City Engineer shall be incorporated into the Final Landscape Plan before the City approves the building permit for the gasoline station.
- 6) The applicant shall secure a sign permit from the City for all signage associated with the proposed gasoline station.
- 7) The applicant placing signs within their site to:
 - a. Remind visitors that the western access driveway is for enter only and exits are not allowed.
 - b. Direct visitors to use the eastern access to 5th Street for existing the site.
- 8) Before starting any site work and before recording the Final Plat, the Developer shall enter into a Developers Agreement or Site Work Agreement with the City. This agreement shall be in a form acceptable to the City Attorney and shall delineate who is responsible for the design, construction, and payment of public improvements and other site management and operation considerations including erosion control and construction staging.
- 9) If necessary, the applicant shall update the traffic impact study for the project based on the review comments of Washington County. Additional improvements may need to be

incorporated into the project depending on the outcome of additional review or study revisions.

Passed and duly adopted this 15th day of October 2019 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk