



PLANNING COMMISSION
DATE: 08/12/19
AGENDA ITEM: 4B – BUSINESS ITEM
CASE #

ITEM: **Minor Subdivision – Outlot O of Inwood Addition (Inwood 6th Addition)**
SUBMITTED BY: Ken Roberts, Planning Director
REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a minor subdivision request from RPS Legacy Desoto to divide Outlot O of the Inwood Addition into three separate parcels. The proposed minor subdivision would facilitate the transfer of 2.27 acres of land to Kwik Trip for the construction of a new fuel station/convenience store to be located on the southeast corner of Inwood Avenue North and 5th Street North. Staff is recommending approval of the minor subdivision as presented, subject to conditions of approval.

GENERAL INFORMATION

Applicant: RPS Legacy Desoto, Little Canada MN 55117
Property Owners: RPS Legacy Desoto, Little Canada MN 55117
Location: Outlot O, Inwood Addition. PID Number 33.029.21.13.0017
Request: Application for a Minor Subdivision to split said property into three separate parcels
Existing Land Use and Zoning: Open field; future development site within the Inwood PUD.
Current Zoning: C – Commercial and HDR PUD
Surrounding Land Use and Zoning: North – Future commercial development site across 5th Street;
East – Future High density residential site (Outlot A of Inwood) across Island Trail; West – Oakdale across Inwood Avenue North; South – Outlot C, Inwood (ponding area)
Comprehensive Plan: MU-C (mixed use commercial)
History: The City Council approved the general concept plan for the Inwood PUD on September 16, 2014, the preliminary plat on December 2, 2014 and the Final Plat on May 19, 2015 for Phase 1. Since then, the City has approved several additions for the Inwood PUD, all for property north of 5th Street North.
Deadline for Action: Application Complete – 7-12-2019
60 Day Deadline – 9-11-2019
Extension Letter Mailed – No
120 Day Deadline – N/A
Applicable Regulations: Chapter 153 – Subdivision Regulations

REQUEST DETAILS

The City of Lake Elmo has received a request from RPS Legacy Desoto (the property owners), for a minor subdivision to divide Outlot O of the Inwood Addition into three lots. The purpose of the proposed minor subdivision is to facilitate the transfer of 2.27 acres of land from the property owners to Kwik Trip for the construction of a new fuel station/convenience store. The proposed minor subdivision also would create 1.9-acre outlot (Outlot A) immediately east of the Kwik Trip site and a 5.72-acre outlot (Outlot B) lying west of Island Trail. The property owner intends to develop the future Outlot A for commercial uses and Outlot B for high-density residential land uses.

The City's Subdivision regulations allow for certain subdivisions of land to be exempt from the City's requirements for platting when no more than four lots are being created, when no new public infrastructure or rights-of-way or streets are necessary and when the proposed lots meet the minimum road frontage and area requirements of the underlying zoning. The proposed minor subdivision does not require any new public infrastructure or any new public streets as those improvements are in place. Each of the lots the minor subdivision would create exceed the commercial zoning requirements concerning lot size (20,000 square feet) and lot frontage (100 feet). As such, the proposed plat meets all the City requirements for a minor subdivision.

CITY ENGINEER REVIEW. I have attached the City Engineer's review comments (dated August 6, 2019) for your consideration. Items of note are as follows and I have included these as recommended conditions of approval.

- The Preliminary plat and project plans should be revised to show the proposed lot lines and easements consistent on each set of plans.
- Drainage and utility easements must be provided for any public utilities constructed as part of this project, including City-owned watermain and hydrants, with easements shown on the plat and on the project plans. Any watermain lines serving hydrants placed internal to the site require minimum 30-foot-wide easements centered over the hydrants and pipe. These easements must be dedicated to the City and be provided in the City's standard form of easement agreement.
- The developer/owner should consider adjusting the east lot line of Outlot A further west to facilitate shared commercial driveway access between Outlot A and Outlot B. As proposed, Outlot B would not have access to the new driveway along the east side of Outlot A as there would be a strip of land as part of Outlot A along the east side of the driveway.
- There were a number of other amendments required to the plan for approval, which can be reviewed in the memo. It is a recommended condition of approval that all of these comments be addressed on the plans before the applicant/developer submits a final plat for approval.

PARKLAND DEDICATION

When the City approved the Inwood PUD, the project plans showed property for public parks and trails over about 12 percent of the residential portion of the development (lying north of 5th Street). There were at that time, however, no provisions or park dedications made to the City for the commercial areas of the PUD or for area south of 5th Street.

The proposed development does not propose a public park and staff would not recommend a park land dedication with this proposal. The current City Code standard for park dedication for developments in a commercial zoning district is a fee of \$4,500 per acre. At \$4,500 an acre, the park dedication fee for this 2.27 acre site will be \$10,215. The City will require the developer to pay this fee before issuing a grading or building permit for the site.

EASEMENT VACATIONS

The applicant also is requesting that the City vacate the existing easements on and around Outlot O as part of this plat approval. They are making this request as it would be easier and cleaner for the applicant to record the new plat with the existing easements vacated. The proposed plat will have new easements on it that will replace the easements the City will be vacating. City staff is recommending as a condition of approval that the plat or subdivision show a 10-foot-wide drainage and utility easement along the entire perimeter of the plat and property.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Minor Subdivision:

- That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's C – Commercial Zoning District.
- That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

CONDITIONS OF APPROVAL

Recommended Conditions of Approval. Staff recommends the following conditions of approval for Inwood 6th addition:

1. All required modifications to the plans as requested by the City Engineer in the review letter dated August 6, 2019 shall be incorporated into the plat and project plans. The City shall approve all plans before releasing the final plat for recording.
2. The developer shall pay a cash contribution in lieu of land for park dedication equal to 10% of the fair market value of the Lot 1, Block 1.
3. The project landscape plan shall be approved by the City's Landscape Architect before recording of the final plat.
4. The final plat shall show a 10-foot-wide drainage and utility easement along all property lines.
5. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before the execution of the final plat by City Officials.
6. 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.
7. Final Plat shall be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of grading or construction.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the minor subdivision request from RPS Legacy Desoto to divide Outlot O of Inwood Addition into three separate parcels.

Suggested motion:

“Move to recommend approval of the Minor Subdivision request to split Outlot O of Inwood Addition into three lots, subject to the conditions of approval as listed in the City staff report.”

ATTACHMENTS:

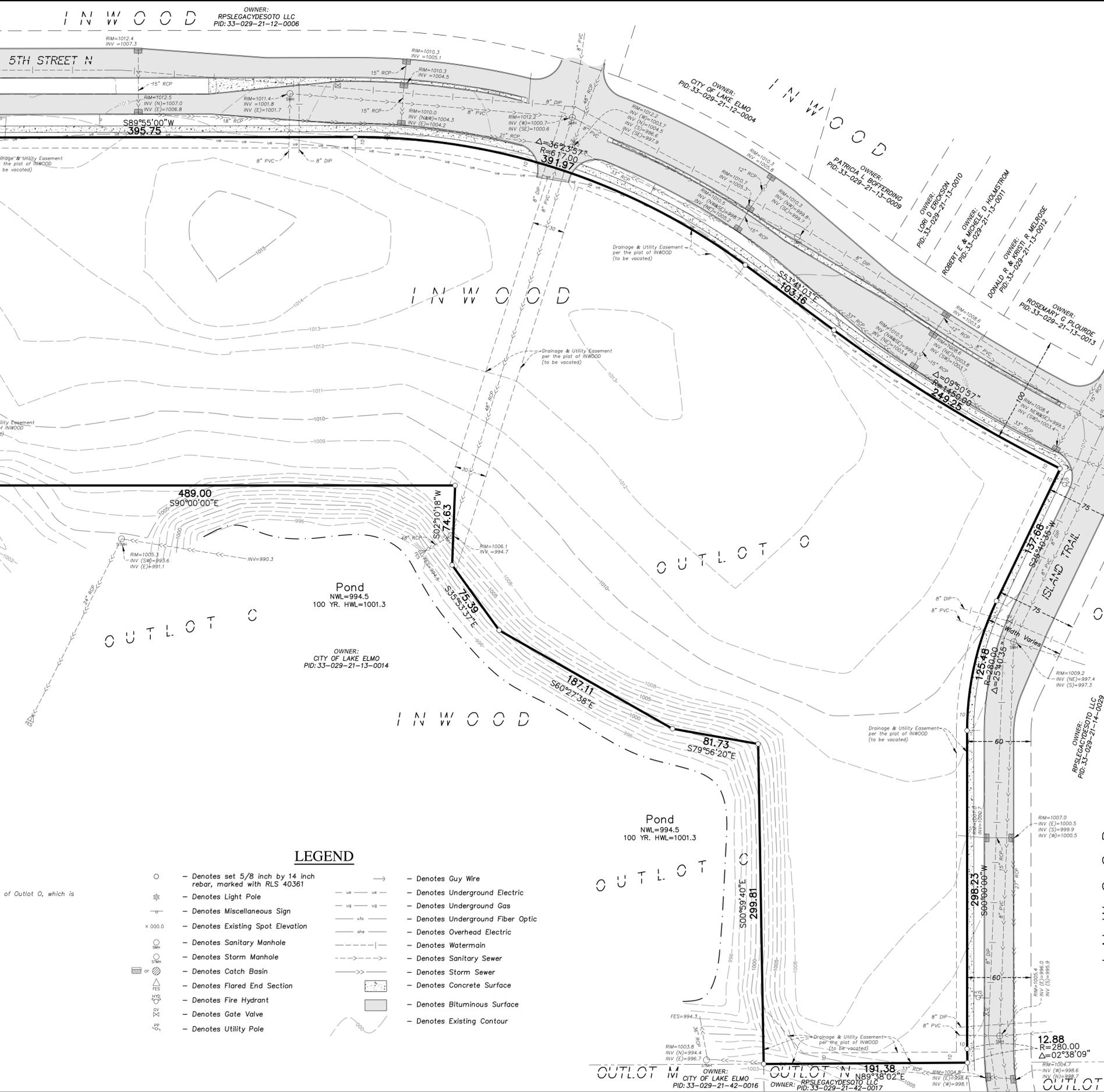
1. Minor Subdivision Survey
2. City Engineer Review comments dated August 6, 2019

WASHINGTON COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 41

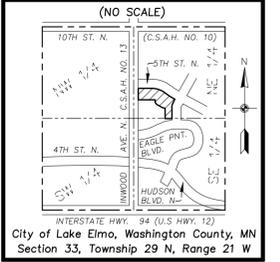
INWOOD AVE N (C.S.A.H. NO. 13)

North bound lane

South bound lane



VICINITY MAP



PARCEL DESCRIPTION:
Outlot O, INWOOD, Washington County, Minnesota.
(abstract property)

- GENERAL NOTES:**
- Bearings shown herein are based on the most westerly line of Outlot O, which is assumed to bear N00°05'00\"/>

LEGEND

○	- Denotes set 5/8 inch by 14 inch rebar, marked with RLS 40361	→	- Denotes Guy Wire
⊙	- Denotes Light Pole	— ue — ue —	- Denotes Underground Electric
⊙	- Denotes Miscellaneous Sign	— ug — ug —	- Denotes Underground Gas
⊙	- Denotes Existing Spot Elevation	— ufo — ufo —	- Denotes Underground Fiber Optic
⊙	- Denotes Sanitary Manhole	— ohe — ohe —	- Denotes Overhead Electric
⊙	- Denotes Storm Manhole	— — —	- Denotes Watermain
⊙	- Denotes Catch Basin	— — —	- Denotes Sanitary Sewer
⊙	- Denotes Flared End Section	— — —	- Denotes Storm Sewer
⊙	- Denotes Fire Hydrant	— — —	- Denotes Concrete Surface
⊙	- Denotes Gate Valve	— — —	- Denotes Bituminous Surface
⊙	- Denotes Utility Pole	— — —	- Denotes Existing Contour

BENCHMARKS
1. TOP NUT OF HYDRANT LOCATED ON THE SOUTH SIDE OF EAGLE POINT ROAD APPROXIMATELY 1,290 FEET EASTERLY OF THE INTERSECTION OF EAGLE POINT ROAD AND INWOOD AVENUE NORTH.
ELEVATION = 1006.57

EXISTING CONDITIONS
INWOOD 6TH ADDITION
Lake Elmo, Minnesota

RPS LEGACY, LLC
2935 Country Drive, Suite 100
Little Canada, MN, 55117

REVISIONS

1.	
2.	
3.	
4.	
5.	
6.	

DRAWN BY: KCM
ISSUE DATE: 6/28/19
FILE NO: 1870

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Name: Thomas R. Balluff
Signature: *Thomas R. Balluff*
Date: 6/28/19 License #: 40361

Carlson McCain
ENVIRONMENTAL - ENGINEERING - SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4285

Date: August 6, 2019

To: Ken Roberts, Planning Director
Cc: Chad Isakson, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Inwood 6th Addition – Kwik Trip
Preliminary Plat Review

An engineering review has been completed for the Inwood 6th Addition – Kwik Trip Convenience Store. A Preliminary Plan submittal was received on July 12, 2019. The submittal consisted of the following documentation prepared by Carlson McCain:

- Inwood 6th Addition Preliminary Plat dated June 28, 2019.
- Kwik Trip Store #1078 Site Plans dated June 28, 2019.
- Kwik Trip Store #1078 Storm Water Management Plan dated June 28, 2019.

STATUS/FINDINGS: Engineering has prepared the following review comments based on the plans submitted.

PRELIMINARY PLAT AND EASEMENTS

1. Outlot ownership should be identified on the Preliminary Plat and on the Preliminary Plans. Outlots A and B should be shown as Developer owned.
2. Lot lines and easements are not shown consistently between the Preliminary Plat and the Preliminary Plans. The plans must be revised to accurately reflect the proposed plat. The lot lines and easement locations may be subject to revision once they can be accurately reviewed with respect to the proposed improvements.
3. Drainage and utility easements must be provided for any public utilities constructed as part of the project, including City owned watermain and hydrants, with the easements shown on the preliminary plans.
4. Consideration should be given to adjusting the east lot line of Outlot A further west to facilitate a shared commercial driveway access between Outlot A and Outlot B. See comment #3 below for Site Plans, Traffic and Access Management.
5. Final Construction Plans and Specifications must be prepared in accordance with the latest version of the City Engineering Design Standards Manual, using City details, plan notes and specifications and meeting City Engineering Design Guidelines. The Final Construction Plans must include detailed existing condition information surrounding the plat boundaries to demonstrate that the proposed improvements match at the construction limits. Additional existing condition information is required along 5th Street North including existing small utilities, lane widths and pavement markings, existing street signs, and other features that may be impacted by the improvements.

SITE PLANS, TRAFFIC AND ACCESS MANAGEMENT

1. Access Management Guidelines were reviewed and approved along 5th Street North as part of the Inwood PUD Preliminary Plat/Plan application process (see SRF Consulting review memo dated December 15, 2014). The Preliminary Plans were amended to eliminate access between Inwood Avenue (CSAH 13) and Irene Avenue in accordance with this memorandum. Irene Avenue is located approximately 660 feet east

of Inwood Avenue which meets the City's access spacing requirements for streets and commercial driveways along a collector roadway.

2. The Kwik Trip Store site improvements show a proposed full access commercial driveway along the south leg at Irene Avenue and an intermediate right-in/right-out access to be located approximately half way between Inwood Avenue and Irene Avenue with the construction of a right turn lane. These improvements have also been reviewed by SRF Consulting with the following recommendations:
 - The proposed full access commercial driveway at Irene Avenue is consistent with the approved preliminary plans and access spacing requirements for 5th Street north. Right and left turn lanes are already in place in anticipation of this intersection.
 - The proposed intermediate right-in commercial driveway access is acceptable with modifications to the proposed right turn lane. The right turn lane should be constructed using a 150-foot full width turn lane with 5:1 taper for a total turn lane length of 210 feet.
 - The proposed intermediate right-out commercial driveway access should be eliminated. It is recommended to design this driveway access as right-in only with internal signage directing traffic to the full driveway access intersection at Irene Avenue. A "No U-turn" sign should also be placed on eastbound 5th Street at the intersection with Irene Avenue. If a right-out access is permitted traffic safety concerns exist with vehicles attempting U-turns at Irene Avenue and 5th Street which is an uncontrolled intersection.
3. It is recommended that both the full access at Irene Avenue and the intermediate right-in access be constructed as shared commercial driveways to further manage access spacing along 5th Street North.
 - The full commercial driveway access at Irene Avenue should be constructed as a shared access to both Outlot A and Outlot B.
 - It appears from the site plans that the right-in access driveway is proposed as a shared access between Lot 1, Block 1 and Outlot A, with the lot line dividing the access road.
4. Inwood Avenue (CSAH 13) and 5th Street North Traffic Signal. A traffic impact study must be completed to review and evaluate the impacts to the intersection at Inwood Avenue (CSAH 13) and 5th Street North. A financial contribution to traffic signal should be considered.

MUNICIPAL WATER SUPPLY

1. The proposed property is located in the Southwest Planning MUSA and water system high pressure zone.
2. Water availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the WAC/Connection charges for each building.
3. Connection to the municipal water supply is readily available to serve this property. Based on the proposed Inwood PUD 6th Addition plat lines, the existing watermain stub for the Kwik Trip Store (Lot 1, Block 1) will now be located on the new Outlot A and may need to be extended across a portion of Outlot A to serve Lot 1, Block 1. The applicant will be required to connect, at its sole cost, to the existing 8-inch DIP stub on Outlot A, and/or the existing 16-inch HDPE pipe located along Inwood Avenue, and extend watermain and any required hydrants internal to the site.
4. The project proposes to extend a 6-inch DIP watermain internal to the site with a hydrant placed near the rear of the proposed building. The portion of the watermain internal to the site that serves a hydrant must be City owned and operated and may need to be upgraded to an 8-inch DIP pipe based on fire suppression requirements. The applicant must submit fire suppression requirements for the building to determine the size of watermain up to each hydrant.
5. The applicant will be responsible to place hydrants throughout the property at the direction of the Fire Department. All fire hydrants and connecting watermains shall be owned and maintained by the City.
6. The applicant may be required to construct a looped watermain with a second connection point, depending upon site layout, or connect to the existing 16-inch HDPE pipe located along Inwood Avenue.
7. Any watermain lines serving hydrants placed internal to the site will require minimum 30-foot easements centered over the hydrant and pipe. Easements must be dedicated to the City and be provided in the City's standard form of easement agreement.

MUNICIPAL SANITARY SEWER

1. The proposed property is located in the Southwest Planning MUSA current Regional Sewer Staging Plan and would discharge to the MCES WONE Interceptor.
2. Sewer availability charges and connection charges will apply to the service connections. A Met Council SAC determination will be required to determine the SAC/Connection charges for each building.
3. Connection to the municipal sanitary sewer system is readily available to serve this property. The applicant will be required to connect, at its sole cost, to the existing 8-inch PVC stub that was installed to serve this property. A 6-inch diameter private sewer service is proposed to be extended internal to the site to serve the Kwik Trip Store. No public sanitary sewer mains are proposed to be extended internal to the site.
4. Based on the proposed Inwood PUD 6th Addition plat lines, the existing sanitary sewer stub for the Kwik Trip Store (Lot 1, Block 1) will now be located on the new Outlot A and will need to be extended across a portion of Outlot A to serve Lot 1, Block 1. A private sewer service easement may be needed between the property owners of Outlot A and Lot 1, Block 1.

STORMWATER MANAGEMENT

1. A State and South Washington Watershed District (SWWD) permit will be required. The site plan is subject to a storm water management plan meeting State, SWWD and City rules and regulations.
2. The storm water management report indicates that the existing storm water facilities for this property, located just south of the property, have been designed for Lot 1, Block 1 and Outlot A to each be 75% impervious. The narrative also indicates that the proposed Kwik Trip site (Lot 1, Block 1) is proposed to be 70% impervious. Therefore, no additional storm water BMPs are proposed. Preliminary Plat approval should be contingent upon verification of these assumptions by the SWWD and City storm water consultant.
3. The applicant is proposing a private storm sewer system internal to the commercial site to collect and convey storm water runoff. The storm water will be discharged to the City owned storm water pond and infiltration basin located to the south of the proposed site. This system was constructed as part of the Inwood PUD development and will be turned over to the City upon acceptance of the Inwood PUD 1st Addition development improvements.
4. A new (2nd) storm water discharge location to the existing storm water pond is proposed. A sump manhole is shown on the plans as required with a SNOOUT oil and debris stop device. The sump manhole and SNOOUT device should be relocated from manhole #102 to manhole #101.
5. The storm sewer system constructed for this development should remain privately owned and maintained. The applicant will be required to execute and record a Stormwater Maintenance and Easement Agreement in the City's standard form of agreement. The agreement should provide a maintenance plan defining the maintenance responsibilities for the private owner, the type of maintenance and the maintenance intervals, including the SNOOUT oil and debris stop device.
6. The storm sewer minimum pipe size should be 15-inch diameter pipe.



ITEM: Conditional Use Permit - Kwik Trip Convenience Store/Fuel Station

SUBMITTED BY: Ken Roberts, Planning Director

REVIEWED BY: Ben Prchal, City Planner
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request from RPS Legacy Desoto Properties and Kwik Trip, Inc. for a conditional use permit (CUP) for the construction of a Kwik Trip convenience store/fuel station with a car wash. The City Code requires City approval of a Conditional Use Permit for this request as gasoline (fuel) stations and car washes require approval of a conditional use permit in the Commercial zoning district. This request is for the property located immediately east of Inwood Avenue (CSAH 13) and immediately south of 5th Street North. Staff is recommending approval of the requests subject to compliance with the conditions as noted in this report.

GENERAL INFORMATION

Applicant: RPS Legacy Desoto Properties and Kwik Trip, Inc. (Nathan Byron); PO Box 2107, La Crosse, WI 54603.

Property Owners: RPS Legacy Desoto Properties, Little Canada, MN 55117

Location: Vacant site lying immediately east of Inwood Avenue North (CSAH 13), immediately south of 5th Street North. PID Number: 33.029.21.13.0017.

Request: Application for minor subdivision and conditional use permit approval of a gasoline (fuel) station with a convenience store and a car wash.

Existing Land Use and Zoning: Vacant land. Current Zoning: C – PUD: Commercial PUD (part of the Inwood PUD)

Surrounding Land Use and Zoning: North – vacant land, guided for C – Commercial (across 5th Street); west – Golf Course in Oakdale across Inwood Avenue; south – Existing storm water ponding area; east – vacant commercial/high density residential planned land (Inwood PUD) on the south side of 5th Street North

Comprehensive Plan: MU-C (Mixed use Commercial)

History: The City Council approved the general concept plan for the Inwood PUD on September 16, 2014, the preliminary plat on December 2, 2014 and the Final Plat on

May 19, 2015 for Phase 1. Since then, the City has approved several additions for the Inwood PUD, all for property north of 5th Street North. The site for Kwik Trip was graded as part of the Inwood PUD. Public Utilities (sewer and water) are available to the site from 5th Street with the primary street access from 5th Street North.

Deadline for Action: Application Complete – 7/12/2019
 60 Day Deadline – 9/11/2019
 Extension Letter Mailed – No
 120 Day Deadline – NA

Applicable Regulations: Chapter 153 – Subdivision Regulations
 §154.106 Conditional Use Permits
 Article 14 – Commercial Districts (C)
 Article 7 – Specific Development Standards (§154.305)
 §150.270 Storm Water, Erosion, and Sediment Control
 §150.035 Lighting, Glare Control and Exterior Lighting Standards

PLANNING AND ZONING ISSUES

The proposed Kwik Trip site is guided for MU-C (Mixed Use Commercial) in the City’s 2040 Comprehensive Plan. The overall subdivision and site plan have been prepared in order to meet the standards for the Commercial zoning district in terms of lot size, lot widths, building setbacks and other design criteria. It should be noted that while a neighborhood convenience store is a permitted use in the Commercial zoning district, the City Code lists gasoline stations as a conditional use. In addition, car washes, while accessory to the gasoline station use, also are a conditional use. For these reasons, the applicant has applied for a conditional use permit for approval of the gasoline station and car wash land uses.

Minor Subdivision

The City of Lake Elmo has received a request from RPS Legacy Desoto Properties and Kwik Trip, Inc. for a minor subdivision to subdivide 9.9 acres of land located within the Inwood PUD into three lots. The western most lot of 2.3 acres is proposed for the constructing a Kwik Trip convenience store/fuel station. The proposed plat would be for property currently owned by RPS Legacy Desoto Properties and would be located immediately east of Inwood Avenue (CSAH 13) and immediately south of 5th Street North. The parcel had been used for agricultural purposes before the development of the Inwood PUD.

From staff’s perspective, the applicant’s subdivision proposal meets all the City submission requirements for a minor subdivision. The proposed plat is limited in scope and scale as there are no new proposed streets or public facilities proposed with the land subdivision. To better define what constitutes a project of limited scope or scale in staff’s judgment, a limited scale plat would involve subdivision of a limited number of parcels without the need for major infrastructure improvements (utility extensions, new public roads, etc.). In this context, the proposed plat is of limited scale and scope according to staff.

The proposed plat would subdivide the subject property into three parcels; one parcel (Lot 1, Block 1) for the proposed Kwik Trip and two outlots for a future development adjacent to the proposed Kwik Trip. The proposed size of the site (Lot 1) for the Kwik Trip is 98,881 square feet, or 2.27 acres. The proposed area for Outlot A would be 1.9 acres, which will likely be used for future

commercial development while Outlot B is proposed to be 5.72 acres which is guided for high-density residential development in the Inwood PUD.

Staff provided a more extensive review and recommendation about the proposed subdivision (to be known as Inwood 6th Addition) in a separate report.

Kwik Trip Zoning and CUP Review

In reviewing the applicable requirements from the City's zoning and subdivision regulations, staff has found that the proposed project is in conformance with these requirements. More specifically, staff reviewed the proposed gasoline station in light of the following:

- **Lot Size.** The proposed lot being platted for the commercial use is 98,881 square feet, which meets the minimum lot size requirement of 20,000 square feet per the Commercial zoning district.
- **Building Setback Requirements.** The proposed gasoline station/convenience store meets the required building setbacks (front: 30 feet, corner side yard: 25 feet, interior side yard: 10 feet and rear yard: 10 feet) for the Commercial district. In addition, the car wash meets the 10-foot setback requirement for accessory buildings.
- **Parking Setbacks.** The proposed parking stalls all meet the required parking setback requirements per the Commercial zoning district.
- **Impervious Surface.** The maximum amount of impervious surface in the Commercial zoning district is 75%. The proposed project complies with this requirement, as there is 68,845 square feet of pervious surface proposed, which is 69% of lot area.
- **Parking Stalls.** Per the City's off-street parking requirements, gasoline stations are required to have one parking stall for every 250 square feet of gross floor area used for sales. Using this calculation, staff determined that 23 parking stalls would be required. The applicants are proposing 30 standard and 2 handicap parking stalls, easily meeting the City's parking requirement.
- **Specific Development Standards – Gasoline Stations and Car Washes.** The City adopted specific development standards (§154.305) for gasoline stations and car washes, both of which are included in this development proposal. In reviewing these standards, staff found that the application was in compliance with the specific development standards related to these two land uses, including the following:
 - **Access to a Collector.** The proposed gas station meets the minimum lot size requirements and has access to a collector street (5th Street North.).
 - **Canopies.** The proposed canopy meets the required setback of 20 feet from all property lines. In addition the canopy columns reflect the design and building materials of the principal building.
 - **Outdoor Displays.** Proposed outdoor merchandise is either located under the canopy or adjacent to the principal structure, meeting all setback requirements.
 - **Car Wash Enclosure.** The proposed car wash has doors that enclose the car wash while in operation.

- **Sounds from Speakers.** The car wash area is not within close proximity to any residential districts or properties. Any sounds from speakers related to the car wash should not negatively impact any residential properties.

Based on Staff's review of the proposed Site Plan and the supporting plans for the proposed gasoline station and car wash, the applicant's plans meet or exceed all applicable Zoning Code requirements for gasoline stations and car washes in Commercial districts.

In terms of parkland dedication, the Subdivision Ordinance requires any property being developed in Commercial districts to pay a fee as determined by Resolution by the City Council. Currently, the fee for parkland dedication for commercial properties is \$4,500 per acre of land subdivided for commercial use. In this case, the applicant is proposing to subdivide 2.27 acres of land for Kwik Trip. The remaining land is being left in two outlots. Using the \$4,500 fee per acre, the applicant will be required to provide \$10,215 (2.27 acres x \$4,500 per acre = \$10,215) to the City to meet the City's parkland dedication requirement. Staff would recommend that the developer/applicant provide this fee to the City in advance of releasing the final plat for recording (Condition #4).

Finally, as the gasoline station and car wash is considered a conditional use in the Commercial zoning district, the applicant has applied for a conditional use permit (CUP). Per the procedure described in Article 3 of the Zoning Code (§154.106), the City is required to make findings related to the proposed conditional use. Generally speaking, these findings are required to ensure that no negative impacts to the adjacent properties or broader community are associated with the proposed use. Staff reviewed all 12 required findings per the procedure for CUPs and found the proposed use meets all City criteria for granting a conditional use permit. As part of the draft findings for recommending approval of the request, staff has included the required findings that relate to the conditional use permit.

REVIEW AND ANALYSIS

As currently submitted, the proposed minor subdivision and Kwik Trip facilities will meet all applicable City requirements for conditional approval. Any deficiencies or changes that staff has identified are listed in the recommended conditions of approval.

Also, the City has received a detailed list of comments from the City Engineer and City's Landscape Architect about the proposed gasoline station, in addition to informal review by the City's Fire Chief and Building Official. I have attached the written review comments from the City Engineer and Landscape Architect for consideration by the Planning Commission.

In addition to the general comments that have been provided in the preceding sections of this report, Staff would like the Planning Commission to consider the following discussion areas as well:

- **Comprehensive Plan.** The proposed subdivision and commercial use are consistent with the 2040 Lake Elmo Comprehensive Plan for this area of the city.
- **Zoning.** The zoning for this part of the Inwood PUD is C-PUD (Commercial PUD). The submitted development plans demonstrate compliance with the City's Commercial zoning district standards and are consistent with the approved PUD. Neighborhood Convenience Store is a permitted use in the Commercial zoning district, while gasoline station and car wash are conditional uses. The applicants have applied to the City for a conditional use permit for the fuel station/convenience and car wash in conjunction with the platting request.

- **Subdivision Requirements.** The City's Subdivision Ordinance includes a fairly lengthy list of standards that must be met by all new subdivisions, and include requirements for blocks, lots, easements, erosion and sediment control, drainage systems, monuments, sanitary sewer and water facilities, streets, and other aspects of the plans. City Staff have not identified any conflicts or major issues with this proposal in regards to the City's Subdivision Ordinance.
- **Access.** In terms of access, the proposed site plan for the development shows two access driveways to 5th Street North along the northern boundary of the site. To account for the appropriate access spacing necessary for 5th Street, the applicants are showing the western access to be a right-in, right-out (limited access) into the Kwik Trip site and the driveway farther to east would provide full access to this site and property to the east, supporting all turning movements. The City Engineer has reviewed the proposed access locations and found them to be acceptable with the proposed access spacing. He did however, have other concerns with the proposed driveways.
 - **Western (intermediate) Right-In/Right-Out Access.** To provide access to the proposed gasoline station, the applicant is proposing two access locations (west and east) along 5th Street North. The City Engineer reviewed the proposed access locations and found the spacing to be acceptable. For the western access point, the developer is proposing to construct the driveway for traffic to move right in and right out. They also are proposing to add a right turn lane to the eastbound drive lanes on 5th Street to help facilitate access into the site.

Staff is recommending that the proposed western access be permitted only as a right-in only. This is because traffic leaving the site at this location may be tempted to do a U-turn at Irene Avenue to then proceed west on 5th Street to Inwood Avenue. The proposed design width for this driveway is 40 feet which is too wide for a right-in only driveway. Staff is comfortable working with the applicant to arrive at the best suited design for the right-in only western access (Condition #1b).

- **Eastern Shared Access.** The developer also is showing a driveway across from the future Irene Avenue. This driveway location would serve as a full access (right and left turns in and out) and is consistent with the spacing requirements for access and driveways along 5th Street. Staff is recommending the developer review the design width of the eastern shared full access driveway. It is proposed to be 30 feet wide but with the expected traffic movements and turn lanes, the developer may want to expand it to 40 feet in width to allow for both right and left turn lanes to exit the site. The suggested expansion of 10 feet of additional width would allow better circulation in and out of the proposed gasoline station, as well as whatever future use is located on Outlot A. In addition to the suggested modification to the design of the eastern access drive, staff also is recommending that the applicant provide an access easement along the portion of shared access driveway that is located on Outlot A (Condition #2). The goal is to ensure that Kwik Trip and the users of the development on Outlot A have dedicated full access to the eastern driveway.
- **Landscaping.** The applicant has submitted a Landscape Plan (Sheet L1) as part of the proposed gasoline station. The City's landscaping provisions (§154.258) require 1 tree per 50 feet of street frontage. In addition to street plantings, the City's requirements include 5 trees per developed acre. Given these requirements, staff calculated that 13 street trees are

required (based on approximately 630 total feet of street frontage on 5th Street and Inwood Avenue) and 12 interior trees are required (5 trees per acre). In addition, the Code requires the developer to plant 1 tree for every 50 feet of perimeter parking lot frontage. In this case, that would require 3 trees. The total required amount of trees per staff's calculation is 28 trees. The applicants are proposing to plant 25 trees of both deciduous and coniferous varieties, thus proposing three fewer trees than required by the City Code. In addition to the trees, the applicants are proposing a variety of shrubs and planted beds.

Staff distributed the Landscape Plan to the City's Landscape Consultant for his review. I have attached his comments for your reference. Staff would recommend as a condition of approval (Condition #5) that the applicant update the Landscape Plan to meet all City requirements and to reflect the changes suggested by the City's Landscape Architect. In addition to his review, staff would recommend that any modifications related to the number or location of trees, the plant species or location be incorporated in the Final Landscape Plan for City approval before the City issues a building permit.

- **Architectural Design Review.** City staff reviewed the architectural plans and architectural renderings of the proposed Kwik Trip gasoline station and car wash for consistency with the Lake Elmo Design Guidelines and Standards Manual. Overall, Staff finds that the proposed building meets the guidelines and standards for Commercial development contained within the manual and would offer the following review comments:
 - **Building Materials.** The proposed building is chiefly constructed of red modular brick. Accent materials include limestone and tan brick soldier course. The proposed building materials meet the City standards for building materials in the Commercial district.
 - **Streetscape.** A significant portion of the proposed landscaping is located along the public right-of-way for 5th Street North. The City Code requires that a landscape frontage strip at least five feet wide be provided between parking areas and public street, sidewalks or paths. This area is to provide screening that is between 3.5 feet and 4 feet in height and not be less than 50 percent opaque on a year-round basis. The City's landscape architect is recommending that the applicant change the plans to add landscaping/screening along 5th Street as required by the City Code.
 - **Storage Areas.** The City requires that trash collection areas be located out of the view of the public right-of-way. The proposed site plan indicated that the trash collection area will be enclosed and located in the southwest part of the site. The proposed trash collection area meets the intent of the standard.
 - **Entry.** The proposed convenience store has accent treatments of both limestone and tan brick soldier course around the entryway. In addition, the peaked roof at the entry provides an additional architectural feature.
- **Photometric Plan.** To demonstrate compliance with the City's sign and exterior lighting ordinances, the applicant has submitted a Photometric Plan. The Photometric Plan includes information about the lighting fixtures proposed for the site. In addition, it provides information about the light intensity, measuring the foot candles across the entire site and beyond. Based on the plan, the applicants are proposing pole lights that are 16 feet in height

and that include a LED fixture with a 90 degree cutoff. In addition, the proposed lighting internal to the canopy are recessed LEDs. From staff's review of the photometric plan, the proposed lighting is consistent with the City's ordinance, as the plan does an effective job of limiting light from being directed outside of the property. Generally speaking, the foot-candle reading at or near the property boundaries are all very low and are consistent with the ordinance. In addition, the 16-foot pole lights do not exceed the maximum height allowed for such lighting (30 feet maximum height for lights in non-residential districts with cutoff 90 degrees or less). When City staff reviews the building permit for the proposed gasoline station, a more in-depth review of the proposed lighting will be completed to ensure conformance to the City's ordinance.

- **Signage Plan.** As part of the plat and conditional use permit applications, the applicants have submitted a signage plan. The signage plan includes multiple sign types, including wall signs, canopy signs and a monument or ground sign. From a high level review perspective, it appears that the proposed signage will meet the City's Sign Ordinance. However, the applicant will be required to submit sign permits for the proposed signage, at which time staff will conduct a more in-depth review. Staff is recommending that the applicant submit sign permits for any proposed signage (Condition #6)
- **City Engineer Review.** The City Engineer has provided the Planning Department with a detailed comment letter (Attachment #8) as a summary of his review of the proposed minor subdivision and the gasoline station. The majority of the Engineer's comments relate to traffic and access management. In addition, the Engineer identifies other aspects of the proposed plan that currently do not meet City Engineering Standard, including utilities, grading and erosion control. As a condition of approval, staff is recommending that all modification requested by the City Engineer in his memo dated August 6, 2019 be incorporated into Final Plans before City approval of the building permit (Condition #1).
- **Fire Department Review.** The Fire Chief has reviewed the proposed gasoline station project plans. He found they are generally consistent with City requirements but did provide the following comments:

The following items need to be addressed:

- Must meet all applicable codes in the 2015 MN State Fire Code.
- Ensure proper emergency vehicle access throughout the site.
- Fire hydrant locations throughout the site to be reviewed by Fire Chief, Public Works Director and City Engineer.
- Additional items to be addressed as we move forward:
 - Emergency Fuel Shut Off
 - FDC (Fire Department Connection) Location
 - Lockbox
 - Location of annunciator panel
- Provide basic overhead view foot print plan of the building, non-architectural, showing rooms, access, utility locations, etc.

Additional review and approval of the project plans by the Fire Chief will be required upon the submission of the building permit.

- ***Trails and Sidewalks.*** There is an existing concrete sidewalk on the south side of 5th Street adjacent to the project site. The applicant is proposing to relocate a part of the sidewalk to accommodate the proposed right-hand turn lane in to the site.
- ***Watershed Districts.*** The project area lies within the South Washington Watershed District (SWWD). It should be noted that the developer must meet all the rules of the SWWD and will need to secure permits from the SWWD in order to proceed with the development as planned (Condition #3).

Based on the above Staff report and analysis, staff is recommending approval of the conditional use permit for the proposed Kwik Trip convenience store/fuel station and car wash on the corner of Inwood Avenue and 5th Street North, subject to the conditions of approval. The recommended conditions are as follows:

Recommended Conditions of Approval:

- 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 to the minor subdivision or final plat for recording.

- 5) The Landscape Plan shall be updated and reviewed by the City's Landscape Consultant. Any modifications requested by the Landscape Consultant 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) 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.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed conditional use permit for a Kwik Trip fuel station/convenience store and car wash to be located on the southeast corner of Inwood Avenue and 5th Street:

- 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.
- That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit for the proposed Kwik Trip gasoline station/convenience store and car wash to be located on the southeast corner of Inwood Avenue and 5th Street North. Staff is recommending approval of the conditional use permit subject to the conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Conditional Use Permit for the proposed Kwik Trip fuel station/convenience store and car wash to be located on the southeast corner of Inwood Avenue and 5th Street North, subject to the conditions of approval as drafted by Staff and based on the findings of fact listed in the Staff Report.”

ATTACHMENTS:

1. Project Narrative/Cover Letter
2. Final Site Survey
3. Inwood 6th Addition Minor Subdivision (Preliminary Plat)
4. City Maps and Project Plans
5. Kwik Trip Construction Plans (15 pages)
6. Kwik Trip Architectural Rendering
7. Kwik Trip Signage Plans (8 pages)
8. City Engineer Review Memorandum dated 8/06/2019
9. Landscape Architect’s review dated 7-22-19
10. Neighbor e-mail comments dated 8-05-2019



Store Engineering

FAX 608-793-6237

1626 Oak St., P.O. Box 2107
La Crosse, WI 54602

www.kwiktrip.com

City of Lake Elmo
3800 Laveme Avenue North
Lake Elmo, MN 55042

Letter of Intent

July 10th, 2019

To whom it may concern,

This letter is intended to accompany our submittal for our application to the City of Lake Elmo for the required Conditional Use Permit application for our proposed project at the SE corner of Inwood Ave North and 5th Street North.

Kwik Trip, Inc. is proposing the construction of a convenience store with an attached carwash, attached dumpster enclosure, and auto fueling canopy. Included in the submittal is: 1 copy full submittal (Digital Email), 5 copies (full size) Civil Plans, 10 copies (11 x 17) Civil Plans, 10 copies (11x17) Sign Plan, 10 copies ALTA survey with legal description, and (8.5 x 11) copies of all other documents requested. Also included is one copy of the Stormwater management plan.

The proposed method of operation for this development will be consistent with that for our existing convenience stores within the area. The requested hours of operation will be 24 hours for all uses. The type of products that will be sold will be similar to that of our existing stores: gasoline, in line diesel, E-85, groceries, bakery and dairy, hot and cold food and beverages, tobacco products, lotto, convenience store merchandise, ice, and propane. The outside merchandising of products is being requested next to the store (ice and propane) and merchandising under the gas canopy. The proposed store is projected to have between 25-30 full and part time employees, with 2-8 on staff at any given time.

The proposed architectural plan will consist of a brick facade with standing seam metal roof. The building and canopy fascia will tie in with franchise colors. We have recently revised our prototype plans to have a larger retail floor area as well as kitchen and mechanical space all on the main level with no basement. The total estimated project costs excluding land and equipment is \$2,000,000.

Kwik Trip would be happy to provide any additional information or answer any questions or concerns you may have with our submission. Please feel free to call me with any questions.

Sincerely,

Nathan Byom
Kwik Trip, Inc - Store Engineering
Development/Project Manager
608-791-7448
nbyom@kwiktrip.com

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

Written Statements

a. Contact Information:

Owner of Record: RPSLegacyDeSoto LLC (a Minnesota limited liability company)
2935 County Drive
Little Canada, MN 55117

Under Contract to Purchase:

Kwik Trip, Inc.
Nathan Byom – Project Manager
1626 Oak Street
La Crosse, WI 54602
608-791-7448
nbyom@kwiktrip.com

Civil Engineer:

Carlson McCain, Inc.
Joseph Radach
3890 Pheasant Ridge Dr NE, #100
Blaine, MN 55449
763-489-7912
jradach@carlsonmccain.com

Site Designer:

Carlson McCain, Inc.
Joseph Radach
3890 Pheasant Ridge Dr NE, #100
Blaine, MN 55449
763-489-7912
jradach@carlsonmccain.com

Surveyor:

Carlson McCain, Inc.
Thomas Balluff
3890 Pheasant Ridge Dr NE, #100
Blaine, MN 55449
763-489-7913
tballuff@carlsonmccain.com

b. Site Data:

The site is located in the SE quadrant of Inwood Ave N (CSAH NO 13) and 5th Street N., the parcel is zoned Commercial Planned Development Unit, the parcel is 98,974 SF (2.27 ACRES), the current PID is :33.029.21.13.0017, Current legal description is part of Outlot O, Inwood Addition, Washington County, MN.

c. The site is currently vacant and is rough graded as part of the Inwood Additon.

- d. The site is proposed to be developed as a Convenience Store (approx. 7,200 SF) with an attached carwash (approx. 1,900SF) and 10 fueling pumps. The site will have approx. 60,000 SF of concrete pavement, a total of 52 parking locations (30 standard, 2 handicap, and 20 at the fueling canopy). The building will be 24 ft high, the carwash 14 ft, and the fuel canopy 15.5 ft high.

The landscaping is designed in accordance with Lake Elmo Landscape code and includes 25 new trees, 70 shrubs, 50 perennials, a mixture of Sod and seed, and an irrigation system.

The site access is designed with a right in – right out from 5th Street North (Eastbound) at the Eastern property line to be a shared access with the currently undeveloped parcel to the East. A right turn lane will be constructed as part of the development for this access. A shared full access onto 5th Street North is proposed East of the parcel where the 5th street curbs was designed for an access (see civil plan set).

The store is proposed to be open 24hrs, will have 25-30 employees (2-10 on staff at any time). The development timeframe currently has this site being constructed in early 2020.

- e. The proposed Kwik Trip convenience store will be a great fit to this location providing fuel, groceries, and food to the traveling public and local residents with an attractive and well-kept building and site. The store will be well lit while meeting the downcast lighting requirements, will have safe access by vehicles and pedestrians.

The Kwik Trip development will conform to City of Lake Elmo Comprehensive plan, is compatible with the PUD Commercial zoning, the existing neighborhood, meets the use in Article 7 of Zoning code, is not in a flood plain, will be designed, constructed, operated, and maintained to be compatible in appearance with the intended character of the vicinity. The use as a Kwik Trip store will not create a nuisance to existing or future neighbors, is served adequately by essential public facilities, will not create excessive additional requirements at public cost for public facilities/services, will not involve uses, activities, or conditions of operation that will be detrimental to persons, property or general welfare. Vehicular access to the property will not create traffic congestion or interfere with traffic on surrounding public roadways. The proposed use will not result in destruction, loss or damage of natural scenic features of major importance.