

Meeting Minutes
New Prague Planning Commission
Wednesday, November 20, 2019

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Vice Chair Dan Meyer with the following members present: Paul Tupy, Shawn Ryan and Michael Uttenhove. Absent was Bob Gilman.

City Staff Present: Ken Ondich – Planning / Community Development Director

2. Approval October 23, 2019 Regular Meeting Minutes

It was moved by Tupy, seconded by Ryan, to approve the October 23, 2019 regular meeting minutes as submitted. Motion carried (4-0).

3. Old Business

A. None.

4. New Business

**A. Request for Preliminary and Final Plat of Kwik Trip 1090 – 1 Lot and 2 Outlots
Kwik Trip, Inc., applicant**

Planning Director Ondich presented the staff report. He stated that Kwik Trip Inc. has applied for approval of a preliminary and final plat of Kwik Trip 1090 which includes one lot and two outlots on 6.45 acres. He stated that three existing parcels are included in the plat in which a 10,896 sq. ft. Kwik Trip store with associated gas pumps and car wash. He stated that the plat also requires segments of public road to be platted and constructed. He stated that the property is zoned B-2 Community Commercial and that a conditional use permit is required for the use of the site for a gas station / convenience store. He stated that existing easements have been approved for vacation and would be replaced with new easements on the new lot. He stated that setbacks are provided for as required. He stated that access to the site is proposed from Chalupsky Ave. NE, 1st Street NE and George Ave. NE and that a traffic impact study was required and was completed. He stated that the City's engineer reviewed and required a revision to the traffic study which was recently re-submitted to the city. He stated that Kwik Trip will be required to extend 1st Street NE and construct George Ave. NE and that George Ave. NE has been a topic of discussion. He stated that the stub road is required due to an agreement between the City and Scott County regarding the future of Alton Ave. NE. He stated that the City requested an alignment for George Ave. NE to equitably share ROW on three

properties that require the local access. He stated that sidewalk must be constructed on the north side of 1st Street NE and the east side of existing Chalupsky Ave. NE as part of the project. He stated that a wetland delineation has been approved which noted the wetlands adjacent to the highway are considered incidental. He stated that park dedication and other development fees must be paid before the plat can be filed and that they are spelled out in more detail in a development agreement. He stated that staff recommends approval of the preliminary and final plat of Kwik Trip 1090 with the findings and conditions listed in the staff report.

The public hearing was opened at 6:45PM.

Chantel Gaaskjolen, 1001 Philipp Parkway and owner of Memories and Milestones Academy at 1501 1st Street NE, stated that she has concerns with the plat relating to 1st Street NE. She stated that traffic during the AM and PM are busy at the daycare. She stated that with 8,700 vehicles per day on the highway driving by Kwik Trip that a lot of those vehicles may visit the Kwik Trip site. She stated that they are an existing business and that they are worried about the added congestion that the Kwik Trip would cause. She stated that they have an access to 1st Street NE and noted that the access should maybe be closed if they can figure out another access onto their site. She stated that she is concerned about the pond on the outlot which is adjacent to her parking lot and playground area. She stated that she would like to see a barrier around the pond and had spoken with Dean George at Kwik Trip about this. She stated that she understood that a traffic study had been completed, but asked that the Planning Commissioners look at the reality of life. She asked that the Planning Commissioners look at the young citizens that would be affected by the project. She asked that the updated traffic impact study be sent to her so she could review.

Commissioner Ryan noted that the play area at the daycare is fully fenced in. He noted that in Shakopee, there are daycares located next to gas stations and asked staff to elaborate.

Planning Director Ondich stated that he has spoken with the Planning Department in Shakopee which noted that they have two daycare centers located adjacent to gas stations and that they have not received any complaints to their knowledge. He added that Shakopee noted in both instances that the gas stations existed first and that the daycare centers chose to locate next to them.

Ms. Gaaskjolen stated that corporate centers might operate differently and are just out to make money and that she doesn't operate this way.

Dean George, Kwik Trip Real Estate Development Manager, stated that he had spoken with Ms. Gaaskjolen earlier in the day. He stated that they would gladly install a privacy fence on their property adjacent to the daycare. He stated that the access point for truck traffic into the site is from the NE side of the site for less conflict points for trucks.

Tracy Roorda, 426 280th St. E and employee at Memories and Milestones Academy, asked about easements and the staging of construction. She asked how the vacation

of easements would affect surrounding properties and also asked about the timing of construction.

Planning Director Ondich stated that easements are imaginary lines drawn on a map that denotes the location on private property where permission is given to public and private utilities to locate things such as cable, phone and gas lines.

Mr. George stated that construction would be anticipated to start sometime in 2020 with demolition of the existing structures to begin.

Ms. Roorda stated that construction staging is important to the daycare as they have naptimes, lunch times and learning times that could be disrupted. She also asked where equipment would be staged.

Mr. George stated that they would stage equipment onsite and that the City probably would not let any equipment be staged on public streets.

Ms. Gaaskjolen stated that it appears the main traffic to the Kwik Trip would be at their access to Chalupsky, but was concerned about big trucks having to drive on 1st Street NE in front of her daycare.

Commissioner Ryan asked Mr. George about how many big trucks per day would be expected.

Mr. George stated that their own delivery truck would be a one-time per day visit and that other diesel fueling will depend on who needs to stop there on any given day.

The public hearing was closed at 7:10PM.

A motion was made by Tupy, seconded by Uttenhove to recommend approval of the Preliminary and Final Plat of Kwik Trip 1090 consisting of one lot and two outlots on 6.45 acres with the following findings:

1. The plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.

And the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 11/12/19 on file with the New Prague Planning Department.
2. Approval is granted in general accordance with the Final Plat submittal dated 11/12/19 on file with the New Prague Planning Department.
3. The Final Plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
4. Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.
5. Approval is subject to all requirements of MnDOT District 7, including providing dedicated access control along TH19 which is a condition being required by the City.

6. The revised TIS, dated 11/19/19, must be reviewed and accepted by the City Engineer.
7. A Wetlands Conservation Act “Certificate of No Loss or Exemption” must be filed prior to the final plat approval.
8. The applicant must enter into a Developer’s Agreement with the City of New Prague which will include, but not be limited to, the topics of the extension of 1st Street NE, the construction of George Ave. NE, public sidewalk construction, payment of development fees including park dedication and stormwater management.
9. The final plat approval is subject to utility extension permits from the Minnesota Pollution Control Agency and the Minnesota Department of Health.
10. The construction plans for the public improvements shall be reviewed and approved by the Scott County Highway Department (pertaining to the alignment of 1st Street NE), City Engineer, Public Works Director, Utilities General Manager and Planning/Community Development Director prior to construction of the public improvements.
11. George Avenue must be renamed to George Avenue NE to fit within the City’s addressing quadrant system.
12. Public sidewalk must be added to the construction plans along 1st Street NE (north side), Chalupsky Ave. NE (east side) and George Ave. NE (south side).

Motion carried (4-0).

**B. Request for Conditional Use Permit #C3-2019 – Convenience Store, Attached Car Wash and Fueling Canopies
Kwik Trip, Inc., applicant**

Planning Director Ondich presented the staff report. Planning Director Ondich stated that Kwik Trip Inc. has applied for a conditional use permit to construct a 7,800 sq. ft. convenience store, 3,000 sq. ft. attached car wash and associated gas and diesel fueling canopies on property zoned B-2 Community Commercial. He stated that convenience stores are listed as a conditional use. He stated that the proposed lot for the development is 4.39 acres in size and that the building would meet all setback requirements. He stated that the site is near a commercial daycare center to the north, additional commercial uses to the west and south and finally a single family home located outside of city limits directly to the east. He stated that TH19 is a minor arterial road, Chalupsky Ave. NE is a local road, 1st Street NE is a minor collector road and George Ave. NE is a local road. He stated that a traffic impact study has been provided which shows a Level of Service A being maintained with no intersection improvements being necessary but that the City Engineer needs to review and approve the updated traffic impact study which was recently received by staff. He stated that accesses to the site are proposed on Chalupsky Ave. NE, 1st Street NE and George Ave. NE which all meet the minimum spacing requirements. He stated that 26 parking spaces are required and the plan provides 42. He stated that diesel pumps are located on the east side of the site and that large trucks are able to maneuver through the site as needed. He stated that trees must be added to the landscaping plan to meet ordinance requirements and that a fence must be added on the west side of the pond adjacent to the daycare. He stated that Section 725 of the Zoning Ordinance requires certain building design requirements including high quality materials, varying colors varying roof lines and a connection from sidewalks

to the front door. He stated that the proposed elevations meet ordinance requirements by using brick veneer, metal roofing and stucco with all sides similar to the front elevation. He stated that they proposed a mono-pole sign but that only monument type signs are allowed in the district and that electronic message centers are allowed if the message changes no more than once per five seconds. He also stated that building signage cannot exceed 15% of each building face. He stated that the submitted lighting plan meets all ordinance requirements and that the car wash doors must remain closed during all wash and dry cycles. He stated that a noise study for the car wash notes that decibel levels within 100' are below the City Code and MPCA nuisance levels and that the closest building is the daycare at 200' from the edge of the car wash. He noted that the refuse area is enclosed as required. He stated that the City Engineer has completed a preliminary review of the plans and did not note any red flags and noted that the ponds are lined to contain fuel spills should they occur. He noted that all fuel tanks are double walled and have alarm systems. He stated that City staff would also need to review and approve any final construction plans to meet various codes. He stated that MnDOT only offered comments relating to the plat which was in the previous agenda item. He noted that a citizen petition was submitted to the EQB and was determined to be complete and had been forwarded to the City to review and determine if an EAW should be completed on the project. He stated that he would plan to have the City Council review the petition at their meeting on December 2nd. He stated that overnight parking of semis is not allowed on the site and that there are high-flow diesel pumps and that the average fill up time is under 10 minutes. He stated that staff recommends approval with the findings and conditions listed in the staff report with the addition of a condition that would be added to not allow overnight parking or idling on the site.

The public hearing was opened at 7:38PM.

Chantel Gaaskjolen, 1001 Philipp Parkway and owner of Memories and Milestones Academy at 1501 1st Street NE, stated that she was the representative for the petition that was filed with the EQB. She stated that her daycare center has 60 kids ranging from infants to school age. She stated that he didn't understand why the City would want to push out an existing business such as there's which has been operating for over 11 years. He stated that she is not against Kwik Trip as a business, but believes that if they locate as proposed it could close her business. She asked the Planning Commissioners to keep in mind their own kids or grand kids in making a decision on the proposal and asked if the City is sure that the daycare won't be affected by the Kwik Trip. She referenced a few of the findings contained in the staff report and rebutted the findings. She reiterated that allowing the Kwik Trip could push out her existing businesses. She questioned if there would not be traffic hazard or congestion and noted that 1st Street NE is not a through street and doesn't function as a collector road today. She asked if a drainage pond is appropriate on the site next to a daycare. She stated that she notes that the staff report references other daycares have a business model that allows them to operate next to gas stations, but not her business. She stated that she wants to make sure the kids are not affected and that the EAW would look at things such as bigger trees, etc. that could mitigate negative effects. She stated that it is noted in the report that the ponds are clay lined, but that she doesn't know what that really means as the soil in her own yard is clay. She stated

that the traffic study only reviewed current traffic and not future traffic. She stated that she has concerns about the noise from the car wash and wondered if more trees could be added in that area. She stated that she questions the information provided that states that large semi-trucks can be re-fueled in 10 minutes on average, particularly if it's a 200 gallon tank on a truck. She stated that she wanted to cite some information from MPCA literature regarding fuel evaporation and fuel consumption and that she located off the highway to stay away from vehicle exhaust. She stated that diesel exhaust contains fine particles and that exposure can lead to heart and lung disease and premature death due to the carcinogens. She stated that children are more susceptible to air pollution than adults. She stated that idling of vehicles will occur on site and that she is concerned about noise pollution from the car wash and vacuums and had concerns about the noises particularly when kids are outside. She asked the Planning Commission to just take some time and do some research. She stated that these little kids do not have a choice and asked for the Planning Commission to think of the hazards and future hazards the proposal imposes on them. She stated that she believes kids could get cancer 10 years later and doesn't want to look back and think more could have been done and asked the City to not compromise the health and safety of the kids.

Commissioner Ryan stated that Ms. Gaaskjolen raised some compelling concerns about the ponds and other matters. He stated that he was not opposed to looking into moving the pond by the daycare if engineers can find a better solution. He stated that for the purposes of the meeting tonight that he would be voting for the project, but that doesn't mean the plan can't be stopped or modified in the future. He stated that he welcomed information to assist in the discussion.

Commissioner Uttenhove stated that he believes some valid concerns were raised, but that if the plans meet the zoning ordinance requirements they must recommend approval. He stated that he agrees with the points Commissioner Ryan made and that the environmental question will be taken up with the City Council.

Chair Meyer asked if the pond needed to be adjacent to the daycare.

Planning Director Ondich stated that it was a valid question to see if the pond could be moved.

Commissioner Ryan asked how many cars per day enter and exit the daycare site with the 60 kids that are enrolled. He stated that he was bringing up the topic as it related to the safety of 1st Street NE.

Ms. Gaaskjolen stated that their busiest times are between 7am and 8am and then again from 3pm and 5pm with probably 40 cars per day.

Commissioner Tupy asked if an additional driveway could be added to the daycare from Chalupky Ave. NE or if their existing driveway could be widened.

Planning Director Ondich stated that an additional driveway could be installed and the existing driveway could be widened but not at the expense of Kwik Trip as they are located off the project site.

Dean George, Kwik Trip Real Estate Development Manager, thanked Ms. Gaaskjolen for the comments. He stated that he wanted to address why Kwik Trip picked this site as a location for a second store in New Prague. He stated that based on the population of over 8,000 they believe they can hold more than one operation in New Prague, just as some of their competitors already do. He stated that they believe a store on each end of town provides an option for more residents. He stated that the new store is larger than the old one and that it is a third generation store that will offer some new options such as take home meal kits. He stated that the traffic study shows a LOS A which is good. He stated that being a commercial area, if not Kwik Trip locating at this site that it will be another commercial user. He stated that their current site on the west side of town was allowed to keep the door open during the dryer cycle.

Planning Director Ondich stated that Kwik Trip had applied for and was granted a variance for the other site, but that such a request for this location may be problematic.

Tracy Roorda, 426 280th St. E and employee at Memories and Milestones Academy, asked about mosquito control and critters that may be around the pond and how those would be addressed.

Planning Director Ondich asked Ms. Roorda what they do with the wetland that is located on their property directly north of their playground today. He also noted that being in Scott County that Metropolitan Mosquito Control can be used, but only on public property and that there is a possibility the pond will be a public pond.

Robert Yost, 1536 W. 280th St., stated that he is the only true adjacent property owner which lies directly to the east of the proposed site. He stated that he sees this business as an improvement to the property as he has seen the existing home and surrounding property deteriorate over the past 15 years. He stated that there is currently a family of foxes that lives on the property. He stated that he looks forward to the lot being cleaned up and the businesses coming to the community.

Planning Director Ondich read into the record an e-mail received from EDA President Brent Quast who was unable to attend the meeting. The e-mail was dated 11/20/19 and noted that he recommended a very solid backing of the project on behalf of the EDA noting that it's a business with a great reputation as both an employer and neighbor looking to expand their operations in town. He stated that it is a big win from both a jobs and tax revenue standpoint and will be a key piece of development on our major corridor through town and speaks to the fact that New Prague is a growing community that companies seek as an attractive place to locate a business in.

The public hearing was closed at 8:13PM.

A motion was made by Ryan, seconded by Tupy to recommend approval of Conditional Use Permit #C3-2019 to allow the construction of a new 7,800 sq. ft. convenience store, 3,000 sq. ft. attached car wash and two associated fueling canopies at 101 Chalupsky Ave. NE in the B-2 Community Commercial Zoning District, with the following findings:

- A. The proposed use of the property will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site is zoned commercially.
- B. The proposed use is sufficiently separated from any residentially zoned land and will provide landscaping to the adjacent residential home which is located outside of city limits so that it is not depreciated in value and there will also be no deterrence to development of surrounding vacant land.
- C. The structure and site will have a high quality appearance that will not have an adverse effect upon the one adjacent residentially used property which is located outside of City Limits.
- D. The use is reasonably related to the overall needs of the City and to existing land use, as the property has been zoned and will continue to be zoned B-2 Community Commercial in conformance with the City's comprehensive plan.
- E. The proposed use is specifically listed as a conditional use in the B-2 Community Commercial Zoning District and is therefore consistent with the purposes of the Zoning Ordinance.
- F. The proposed use is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the B-2 Community Commercial Zoning District.
- G. The proposed use required the submittal of a traffic impact study which showed that based on the ITE Trip Generation Manual that the development does not cause a capacity deficiency or negative impacts on level of service functionality of intersections in the area.
- H. Adequate utilities and access roads have been provided to the site and the extension of public roads and utilities are provided for in the plans.

And the following conditions:

- 1. Development of the site must be in general accordance with the site plans dated 11/13/2019 which are on file with the New Prague Planning Department subject to other conditions/changes required which are listed below.
- 2. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process which noting that electronic message centers are allowed in this zoning district, but the message cannot change more than one time per five seconds and also noting that the freestanding sign must be reduced to 20' in height and must be of a monument type of sign.
- 3. All lighting must conform to Section 704 of the Zoning Ordinance.
- 4. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
- 5. All recommendations of the New Prague Public Works Department, Utilities Department and City Engineer must be complied with prior to construction.

6. All recommendations of MnDOT must be complied with prior to construction.
7. The plans must meet Minnesota Building Codes and Minnesota Fire Codes prior to construction.
8. The revised TIS, dated 11/19/19, must be reviewed and accepted by the City Engineer.
9. The plan must meet the required perimeter landscaping. Additional trees are required at the locations around the perimeter of the site as shown in staff report #C3-2019.
10. A fence or barrier of shrubs must be added on the west side of the stormwater pond that is adjacent to the parking lot at Memories and Milestones Academy Daycare.
11. An interior pedestrian walk-way, striped or otherwise, must be provided to an adjacent sidewalk on either Chalupsky Ave. NE or TH19 (Main Street) from the front door of the building.
12. Final determination on the need for an EAW must be made by the City Council prior to consideration of approval of this CUP.
13. No overnight idling or parking of vehicles is permitted on site.
14. The stormwater pond located adjacent to the daycare must be evaluated for alternative sighting elsewhere on the site if possible.

Motion carried (4-0).

**C. Request for Variance #V7-2019 – Directional Signs Setback to Front Property Lines
Chart, Inc., applicant**

Planning Director Ondich presented the staff report. He stated that Chart Inc.'s nearly 55 acre campus is located north of 7th Street NW and east of Highway 21. He stated that multiple buildings are located on the campus with trucks making deliveries multiple times a day. He stated that Chart is proposing to increase the size of their directional signs on the campus and place them as close to the property lines as possible for better signage for the truck drivers. He stated that the property is zoned I-1 Light Industrial and that signs are normally required to be located 10' from any property line, but the applicant wants the signs closer for better visibility for truck drivers. He stated that directional signs are not subject to the typical freestanding sign limitations on a site, but notes that the proposed signs are larger than what is typical. He stated that the signs are spaced at least 250' apart along any one frontage which is a requirement in commercial zoning districts and the campus is nearly 55 acres in size which lessens the impact on the roadway frontage. He stated that Chart initially wanted signage in the right of way but only official signs are allowed in the right of way. He stated that three existing signs along 7th Street NW are currently in the right of way and that none of the new signs will be in the right of way. He stated that staff recommends approval of the variance with the findings listed in the staff report.

Leonard Mader, 1001 1st Ave. NW, stated that he had concerns about visibility around the sign that is across the street from his house and that he didn't want to see any accidents occurring.

Steven Cox, Chart Inc. representative, stated that they did not see any visibility issues with the sign and noted that semi-trucks are not intended to travel north of location of the fifth sign on 1st Ave. NW.

A motion was made by Ryan, seconded by Tupy to recommend approval of Variance #V7-2019 from front property lines to allow freestanding directional signs at 0' vs. 10' at Chart Inc.'s campus along 7th Street NW and 1st Ave. NW with the following findings:

- A. The requested variance to allow directional signage to be located up to the property line allows directional signage that is allowed by ordinance to be located on the site, but will allow vehicle traffic to the Chart campus to more easily find their intended location which could cut down on disruption to the adjacent residential homes.
- B. The requested variance to allow directional signage to be located up to the property line is consistent with the comprehensive plan because the subject industrial use property can have directional signage and the variance would only allow the signage to be closer to the right of way than normally allowed.
- C. The applicant proposes to use the property in a reasonable manner whereby only the directional signs are allowed to be located up to a property line along a public road to allow better visibility of the directional signs to more effectively route vehicles to locations on the Chart campus.
- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the Chart Campus is nearly 55 acres in size with multiple buildings that have truck traffic on a daily basis and effective and visible directional signage should cut down on unnecessary truck traffic in the area, particularly for the adjacent residential homes.
- E. The variance does not alter the essential character of the neighborhood because the signs that are proposed are replacing some existing smaller directional signs (three of which are located in public right-of-way) and installing signs that didn't previously exist to better direct truck traffic in the industrial area.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would allow for the directional signage to be as close to the public right of way as possible without encroaching on said right of way while providing adequate visibility for trucks visiting the campus area.

Motion carried (4-0).

5. Miscellaneous

The following miscellaneous items were reviewed as information only:

- A. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

6. Adjournment

A motion was made by Ryan, seconded by Tupy, to adjourn the meeting at 8:32PM. Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large, stylized "K" and "O".

Kenneth D. Ondich
Planning / Community Development Director