MEMORANDUM

TO: PLANNING COMMISSION

FROM: KEN ONDIC – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST FOR 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, PROPOSED BY KWIK TRIP INC. AT 101 CHALUPSKY AVE. NE

DATE: NOVEMBER 19, 2019

Background / History
Kwik Trip Inc. has made application for a conditional use permit and variances for the redevelopment of the vacant site located at 101 Chalupsky Ave. NE. The site is proposed to be developed with the construction of a 7,800 sq. ft. convenience store, 3,000 sq. ft. attached car wash and associated fuel canopies for both gasoline and diesel. Additionally, the development will include construction of an extension of 1st Street NE and the construction of George Ave. NE as a new local road to provide access to adjacent properties that would otherwise not have local road access.

In a separate application, they have also made application for a preliminary and final plat of Kwik Trip 1090 which consists of one lot and two outlots.

Legal Description
Lot 1, Block 3, Highview Tenth Addition, Scott County, Minnesota.
And
Lot 2, Block 3, Highview Tenth Addition, Scott County, Minnesota.
And also:
All that part of the Southwest Quarter of Section 35, Township 113 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at the South Quarter corner of Section 35; thence North 89 degrees 05 minutes 45 seconds West (bearings based on East 19 Biway Addition) on the South line of the Southwest Quarter of Section 35, a distance of 316.50 feet to the point of beginning; thence continuing North 89 degrees 05 minutes 45 seconds West on the South line of the Southwest Quarter of Section 35, a distance of 344.51 feet; thence North 02 degrees 37 minutes 39 seconds East, 647.22 feet; thence South 89 degrees 05 minutes 45 seconds East, 324.97 feet; thence South 00 degrees 54 minutes 15 seconds West, 646.93 feet to the point of beginning.
Zoning
The subject site is located in the B-2 Community Commercial Zoning District. The district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access.

Convenience Stores are listed as a conditional use in the B-2 District which is why a conditional use permit is required for the request.

The minimum lot size in the B-2 Community Commercial Zoning District is 20,000 square feet while the proposed site is 191,057 sq. ft. (or 4.39 acres) thereby meeting the minimum lot size requirement (that is, of course, once it is platted).

Maximum building coverage on the site is 40% (this is NOT the same as impervious surface requirements). Maximum building height is 35’ or 3 stories.

Adjacent zoning and land uses include:

North – Memories and Milestones Daycare* and vacant agriculturally used land (Zoned B-2 Community Commercial).

South – TH 19 and New Prague Commons Commercial Development (Zoned B-2 Community Commercial).

East – One single family home and K.A. Witt Construction (Outside of City Limits but guided B-2 Community Commercial).


*It is noted that daycare centers are commonly located adjacent to gas stations (KinderCare next to a Holiday in Shakopee, Rainbow Daycare one lot away from a Kwik Trip in Shakopee, KinderCare directly next to a Speedway in Burnsville, and many other examples. In checking with other cities about concerns with daycares next to gas stations, cities did not indicate any complaints or concerns from these locations.

Setbacks
Required setbacks are 30’ front yard along TH19 (Main Street), 15’ front yard along Chalupsky Ave. NE, 15’ along George Ave. NE, 15’ along 1st Street NE, and finally a 30’ rear yard along the east property line (the rear is always opposite the narrowest front dimension along a public roadway).

Section 722 of the Zoning Ordinance also contains additional performance standards and setbacks pertaining to convenience store canopies, pump islands and accessory buildings.

Parking lots must be setback 15’ from property lines along roads.

All setbacks appear to be met with the proposed plan.
Access / Road Layout

The transportation chapter of the Comprehensive Plan identifies:

- TH19 (Main Street) as a minor arterial roadway
- Chalupsky Ave. NE as a local commercial roadway
- 1st Street NE as a minor collector roadway

A Traffic Impact Study (TIS) is required per Section 738 of the Zoning Ordinance (which references the City’s Traffic Impact Study Guidelines and Process which was adopted by the City Council on 9/7/2010) when 7 pumps are provided for at a gas station site and/or a 24 hour convenience store is proposed at a minimum of 1,900 sq. ft. This development required a TIS to be completed.

A traffic impact study was provided by the applicant from Kimley Horn dated 7/31/19. The traffic impact study was reviewed on behalf of the City by Mike Kotila of SEH, Inc. His comments were provided as noted below in an e-mail dated 10/14/19. It is noted that the site plan has changed slightly from the TIS review date – most notably a driveway direct to TH19 has been removed from the plan and the alignment of 1st Street NE was changed. Ultimately, the City’s initial recommendation required the TIS to be revised and resubmitted based on the comments noted below and the fact that the site has been modified (less accesses) from the time the traffic study was completed. A revised TIS was submitted on 11/19/19 and the following comments were noted (in red).

1. The site plan and analysis include a Right-In/ Right-out access to TH 19. This access does not comply with MnDOT nor the City’s access management guidelines. Given there is adequate opportunity for access from Chalupsky Ave and from 1st Street, the RI/RO from TH 19 should be eliminated. Eliminating this access point will affect the assumed traffic patterns for entering and exiting the site and the volumes that were analyzed at each of the other intersections and access points.

(The traffic impact study has been updated to remove the proposed access on TH 19.)

2. Other than the access point issue called out in #1 above, the general approach to perform the TIA is OK. Trip generation rates, trip totals, and pass by trip assumptions are OK. In addition the modeling methodology is OK.

(Acknowledged)

3. In Appendix C - all of the SimTraffic reports for Intersection 2 (Chalupsky Ave at 1st Street) are missing values for SB movements.

(The appendix has been updated. There are some cases where southbound queue information was not provided. In these cases, the anticipate queue is 0 so nothing is reported.)
4. The traffic analysis and study memo should be redone to address the issues above. Based upon the volumes anticipated, I believe the revised operational results with one less access point will still perform acceptably (delays and queue lengths).

(The traffic impact study has been updated. The removal of the driveway on TH 19 does not change the results and all intersections are anticipated to operate acceptably.)

5. The extension of 1st Street NE to the north and east should follow a curvilinear alignment as shown in the City Transportation Plan so that it functions effectively as a collector roadway parallel to TH 19. It's also worth noting, that when Alton Avenue is extended northerly, and 1st St NE is extended to connect to Alton Avenue, trips to and from this Kwik Trip site will have more options to distribute onto the roadway network, which decrease its impact at the intersections analyzed in the current report.

(Acknowledged)

6. For non-motorized users, a sidewalk or trail should be considered along the street frontages (Chalupsky Ave and 1st St NE)

It is notable that traffic will obviously increase on 1st Street NE east of Chalupsky Ave. NE, but as a minor collector road, this road has always been planned to continue to the east and carry a heavier load of commercial traffic (even though traffic has been limited to daycare traffic only to this point due to being a dead end). All intersections operate at LOS A during all AM and PM peak hours with no operational issues shown.

The parking stalls and drive aisles must meet the requirements listed in the table below:

<table>
<thead>
<tr>
<th>Angle of Parking Stalls (A)</th>
<th>Minimum Stall Width (B)</th>
<th>Minimum Curb Length (C)</th>
<th>Minimum Stall Depth (D)</th>
<th>Minimum Parking Lot Drive Aisle Width (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 Degree</td>
<td>9’</td>
<td>9’</td>
<td>20’</td>
<td>24 feet (two-way traffic)</td>
</tr>
<tr>
<td>60 Degree</td>
<td>9’</td>
<td>10’ 5”</td>
<td>21’</td>
<td>18 feet (one-way traffic)</td>
</tr>
<tr>
<td>45 Degree</td>
<td>9’</td>
<td>12’ 9”</td>
<td>19’ 10”</td>
<td>13 feet (one way traffic)</td>
</tr>
<tr>
<td>Parallel</td>
<td>9’</td>
<td>23’</td>
<td>9’</td>
<td>24 feet (two-way traffic)</td>
</tr>
</tbody>
</table>

Parking areas shall be setback 15’ from property lines abutting roads (Chalupsky Ave. NE, 1st Street NE, George Ave. NE and TH19/Main Street E in the case of this property), 5’ from all other property lines and outside of all easement areas.
For parking lot curbing, a poured in place, six inch non-surmountable concrete curb shall be provided around the perimeter of all parking lots designed for four or more cars. Such poured in place curb is required along all internal access roads. Curbs or other means shall be provided to prevent parked vehicles from overhanging property lines and sidewalks. The City Engineer may waive the curbing requirement when it is determined that sheet drainage is an appropriate stormwater management practice for a given location. When six inch non-surmountable curbing is not recommended by the City Engineer for drainage purposes, flat concrete curb with curb cuts or other appropriate methods may be used as approved by the City Engineer.

All parking spaces shall be striped with white or yellow painted lines of not less than 4” wide.

There shall be adequate drainage of the surface of the parking or paved area to a public storm sewer or to other City approved means. Plans for surfacing and drainage of all parking lots for 20 spaces or more, or paved areas of 6,000 square feet or more must be approved by the City. Specific site drainage comments will be provided under a separate memo from the City Engineer.

Off-Street Parking areas must be landscaped Per Zoning Ordinance Section 717 (M)(1). This requires a tree planted every 40’ along the perimeter of the parking lot adjacent to a roadway (TH19/Main Street, Chalupsky Ave. NE, 1st Street NE and George Ave. NE) and a tree every 30’ along all other property lines where parking lots are located. Interior landscaping is not required for parking areas of less than 50 spaces and this site only has 42 parking spaces, therefore interior landscaping is not required. The plan does not appear to meet the required perimeter landscaping. Some additional trees are required at the locations around the perimeter of the site as shown below:
The Zoning Ordinance requires 1 parking space per pump plus 1 parking space per 300 sq. ft. of floor area in the convenience store. The 7,800 sq. ft. convenience store requires 26 parking spaces. The site plan indicates that there are 42 parking spaces which meets the minimum requirement. There is also the required 1 space adjacent to each pump (both gas and diesel).

Access driveways are spaces as required by Section 723 of the Zoning Ordinance at 100’ for the driveways from intersections on the City Streets and 150’ from the intersection with TH19 (Main Street). The north driveway from the site lines up with the driveway to the daycare located to the north which is ideal to avoid turning point conflicts.

Refuse
Section 703 of the Zoning Ordinance states that all waste material shall be kept in an enclosed building and contained in a closed container designed for such purposes and that all dumpsters, garbage containers, or refuse bins shall be screened from view if stored outside. The screening shall be made of wood fencing material, brick or a combination thereof with a minimum height of 5 feet and have a latching mechanism for the doors when not in use.

An external trash enclosure area is proposed on the NE corner of the building, adjacent to the car wash entrance, which appears to meet the requirements of the ordinance.

Landscaping/Screening
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The site is not adjacent to any residentially zoned property and therefore the landscaping and screening ordinance in Section 707 of the Zoning Ordinance does not apply that would require a green belt or fence along any portion of the site. That said, staff does recommend a condition be added that a fence or barrier of shrubs be added on the west side of the stormwater pond that is adjacent to the parking lot at Memories and Milestones Academy Daycare. The reason for this is the small children present at the site each day may be tempted to explore the pond area and a small barrier of a fence or landscaping may provide a level of protection to the pond.

**Lighting**

All lighting must conform to Section 704 of the Zoning Ordinance. It states the following:

_In all districts, any lighting used to illuminate an off street parking area, sign, or other; structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right of way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from said property._

A lighting plan dated 11/5/19 was submitted for review. The plan appears to meet the requirement for light cast on a public street center line at no more than 0.2 fc which is well below the 1 fc limit.

**Building Design Requirements:**

The site is subject to the B-2 Community Commercial Zoning District Design Guidelines as written below:

725 **Commercial Building Design/Site Relationship for the B-2 District**

1. Predominant exterior building materials must be of high quality, including brick, wood, or concrete. When concrete or tilt-up concrete panels are used, detail using color, textures, and material treatments must be integrated to provide a higher degree of aesthetic treatment. Prefabricated steel panels are prohibited as predominant building materials but may be used for aesthetic treatment.

2. Building mass and scale must be controlled through roof line variations, repeating patterns of color, materials, and textures, windows, and awnings.

3. All facades of a building that are visible from adjoining properties or public streets shall contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to a front facade.
4. Internal pedestrian walkways must be provided from perimeter sidewalks to building entrances.

There are also design requirements for convenience stores which is noted below:

A. *For architectural purposes, each side of the building shall be considered a front face*
Gas Pump Elevations

Diesel Pump Elevations
Building elevations were submitted (undated) which show the building with a red brick veneer, green metal roofing and tan stucco over the two front entrance doors. All sides of the building have the same design features which meets the performance standard for convenience stores and would meet the above design guidelines of the B-2 District.

As noted in the plat report, sidewalk is required to be installed along the west side of the site adjacent to Chalupsky Ave. NE and a sidewalk connection could be provided from the front door(s) of the site from either Chalupsky Ave. NE or from the sidewalk adjacent to TH19 (Main Street) as one is not currently provided for in the plans. New Prague supports walkable communities and this area has a high number of walkers and bikers who would visit the store on a regular basis. It might also make sense to have a bike rack on the site.

**Signage**

Any new freestanding signage on the site must meet the zoning ordinance requirements.

Section 718 of the Zoning Ordinance addresses signage. Freestanding signage is allowed up to a total of 100 sq. ft. in size along each public road frontage at no more than 20’ tall and must be of a “monument” type sign with a based as wide as the sign face and is solid from the grade to the top of the sign structure. Right now, the proposed freestanding sign is not a monument type sign and is too tall. The proposed sign must be changed to a monument type sign at no more than 20’ tall and no more than 100 sq. ft. for side. If multiple monument signs are utilized on the site, they must be spaced at least 250’ apart as measured along the public road frontage. Signs must also be setback a minimum of 10’ from any property line and outside of easement areas.

The sign also appears to have an electronic message center. These are allowed in this zoning district, but the message cannot change more than one time per five seconds.

Building signage in the B-2 District is allowed at up to 15% coverage of each building elevation. The sign details submitted at this time meet all signage requirements for the building.

**Convenience Store Performance Standards**

722 Convenience Stores

1. General provisions for convenience stores.

   A. For architectural purposes, each side of the building shall be considered a front face.

   B. All trash, waste materials, and obsolete parts shall be stored within a separate enclosure meeting the requirements of Section 703 of this Ordinance.

   C. All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure. The storage of items for sale outside the principal building shall be displayed in specially designed containers.
D. No sale or storage of motor vehicles or trailers or campers shall be permitted.

2. Site Requirements.

A. Driveway accesses shall meet the requirements of Section 723 of this Ordinance.

B. The total height of any overhead canopy or weather protection shall not exceed 20 feet.

3. Additional Bulk Requirements:

A. Lot Width: 150 feet

B. Setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy (edge)</td>
<td>10 feet</td>
<td>25 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Pump Island</td>
<td>25 feet</td>
<td>25 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Acc. Building</td>
<td>30 feet</td>
<td>30 feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

All performance standards for convenience stores appear to be met with the plan.

**Car Wash Performance Standards**

721 Car Washes

1. General provisions for car wash facilities.

A. Entry and exit doors shall be closed during wash/dry cycles.

B. Stacking spaces shall be provided and oriented to prevent traffic backup on adjacent streets.

C. Parking and stacking spaces shall be screened from view of adjacent residentially zoned areas.

D. Vehicular access points shall be limited to prevent traffic conflicts.

E. Vacuums must not interfere with stacking spaces and not be in a yard adjacent to residentially zoned areas.

F. A six inch non-surmountable curb shall separate all walks and landscape areas from parking areas.
All performance standards for car washes appear to be met with the plan. It is notable that the proximity of the daycare to the north may have concerns about noises from the car wash, however, with the doors being closed during the cycles, they will be well within MPCA sound limits per Minnesota Rules 7030 which states that for Noise Area Classification 2 (commercial district), during the day, noise levels cannot exceed 70 dBA for more than 10% of an hour or 65 dBA for more than 50% of an hour.

Kwik Trip has studied the noise of this exact car-wash design and has determined that during wash/dry cycles, the decibel levels within 100’ are below the MPCA nuisance levels and it is noted that the closest building is a daycare located to the north by 200’ from the edge of the car wash and which is not in line with the doors to the entrance or exit to the car wash.

Decibel Level Map
**Drainage**

Civil engineering plans were preliminarily reviewed by the City Engineer (Chris Cavett of S.E.H., Inc.) to ensure compliance with the City’s storm water requirements. His initial comments are contained later in this report.

It is noted that the stormwater system is contained and there are structures in place to control contaminate if a spill would happen.

**WAC/SAC Charges**

According to the Met Council SAC Manual which was adopted by the City to determine future WAC/SAC charges for new uses the following is noted:

Each WAC Unit: $1,800
Each SAC Unit: $7,150
Total: $8,950 for each unit

In order to provide a final WAC/SAC charge calculation City staff needs precise building square footage information that includes the room type and square footage. Mechanical rooms, restrooms and unfinished storage areas are not counted in this total.

Gas Station = 1 WAC/SAC Unit owed per 1,950 sq. ft. @ 7,800 sq. ft. = 4 units owed.

Automatic Car Wash = 37 gallons per wash X 50 washes per day = 1,850 gallons/day divided by 274 = 6.75 REU owed.

- The calculation is based off the maximum gallons of freshwater used per wash. If multiple wash packages, then the average will be used. Take water used per wash x anticipated # washes per day to get total gallons of water used per day. Then take total gallons / 274 gallons per SAC to get SAC owed.

**Total REU Owed = 10.75 REU**

10.75 REU Total @ $7,150 per REU = $76,862.50 for SAC

10.75 REU Total @ $1,800 per REU = $19,350 for WAC

$96,212.50 total for all WAC/SAC Charges for the proposed new building (subject to final review by which deductions will be taken for storage areas, bathrooms and vestibules).

**Engineering Comments**

The City Engineer, Chris Cavett of SEH, has provided an e-mail dated 11/13/19 which noted that a preliminary review of the plans found no red flags, but that a full review of the storm water calculations and public and private improvements is still needed prior to construction occurring. He also noted that surface water from the site is routed to a lined pond because of the use of the site as a gas station.
**Public Works Comments**
The Public Works Director (Glen Sticha) and Utilities General Manager (Bruce Reimers) have been provided a set of plans, however they did not have any comments to offer at this time.

**Building Official/Fire Marshal Comments**
The Building Official, Chad Lunder, does not have any specific comments to provide at this time other than the plans must meet Minnesota Building Codes and Minnesota Fire Codes prior to construction.

**Police Department Comments**
N/A

**DNR Comments**
N/A

**County Highway Department Comments**
N/A

**MnDOT Comments**
MnDOT District 7 was solicited for comments on 10/4/19. At the time of writing this report, specific comments had not yet been received regarding the use of the site, however comments were provided related to the plat and which were addressed in the platting staff report.

**Environmental**
Other than the Wetland Delineation, which was required as part of the platting process, no other environmental review is required as part of the project.

Further environmental review, such as an Environmental Assessment Worksheet (EAW), is not mandatory for gas stations, based on Minnesota Rules 4410.4300 or 4410.4400. A citizen petition can be presented to the state Environmental Quality Board, with evidence that would demonstrate the potential for significant environmental effects. The petition must be deemed complete by the Environmental Quality Board with the requirements outlined in Minnesota Rules 4410.1100 (signatures and addresses of at least 100 individuals who reside or own property in the state is one of the requirements, among others). If a petition were complete, it would be up to the City to determine if an EAW would be necessary, at which point the review process would have to stop until this process were completed.

At this time, a petition has been submitted to the EQQ and it is likely that the EQB will forward the petition to the City to make a determination regarding the need for an EAW.

Regarding items that are covered in an EAW, the following are noted:

**Water Resources**
- The storm sewer system is made up of specifically placed catch basins that have a snout system in it that prevent fuel contaminants to continue through the system. If contaminates
would get to one of the three storage ponds they will all be clay lined which allows Kwik Trip to clean them out and prevent the contaminants to seep into the ground.
- There is a wetland in the ditch to the south of our property in the MnDOT ROW. This project will not be disturbing this area.

**Contamination/Hazardous Materials**
- Kwik Trip will have multiple large underground fuel storage tanks. These tanks are doubled walled, what this means is that it is essentially a tank within a tank. Within the space between the two layers there are sensors that that if any type of liquid is present alarms will be set.
- If a spill would occur, the store employees are trained how to maintain the spill with a provided emergency spill kit and would call the fire department if it is over a specified number of gallons.

**Traffic**
- There has been a traffic study done that show no improvements are needed.
- During the civil design process truck traffic movements were done to ensure trucks can easily make it in and out of the site.

**Air**
- Kwik Trip does not have any records for air quality.
- The site is not designed for overnight or long term parking so there will not be idling vehicles on site.

**Noise**
- Readings have been provided and are addresses elsewhere in this report.
- Even with the wash doors open the noise levels are still low enough to meet the city requirements at the property line.

To address potential questions about noise and the presence of semi-trucks on the site, it is noted that this site is not designed to allow trucks to park and stay for extended period of time. There is room for them to pull ahead and run into the store to pay for fuel or grab anything else they may need. The diesel canopies have 2 high flow pumps per lane which means that the driver can fill up both sides at once and that on average it takes a driver under 10 minutes to fill up.

**CUP Requirements**
Section 505 of the Zoning Ordinance states that when granting a conditional use permit the City Council shall make the following findings:

A. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. *(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 use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. *(The proposed use is sufficiently*
C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (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, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. (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 use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use (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 use is not in conflict with the Comprehensive Plan of the City. (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 use will not cause traffic hazard or congestion. (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, access roads, drainage and necessary facilities have been or will be provided. (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.)

Staff Recommendation
Staff recommends 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 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.

And making the following findings to approve the conditional use permit:

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.

Attachments
1. Site Map Aerial – Dated 10/31/19
2. Site Plan Aerial Detail – Dated 10/31/19
3. Photos – Undated
4. Oblique Aerial Photo – Undated
5. Site Circulation Plan – Dated 11/13/19
6. Grade Plan – Dated 11/13/19
7. Landscaping Plan – Dated 11/13/19
Looking NE from Chalupsky Ave. and TH19 Roundabout.

Looking NW from TH19.
Looking East from Chalupsky Ave. NE just north of roundabout.

Looking east along 1st Street NE (to be extended).
Looking SE at site from intersection of Chalupsky Ave. NE and 1st Street NE.

Oblique Air Photo Looking North at site and surrounding properties.