MEMORANDUM

TO:  PLANNING COMMISSION
FROM:  KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT:  REQUEST FOR PRELIMINARY AND FINAL PLAT REVIEW OF KWIK TRIP 1090 CONSISTING OF 1 LOT AND TWO OUTLOTS ON 6.45 ACRES IN THE B-2 COMMUNITY COMMERCIAL ZONING DISTRICT, AS PROPOSED BY KWIK TRIP, INC., APPLICANT.
DATE:  NOVEMBER 19, 2019

Background / History

Kwik Trip, Inc. has submitted an application for a preliminary and final plat of Kwik Trip 1090. The plat would consist of one lot and two outlots on 6.45 acres in the B-2 Community Commercial Zoning District. The plat includes three existing parcels to accommodate required public right of way and a site that would contain a new Kwik Trip store. Proposed development on the site includes approximately 10,896 sq. ft. of building area for a convenience store and car wash and associated parking, drive aisles and gas canopies. Kwik Trip would also be required to construct segments of public roadways and associated utilities within the area being platted.

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 15 seconds West, 646.93 feet to the point of beginning.
Zoning / Lot Size / Setbacks

The property is zoned to B-2 Community Commercial. The city requires lots be a minimum of 20,000 sq. ft. with 80’ of frontage. The proposed lot meets the City’s minimum requirements.

Required setbacks are 30’ front yard along TH19 (Main Street), 15’ front yard along Chalupsky 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).

Maximum building coverage on the site is 40%. Maximum building height is 35’ or 3 stories.

Convenience Stores are listed as a conditional use in the B-2 District which means that a conditional use permit must be applied for and obtained.

All property surrounding the proposed plat is zoned B-2 Community Commercial.

Easements

Section 067 of the Subdivision Ordinance provides for easement requirements for drainage ways, trails and utilities.

A minimum 10’ wide drainage and utility easement must be provided for around the perimeter of the lot, which is provided on the plat drawing.

Existing easements from the plat of Highview 10th Addition exist as shown on said plat. The process to vacate said easements has been initiated by the applicant and will be approved prior to the platting of the property. Buildings, parking lot areas and required landscaping cannot be located in easement areas.

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 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 recommendation requires the TIS to be revised and resubmitted based on the comments noted below:

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.

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.

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

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).

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.

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

Kwik Trip is required to install the extension of 1st Street NE (including all required underground public utilities to their lot line) as well as the stub street (shown as George Avenue) and all required public utilities to the east lot line. This will be addressed further in a development agreement to be entered into with Kwik Trip.

A “future road extension” sign is required on the end of 1st Street NE and George Avenue (which should be renamed as George Ave. NE) as well as a temporary turn around on 1st Street NE for vehicles to be able to turn around.

It is notable that the location of the local stub street has been a topic of discussion between K.A. Witt and the City dating back to the 2005 MOU with Scott County regarding access to Alton Ave. NE, when the City has known it was required to provide a local access to the Witt property and Mr. Yost’s property which lie east of the Kwik Trip development site. There has been a couple of different alignments of this local stub street shown on plans, however staff
recommends the option (1a) that centers the stub road on the Yost and Witt north lot lines rather than cut through the property north of Witt and Yost (Option 2a), so that the ROW is shared among the property owners and the most land is left for future development. See below for the drawings that had been developed.

Option 2a – Not Recommended by the City for local stub road.
Option 1a – Recommended by the City for local stub road (now called George Ave. NE)

Trails / Sidewalks

The City’s subdivision ordinance requires a sidewalk on at least one side of each public road. In this case, as 1st Street NE is extended to the east/northeast, the concrete sidewalk must be included on the north side to the property line. A sidewalk must also be provided for on the south side of George Ave. NE.

Additionally, though Chalupsky Ave. NE is already constructed, a sidewalk must be constructed adjacent to it on the east side. This missing segment of sidewalk is shown in the City’s Sidewalk Plan. Section 725 for Commercial Building Design / Site Relationship for the B-2 District notes that “Internal pedestrian walkways must be provided from perimeter sidewalks to building entrances.” Accessibility for non-motorized users will be reviewed in more detail in the conditional use permit report.

Flood Plain

As indicated on the FEMA FIRM panel #27079C0091D effective July 21, 1999 (and revised 3/11/2004), the property is located within the un-shaded Zone X which is determined to be outside the 500-year floodplain.
**Wetland Conservation Act**

A wetland delineation was completed by Bolton & Menk and is dated 10/28/19. Two wetland basins were identified on the plat in the area between TH19 and the existing sidewalk on land that will be dedicated as state highway ROW. Bolton & Menk has submitted an application to determine the type of wetland to be incidental.

A Notice of Decision was issued on 11/19/19 for the wetland determination and no loss determination noting that the wetlands were incidental.

**Drainage / Grading**

City Engineer, Chris Cavett of SEH, Inc., has been provided a set of civil plans and will provide comment in a separate memo as part of the CUP review process.

**DNR Comments**

The DNR was not solicited for comments as there are no apparent public waters located within the affected project area.

**Park Land Dedication**

Chapter 066 of the Subdivision Ordinance outlines Park/Public Land Dedication requirements.

Land dedication is required at 282 sq. ft. per employee that works in the site upon completion. There will be about 22.5 full time equivalent employees at the site. This would equate to 6,345 sq. ft. of land dedication being required. At the current 2019 estimated market value of the land per Scott County, the unplatted land is valued at $0.57 per square foot. This would require a land dedication payment of $3,616.65 due at the time of signing the plat.

It is noted that land dedication was previously obtained for two platted lots which were part of Highview 10th addition. The Park Dedication formula is only being based on the previously unplatted land.

**Water Area Access Charge**

All newly platted land in the City requires a per acre payment of the Water Area Access Charge fee of $2,814/ac. Of the 6.45 acres included in the plat, only 4.55 acres of land is previously unplatted. For this reason, the water area access charge is only based on the 4.55 acres of previously unplatted land. The total charge will be $12,803.70 for the Water Area Access Charge.

**Sidewalk Fee**

The sidewalk fee is $50 per lot. The total charge will be $50 for the Sidewalk Fee for the one lot being platted.
Emergency Warning Siren Fee

The Emergency Warning Siren Area Charge is $150/ac. The area being platted is 6.45 acres, however only 4.55 acres were previously unplatted. The total charge will be $682.50 for the Emergency Warning Siren Fee.

Sirens are intended to provide warning notification to people that are outside, not in buildings.

Street Seal Coat Fee

A street seal coating is required to be collected for any new public roadway that is installed by the developed. The fee is $1.32 per square yard. Staff estimates that the total sq. yds. of the new public roads is approximately 1,944 sq. yds. which would require a payment of $2,566 for the seal coating fee. The developer must provide the total sq. yds. of new public roadway in order for the final seal coat fee to be calculated.

Sanitary Sewer Service

Existing sewer mains are adjacent to the site and must be extended as required with the new segments of public street being installed.

Water Service

Existing water mains are adjacent to the site and must be extended as required with new segments of public street being installed.

Stormwater System

The City Engineer will review the public stormwater infrastructure improvements and the private stormwater system improvements under a separate review memo.

Engineering Comments

The preliminary and final plat drawings, along with the grading, drainage and utility plans were submitted to City Engineer Chris Cavett of SEH for review. At the time of writing this report, final comments were not yet received, however he did note in an e-mail dated 11/13/19 that he does not see any red flags in the information submitted that would prevent the review of the plat to continue forward.

Public Works and Utility Comments

In an e-mail on 11/13/19, Public Works Director Glen Sticha noted that he did not have any comments to offer at this time.

Comments were solicited from Utilities General Manager Bruce Reimers, but at the time of writing this report, comments had not yet been received.
City Attorney Comments

Scott Riggs, City Attorney, was provided a copy of the preliminary and final plats as well as a title commitment for review. His review memo was not yet available at the time of printing this staff report.

Scott County Highway Department Comments

Comments were solicited from the Scott County Highway Department as it pertains to the Memorandum of Understanding that the City, Helena Township and Scott County have on file since 2006 regarding Alton Ave. as a future County Road and it’s design and build out. The importance of this MOU was pivotal in the specific design of 1st Street NE needing to meet a designated crossing with Alton Ave. that was necessary to be accommodated with this plat.

At this time of writing this report, no specific comments had yet been received from Scott County.

State Highway Department Comments

MnDOT was solicited for comments. On 10/18/19, MnDOT Senior Planner Angela Piltaver stated the following:

Since access is not going to be allowed onto Highway 19, MnDOT requests that the applicant dedicate access control along TH19 if they are willing. We can provide language that can be incorporated into the plat dedication if the applicant is agreeable to this request.

Additional comments were received dated 11/19/19 as follows:

I had Land Management and Right-of-Way take a look at the revisions and they are indicating that a revision is needed. As mentioned previously, the surveyor needs to identify on the final plat the document that established the existing highway easement on 19.

City Staff agrees that access control must be provided for on the plat and that this will be a condition of plat approval.

Environmental Issues

Aside from the wetland delineated on a portion of the site, there are no other noted concerns with the plat request from an environmental standpoint.

Development Agreement

A Development Agreement must be entered into between the City and Developer at the time of final plat approval. The development agreement will cover the construction of the extension of 1st Street SE, George Ave. NE, construction timing and costs, payment of development fees as listed in this report, park land dedication, annexation and stormwater management.
Staff Recommendation

Staff recommends that the Planning Commission approve the preliminary and final plat of Kwik Trip 1090 with the following findings:

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

And with 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).

ATTACHMENTS
1. Overview Site Map Aerial – Dated 10/31/19
2. Preliminary Plat Drawing – Dated 11/12/19
3. Final Plat Drawing – Dated 11/12/19
4. Google Street View Photos – Undated
5. Oblique Aerial Photo – Undated
Final Plat Detail
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.