



PLANNING COMMISSION

**ISD #15 DISTRICT OFFICE BUILDING
4115 AMBASSADOR BLVD.**

September 20, 2017

7:00 PM

AGENDA

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda
4. Approve Minutes August 16, 2017
5. Public Comment
6. Public Hearings
 - a. Conditional Use Perm, 4020 233rd Revisions to Kwik Trip Site Plan
 - b. Stormwater Ordinance Amendment, Chapter 10 Section 93
7. Regular Business Items
 - a. Save the Date: October 4, 2017, 6:00 pm Council and Planning Comprehensive Plan workshop
8. Discussion by Planning Commissioners
9. Adjournment

Future Events:

There may be a quorum of St. Francis Council Members present at this meeting.

CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
August 16, 2017
7:00 PM

1. **Call to Order:** The Planning Commission meeting was called to order at 7:01 pm by Chairman Steinke.
2. **Roll Call:** Present were Ray Steinke, Todd Gardner, Greg Zutz, Julie Morin and William Murray. Absent: Brittney Berndt, Joel Olson
3. **Adopt Agenda:** Motion by Zutz, second by Gardner to approve the August 16, 2017 agenda. Motion carried 5-0.
4. **Approve Minutes:** Motion by Gardner, second by Zutz to approve the May 17, 2017 minutes. Motion carried 5-0.
5. **Public Comment:** None
6. **Public Hearing:**

- a. **Interim Use Permit – Home Business Application 23340 Redwood Ct.**
Business is in operation, became aware of permit requirements to meet City code. Reviewed agenda packet. Site visit by City Planner verified the use was secondary in nature. Request building official to review for life/safety. Discussed risk including materials and chemicals to review level of hazards on site. None were identified.

Public Hearing – Open 7:09 PM,

- Brent Rau, Business Owner, 23340 Redwood Ct. Building permits were issued for the accessory structure and met code. More than over half of the building is used for personal use. Petition signed by neighbors in support of the business being there. No chemicals, noisy equipment are used, main purpose is storage.
- James Smith, 23394 Redwood Ct. No concerns identified regarding business, no problems identified in regards to sounds or traffic. Do not feel it affects the neighborhood. Mr. Rau communicates with the neighborhood.
- Leslie Sworsky, 23355 Redwood Ct. she is home during the day. Business does not create any concerns. No noise or traffic.

Public Hearing Closed 7:14 PM

Motion by Zutz to forward to Council with conditions as identified in the staff report on pages 9 and 10. Second by Murray. No discussion, Motion Carries 5-0

- b. **Conditional Use Permit – 4020 233rd Avenue Kwik Trip.** Site was a gas station and now has dilapidated buildings in place. Reviewed agenda packet. Clarified Lot Size is three parcels and size total is 1.44 acres. Plans and use are consistent with the Comprehensive Plan. Meets all conditional use requirements. Applying

for an administrative subdivision with staff. MNDOT notice received and has required driveway be moved west further from Hwy 47 intersection.

Public Hearing – Open 7:24 PM

- Dean George, Kwik Trip Representative. Relocating water main and creating necessary easements. MNDOT comments will affect parking spaces, will review with Planning and may use Proof of Parking. Looking to close and take ownership of the lot October 2017, potential construction 2018.

Public Hearing Closed 7:27 PM

Discussion:

- Zutz, question on lighting and direction to staff to ensure code conditions are met
- General comment from several, that it is nice to see something being done with that property

Motion by Zutz to forward to Council with conditions as identified in the staff report on pages 12 and 13. Second by Murray. No further discussion. Motion Carries 5-0

7. Regular Business Items:

- a. Acquisition of Real Property. City EDA is looking to purchase a property located at 3757 Bridge Street for redevelopment purposes. Acquiring the land will allow the City to assemble parcels to work towards the downtown as identified in the redevelopment planning and the potential for a Bridge Street extension to Hwy 47. As the City holds a Comprehensive Plan it must bring acquisition and disposition to the Planning Commission to identify it meets the City Comprehensive Plan.

Motion by Morin to recommend the City EDA move forward with the purchase of the property. Second by Zutz. No further discussion. Motion Carried 5-0

8. Planning Commission Discussion

1. Murry brought forward discussion in regards to debris in river under bridge. Short presentation by Don Hillar in regards to potential Heritage Foundation funding if site is approved by the DNR. Discussion of the removal of Rubble and debris left from old dam makes the current and waters unsafe. Funding would allow city to have the hazards removed and reduce accident risk. Councilman Skordahl offered to bring forward to August 21, 2017 Council as a report and request the Fire Chief to evaluate risk and the need for debris removal.

9. Adjournment: Motion by Steinke to adjourn. Meeting adjourned at 7:42 PM.

APPROVED:

City of St Francis Planning Commission Agenda Item
Executive Summary

Title of Item: **CONDITIONAL USE PERMIT:** A request from Kwik Trip to construct a new automotive fueling station at 4020 233rd Avenue NW – B-2 (General Commercial) zoning – PIDs 31-34-24-14-0022, 31-34-24-14-0023, & 31-34-24-14-0024.

Meeting Date: **9-20-17**

Staff Reporting: **Ben Gozola, City Planner**

Summary: The applicant is proposing to demo the old Oasis Gas Station and Car Wash to construct a new motor fueling station. The comprehensive plan and zoning code support this use at the proposed location, and the plans have been shown to meet City standards provided a number of conditions of approval are followed.

While this was previously reviewed and recommended for approval by the Commission in August, compliance with the MnDOT request to shift the right-in entrance-only driveway off of 233rd to the west has resulted in proposed changes to the site plan. Concern about turning movements for semis to access a diesel fuel point has resulted in the diesel canopy being replaced with a car wash.

Recommendations:

- **Staff believes the CUP can be approved with conditions.**
- **Template motions, recommended findings, and suggested conditions can be found on pages 12-14**

List of Attachments:

- A) *Staff Report*
- B) *Traffic Study Executive Summary*
- C) *Applicant's submittals*

City of St. Francis Planning Department
CUP Report

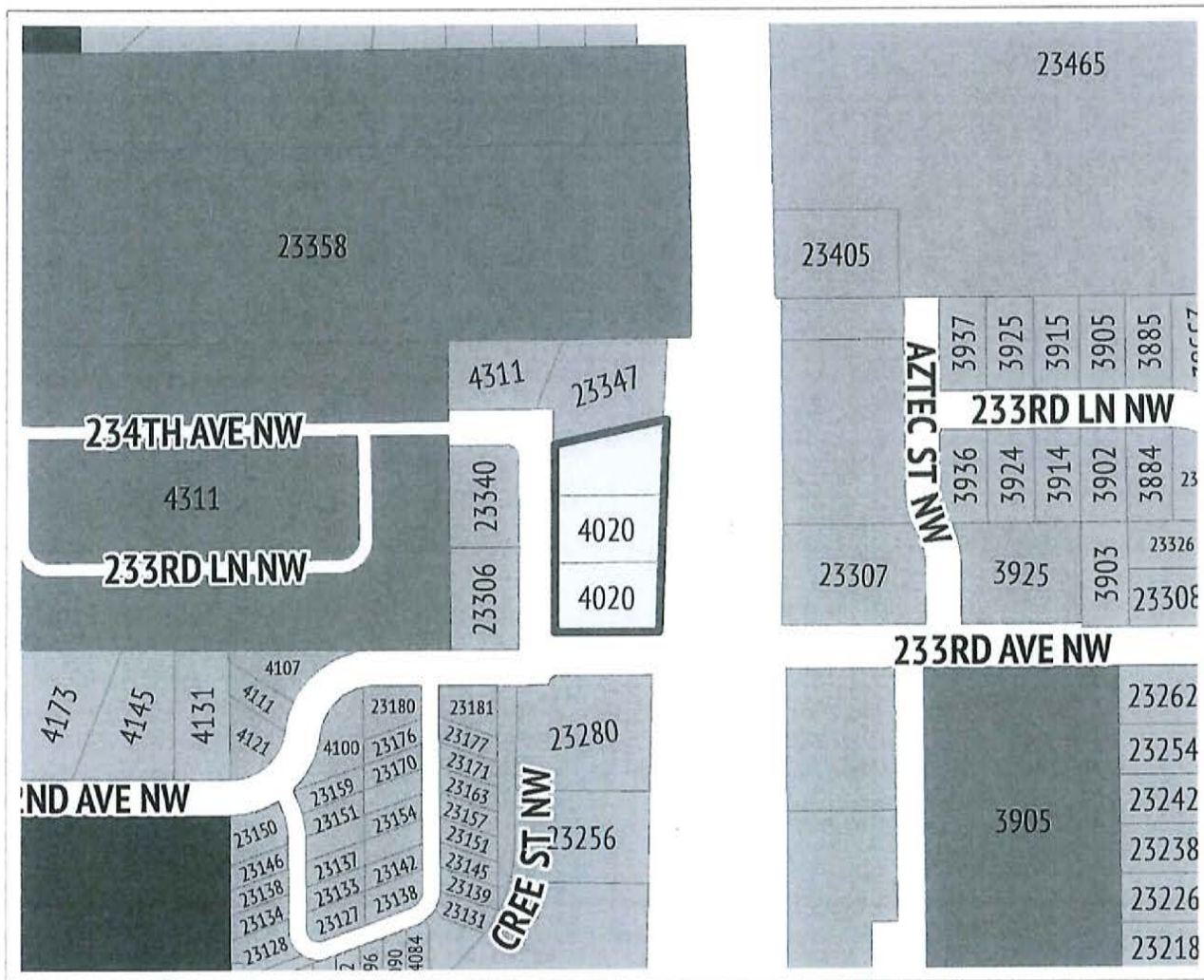
To: **Planning Commission**
From: Ben Gozola, City Planner
Meeting Date: **9-20-17**
Applicant: **Kwik Trip**
Property Owner: MDW Equity LLC
Location: 4020 233rd Avenue NW
Zoning: **B-2: General Commercial**

Introductory Information

<i>Project:</i>	The applicant is proposing to demo the old Oasis Gas Station and Car Wash to construct a new motor fueling station.
<i>CUP Request(s):</i>	The application is requesting a conditional use permit for a motor fueling station at 4020 233 rd Avenue NW.
<i>History:</i>	On 8-16-17, the planning commission recommended conditional approval of a site plan for a motor fueling station that included a diesel fueling bay. Changes to the site plan address MnDOT concerns required elimination of the diesel fueling point in favor of a car wash. This second review will largely focus on the proposed changes between these two uses.

Findings

<i>Site Data:</i>	▪ Lot Size $\approx$ 1.41 acres (currently split between three parcels being combined concurrently with this CUP request) ▪ Existing Use – Commercial land (vacant – closed gas station & car wash) ▪ Existing Zoning – B-2 ▪ Property Identification Numbers (PIDs): 31-34-24-14-0022, 31-34-24-14-0023, & 31-34-24-14-0024
<i>Comp Plan Guidance:</i>	▪ The comprehensive plan guides this lot for Commercial use. ▪ The corresponding zoning assigned to this property (B-2) allows a motor fuel station as a conditionally permitted use.



4020 233rd Avenue NW



Location within the City of St Francis



SITE IDENTIFICATION MAP



Application Review:

Applicable Code Definitions:

COMMERCIAL USE, AUTOMOBILE SERVICE STATION: Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

CONDITIONAL USE: A use which, because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the City Comprehensive Plan.

CONDITIONAL USE PERMIT: A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

BUSINESS: Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

CANOPY: An accessory roof-like structure, which is either attached to or detached from an allowable primary building; which is open on all sides, other than where attached; and, which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas.

LOADING SPACE (OFF-STREET): A formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

MOTOR FUEL STATION: A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

PARKING SPACE: An area enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle, which has adequate access to a public or private street, alley or driveway permitting satisfactory ingress and egress of such motor vehicle.

SIGN AREA. That area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures, or symbols attached directly to any part of any building, that area which is included in the smallest rectangle which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a free standing sign refers to a single facing.

SIGN, BUSINESS. Sign identifying a business or group of businesses, either retail or wholesale, or any sign identifying a profession or used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

**Applicable
Codes:**

- **Chapter 10, Section 6: Conditional Use Permits**
Outlines the general standards required of all conditionally permitted uses within the City of St. Francis.
- **Chapter 10, Section 63: B-2 Central Business District**
Outlines allowed uses within the B-2 zoning district. Motor fueling stations are listed as a conditionally permitted use.
- **Chapter 10, Section 19, Subsection 9: Parking Supply Requirements**
Requires that Motor Fuel Stations provide one parking (1) space per pump plus one (1) space per employee on the largest work shift. With convenience grocery; include one (1) space per one hundred (100) square feet of floor area. Parking areas at pump islands are allowed to be counted as parking spaces.

**Applicant's
Project
Description:**

- **With regards to the proposed use:** "The proposed use of the property is to construct a Convenience store (motor fueling station) with an attached one-bay carwash. The proposed convenience store would have 16 fueling points. The building footprint is approx. 7,000 SF with 3630 SF of interior retail area.
 - ✓ B-2 zoning requires motor fueling stations to be approved as a conditional use.
 - ✓ Hours of operation: store open 24hrs a day, 7 days a week.
 - ✓ Duration of the proposed use is indefinite
 - ✓ Termination of the use would only occur upon sale"
- **With regards to how the CUP fits the City's Comprehensive Plan:** "A Kwik Trip convenience store located in this commercial area fits in the conditional use of this area. Kwik Trip builds and operates an aesthetically pleasing, clean convenience store that would be a great addition to the City of St. Francis at this location."
- **With regards to impacts on water resources/ surface waters:** "The proposed site plan will change the percent of impervious area from existing of 42% to a proposed condition of 80%. The stormwater rate would be controlled with underground storage and would reduce the existing runoff of 7.31 cfs to 7.11 cfs (100 yr runoff). All existing and proposed conditions along with the calculations are included in the Storm water Management Calculations document."
- **With regards to grading and erosion:** "It is estimated that 1.4 Acres will be graded, the amount of soil to be move in preliminary calculations is anticipated to be very close to a balance with minimal fill or export required. No steep slopes or highly erodible soils are anticipated. An erosion control plan is included as part of the submittal and is shown on sheets SWP1-4."

- (cont.)
- **With regards to parks, trails, or other unique resources:** “The project site is adjacent to Hwy 47 which has a multiuse trail that runs along the East edge of the property. Accommodations to provide access to the trail will be included.”
 - **With regards to other additional information that would be helpful to the City in reviewing this application:** “The parking requirements for a Motor Fuel Station are one space per one hundred square feet of floor area. That comes out to be 37 required parking spaces and the current proposal and 22 marked spaces, 16 under the gas canopy for a total of 38 parking spaces.”

The signing requirements allow one freestanding sign of 80 square feet. Kwik Trips proposed sign has an ID cabinet of 36 sq ft, a message area of 29.15 sq feet and a price cabinet of 52 sq ft. The price cabinet is required for a motor fueling station by law and the area is not typically included in the sign area allowed. That would put the sign at 65.15 sq ft. which is within the allowed area.

The landscape plan included is very attractive and has salt tolerant plantings that have been proven to be very hardy while providing a visually pleasing site.”
 - **With regards to all review criteria:** “Kwik Trip believes that the proposed site plan meets the requirements of the city code and is looking forward to being a partner with the City of St. Francis.”

Motor Fuel Station Standards: ▪ There are no specific CUP standards listed in code for this type of conditionally permitted use. All general CUP standards will therefore be our guiding review criteria.

CUP Standards Review: Issuance of a CUP requires an analysis of the proposed use against the specific review criteria established in code. Staff has reviewed the City’s criteria for conditionally permitted uses, and we offer the following analysis for consideration:

General review Criteria (10-6-3):

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Official City Comprehensive Plan.*

Staff Comment: The city’s Comprehensive Plan calls for the properties in question to be used for Commercial purposes. **Criteria met.**

2. *The proposed use is or will be compatible with present and future land uses of the area.*

Staff Comment: The site is the former home to the Oasis Market fueling station and car wash, so redevelopment of this site into a new Kwik Trip facility with a car wash will be consistent with past uses on the site. Furthermore, like surrounding uses, the proposed motor fueling station is a specifically allowed use

(cont.)

within the B-2 zoning district. Provided all recommended site design standards are implemented per the provided traffic study, we find the proposed use will be compatible with both present and future land uses. **Criteria met.**

3. *The proposed use conforms with all performance standards contained in this Ordinance.*

Staff Comment: The following is a summary of the various performance standards listed in code (see section 10-6-4):

- a) *The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right of way shall be provided.*

Staff Comment: The applicants were required to complete a traffic study of the proposed use and submit such as a component of the CUP application (the executive summary is provided as an attachment to this report). The traffic study showed that construction of the new Kwik Trip will not warrant a traffic signal on Highway 47, and that operation of the intersection both before and after the proposed development is within the safety expectations of similar two-way stop intersections and does not deviate from statewide trends.

With regards to the capacity of the intersection, the traffic model showed queuing will never exceed the unreasonable 95th Percentile Queue for this type of intersection, and that the intersection level of service will be excellent throughout the day except for a very short period in the P.M. peak hour (such backups are only anticipated to occur during less than five percent of the total PM peak hour). **Criteria met.**

- b) *The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with Chapter 19 of this Ordinance.*

Staff Comment:

- Site Access – The proposed site access off of 233rd Avenue was also examined by the traffic study as the existing access point is in relatively close proximity to both TH 47 and Cree Street. The study is recommending that the existing access point on 233rd be restricted to an Enter Only access (thereby prohibiting traffic from exiting the site at that location) Such an improvement would provide the best balance of safe operation and efficient site circulation. The plans as proposed follow this recommendation and actually shifts the entrance further from the Highway in accordance with a MnDOT recommendation. All traffic exiting the site would utilize the Cree Street access points.

(cont.)

- Internal Traffic Flow & Conflicts – The City Engineer has reviewed the plans and did not find any issues of note regarding internal traffic flows and/or conflicts. It was noted, however, that the Intersection Control Evaluation report needs to be certified by the preparer. Staff is suggesting such as a condition of approval should this application move forward.
- Parking – Based on the proposed site plan, a total of 40 parking spaces must be provided to meet code requirements (3630 sq ft of interior retail = minimum 36 spaces + 4 pump areas = minimum 4 spaces). The plan as proposed includes 40 defined spaces.
- Parking Setbacks – The revised site plan currently shows the southern parking spaces are within the required 5' setback. The plans are in the process of being revised by the applicant, and should show conforming setbacks by the date of the Planning Commission meeting.

Criteria met with conditions.

- c) *If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.*

Staff Comment: Adequate parking spaces are located adjacent to the main entrance and fueling points to provide customers with safe ingress/egress to the main building. The spaces on the far side of the fueling lot are anticipated to be used primarily by staff. We are not recommending special pedestrian accommodations from these rear spaces given the infrequent use they'll receive and the fact that there is nothing unique to navigating the proposed parking lot that doesn't exist at most destinations. **Criteria met.**

- d) *Adequate off-street parking and off-street loading shall be provided in compliance with Chapter 19 of this Ordinance.*

Staff Comment: As previously noted, the site meets parking requirements as designed. No off-street loading docks are required given the size of the proposed facility, but the design adequately takes into consideration how deliveries, will be made, how waste will be handled, etc. **Criteria met.**

- e) *Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any adjacent residential use or district, and provided in compliance with Chapter 19 of this Ordinance.*

Staff Comment: The loading and waste management areas of the building are located in the NE corner adjacent to the Highway and commercially zoned property to the north. We do not anticipate any problems with site access, on-site maneuvering, or nuisances as a result of the design. **Criteria met.**

(cont.)

- f) *Whenever a non-residential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with Chapter 20 of this Ordinance.*

Staff Comment: This site is only adjacent to other commercially zoned properties. No residential screening is required. **Criteria met.**

- g) *General site screening and landscaping shall be provided in compliance with Chapter 20 of this Ordinance.*

Staff Comment: The provided plan sets includes the plating of six (6) over story trees, eight (8) evergreen trees, ninety-two (92) shrubs, thirty (30) perennials, and one hundred nine (109) natural grasses [an overall increase in plantings as compared to the initially reviewed site plan]. The noted species on the landscaping plan are either specifically listed in code or have been deemed appropriately similar to allowed species by staff, so we have no issues with the planting plan as designed.

Per code, the minimum number of caliper inches of trees to be planted is 23 caliper inches ($7298 \text{ sq ft} / 320 = 22.8 = 23 \text{ caliper inches}$). Four foot tall evergreens are equivalent to two (2) caliper inches. Based on the submitted site plan, the site design is providing approximately 28.5 caliper inches, and the mix of deciduous and coniferous trees meets City standards. **Criteria met.**

- h) *All exterior lighting shall be so directed so as not to cast glare toward or onto the public right of way or neighboring residential uses or districts, and shall be in compliance with Section 10-16-8 of this Ordinance.*

Staff Comment: The revised photometric plan that shows lighting will never exceed 0.4 foot candles on adjacent property at the shared property line, nor will it exceed one (1) foot candle from the centerline of adjacent streets. This plan is in compliance with City standards.

Regarding the proposed fixtures, code requires they all contain a cut-off to direct light at an angle of 90 degrees or less downward, and free-standing fixtures are not to exceed 25' in height. While height appears to be met, Staff will leave it up to Engineering to determine if the proposed fixtures have the proper cut off. Engineering will review the design to ensure code requirements are being met, and changes to the design (if needed) be implemented at the time of building permit application. **Criteria met with conditions.**

- i) *Potential exterior noise generated by the use shall be identified and mitigation measures, as may be necessary, shall be imposed to ensure compliance with Section 10-16-12 of this Ordinance.*

Staff Comment: Staff does not anticipate any problems with exterior noise as a result of the proposed use. **Criteria met.**

(cont.)

- j) *The site drainage system shall be subject to the review and approval of the City Engineer.*

The City Engineer is in the process of reviewing the proposed stormwater management plan provided by the applicant. Their final analysis will be provided to the Commission in a memo on the night of the meeting. Conditions and requirements called out by Engineering should become conditions of any approval recommendation.

- k) *The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.*

Staff Comment: The proposed building incorporates high-quality materials throughout in conformance with the requirements of code. All faces of the building are also treated consistently providing a desirable look for the property from any direction. **Criteria met.**

- l) *All signs and informational or visual communication devices shall be in compliance with Chapter 23 of this Ordinance.*

Staff Comment: The applicants provided an updated and complete signage plan for the site which is in conformance to the City's minimum standards. Per the plan,

- Max height is met (no sign exceeds 25' in height)
- Up to four directional signs are allowed on the site, and four (4) are proposed. All will be double sided which is permitted by code.
- Directional signs as will need to adhere to the size maximum of 2 sq ft. This will be confirmed prior to issuance of a sign permit.
- The main freestanding sign will need to be located at least 25 feet from the proposed entry point, 25 feet from the intersection of Hwy 47 & 233rd, and at least 10 feet from the highway ROW. This can be completed as part of the sign permit & building permit application process.
- Total allowable area on a freestanding sign is 80 square feet, and per the definition, that is a per-side allowance. The 40 square foot electronic message board sign plus the 36 square foot Business Name ID cabinet complies with the City standard.
- The 52 square foot price cabinet on the freestanding sign and the roughly 20 square foot price board on the Auto Gas canopy are both being treated as informational signs which do not count towards the allowed sign maximum.
- The signage on the canopy is being treated as a permanent banner sign, and is well below 100 square foot maximum.

(cont.)

- The main Kwik Trip sign above the store's entrance is approximately 24 square feet in size which is not greater than 15% of the southern facing wall area.

Criteria met.

- m) *The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.*

Staff Comment: Staff would recommend that any approval of this CUP be conditioned on successfully adherence to all applicable governmental regulations and obtaining of all necessary permits to authorize construction and establishment of the use. **Criteria met.**

- n) *Any applicable business licenses mandated by the City Code are approved and obtained.*

Staff Comment: Staff would recommend that any approval of this CUP be conditioned on successful acquisition of any needed business licenses mandated by City Code. **Criteria met.**

- o) *The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.*

Staff Comment: Given the site's location adjacent to the highway and surrounded by commercial uses and commercially zoned property, staff does not see any incompatibilities with surrounding land uses necessitating a restriction on hours of operation. As proposed, this is intended to be a 24-hour facility. **Criteria met.**

- p) *The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any non-conformities shall be eliminated.*

Staff Comment: All existing structures and possible nonconformities are being eliminated as a result of this new conditionally permitted use. Regarding B-2 performance standards, all setbacks, lot minimums, height, and impervious surface standards are being met. **Criteria met.**

- q) *All additional conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.*

Staff Comment: As a condition of approval, the applicant shall be put on notice that modifications or expansion to conditions for public safety or public betterment may be considered by Council at a future date. **Criteria met.**

- (cont.) 4. ***The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.***

Staff Comment: The City Engineer fully reviewed the sewer and water system serving this site, and there will be no problem serving the site with existing infrastructure. The revised City Engineer's memo will be provided at the Planning Commission meeting. Like the previous memo, it is anticipated to include a number of things that must be addressed by the applicant moving forward, but all such issues (to our present knowledge) can be addressed as a condition of CUP approval should this move forward.

With regards to police and fire services, this new use will not generate any unusual burdens on such services. **Criteria met.**

5. ***Traffic generation by the proposed use is within capabilities of streets serving the property.***

Staff Comment: The provided traffic study shows the area roadways are more than capable to handle the anticipated traffic to and from this site. **Criteria met.**

Additional Information:

- MnDOT is not opposed to the proposed redevelopment, and the applicant has incorporated their recommendation to shift the entrance only point off of 233rd Avenue NW to the west.
- Site Plan 1.1 Keynotes suggests there may be an electric car charger on site, but no corresponding notation is shown on the plans.
- Completion of this development will also require the approval of an administrative subdivision to combine the two lots currently owned by the applicant. Per the City's subdivision codes, this is an administrative process that is running concurrently with the CUP application. As a condition of any approval, staff suggests the CUP be contingent on the applicant finalizing and following through on any conditions of approval placed on the administrative subdivision.
- A notable behind the scenes issue that will be dealt with as part of the administrative subdivision is the need to relocate a water line that currently runs through the property. This will also require the vacation of the existing drainage and utility easement current over the pipe, and that process is now underway. A financial surety to cover issues associated with this water main and easement will be required prior to the vacation of the easement.

Engineering Review:

- A revised Engineering review memo penned by Hakanson Anderson will be provided to the Planning Commission on the night of the meeting. As of the writing of this report, Engineering had not identified any potential stumbling blocks that would prevent the requested site plan amendments.

Public Comment: ▪ Staff has not received any feedback from surrounding property owners as of 9/14/17.

Conclusion:

The applicant is proposing to demo the old Oasis Gas Station and Car Wash at 4020 233rd Avenue NW to construct a new Kwik Trip motor fueling station.

Recommendation: APPROVAL with conditions

Commission Options:

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL OF THE REQUEST based on the applicant's submittals and findings of fact.
- B) RECOMMEND DENIAL OF THE REQUEST based on the applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

- Based on an application date of 07/28/2017, the 60-day review period for this application expires on 09/26/2017. This deadline was extended by staff due to changes to the site plan, so the final deadline for a decision is now 11/25/17.

Template Denial Motion:
(not recommended)

- "I move that we recommend the City Council deny the requested conditional use permit based on the following findings of fact:"
 - (provide findings to support your conclusion)

Template Approval Motion:
RECOMMENDED

- "I move we recommend the City Council approve the requested conditional use permit based on the findings of fact listed on pages 12 & 13 of the report. Furthermore, the approval shall include the conditions listed on pages 13 & 14 in the staff report as may have been amended here tonight."

Suggested Findings of Fact:

1. The subject site is guided for commercial use, and motor fueling station is a conditionally permitted use within the B-2 zoning district.
2. The proposed site is surrounded by other commercial uses, and the proposed motor fueling station will be compatible with present and future uses of land in the area.

- (cont.)
3. The provided traffic study demonstrates that no unusual traffic issues will result from the proposed use, and no special accommodations will be needed on adjacent roads or intersections.
 4. The site design minimizes internal and external traffic conflicts in as much as possible for this type of use.
 5. The proposed amount of on-site parking is conforming to minimum code requirements.
 6. All proposed buildings and parking spaces meet required setbacks.¹
 7. Proposed landscaping materials are acceptable, and the planting plan is in conformance with City standards.
 8. Proposed lighting will not cast glare onto the public right-of-way or adjacent property in a manner that is inconsistent with code.
 9. The proposed building materials to be used are of high quality and are consistent with City standards.
 10. The proposed signage plan is consistent with City standards for non-residential uses.
 11. Impervious surfaces on the site will not exceed the 80% maximum for a property in the B-2 zoning district.
 12. Stormwater plans are in conformity with local standards, and post-development runoff rates will be less than existing run-off rates once the project is complete.²
 13. The proposed use can be adequately served by the City's sewer and water infrastructure, and will not be a burden on city services.

***Recommended
Conditions:***

1. Prior to any building permits being issued, the applicant shall successfully finalize an administrative subdivision or a re-plat of all lots to establish the full project site as represented in the CUP application.
2. Construction shall be consistent with all plans approved as part of this conditional use permit except as required to be updated by City Staff to conform to conditions of approval.
3. All changes requested by the City Engineer in their final review memo shall be implemented on the final plans prior to permits being issued.

¹ Parking setbacks are anticipated to be met with new plans to be provided by the applicant by September 20th

² This finding is subject to the new engineer's report which will be made available on September 20th as it was not finalized as of the writing of this report.

- (cont.)
4. The provided Intersection Control Evaluation report shall be certified by the preparer.
 5. Minor updates to the approved plans to avoid encroachment(s) into final drainage and utility easements, meet required setbacks, or to improve the site design shall be worked out with City Staff (i.e. final sign placements) during the permitting process.
 6. An NPDES Construction Permit from the MPCA shall be obtained by the applicant.
 7. The existing entrance point off of 233rd Avenue shall be restricted to an Enter Only access meeting all standards as may be required by the City Engineer.
 8. All exterior lighting shall include cut-offs to direct light at an angle of 90 degrees or less downward.
 9. On-site directional signs shall conform with the two (2) square foot maximum prior to approval of a sign permit and eventual installation.
 10. The main freestanding sign shall be located at least 25 feet from the proposed entry point, 25 feet from the intersection of Hwy 47 & 233rd, and at least 10 feet from the highway ROW.
 11. The property owner shall adhere to all applicable governmental regulations, secure all necessary licenses, and shall obtain all necessary permits to authorize construction and establishment of the proposed use.
 12. All final plan sheets shall be certified by the professional that prepared each plan.
 13. The applicant shall recognize that modifications or expansion to conditions for public safety or public betterment may be considered by Council at a future date.

cc: Nate Byom, Applicant Representative
Paul Jung, MnDOT

Attachments: Traffic Study Executive Summary

MEMORANDUM

TO: Joe Kohlmann, City Administrator

FROM: Shane Nelson, Assistant City Engineer

DATE: June 15, 2017

RE: Chapter 93 – Stormwater Management – Stormwater Pollution Prevention Ordinance

Please find attached the proposed revisions to Chapter 93 of the City Code. The proposed revisions have been incorporated to satisfy the requirements of the state mandated MS4 Permit. In general, the updates include revisions to the permanent stormwater standards. The current ordinance requires infiltration of 0.5 inches of runoff from the impervious surface, while the proposed ordinance requires infiltration of 1 inch of runoff from the impervious surface (which is required by the state). Other state required provisions, such as infiltration restrictions and prohibitions, have been added as well.

The remaining revisions are not significant, however, are necessary for compliance with the City's MS4 permit.

CHAPTER 93

STORMWATER MANAGEMENT - STORMWATER POLLUTION PREVENTION

SECTION:

- 10-93-1: Purpose
- 10-93-2: Scope
- 10-93-3: Stormwater Pollution Prevention Plan for Small Sites
- 10-93-4: Stormwater Pollution Prevention Plan for Large Sites
- 10-93-5: Minimum Stormwater Pollution Prevention Measures and Related Items for All Sites.
- 10-93-6: Permanent Stormwater Pollution Controls.
- 10-93-7: Review
- 10-93-8: Modification of Plan
- 10-93-9: Financial Securities
- 10-93-10: Right of Entry and Inspection
- 10-93-11: Notification of Failure of the Stormwater Pollution Prevention Plan:
- 10-93-12: Illicit Discharge:
- 10-93-13: Enforcement
- 10-93-14: Abrogation and Greater Restrictions
- 10-93-15: Severability

10-93-1: PURPOSE: The purpose of this chapter is to control or eliminate stormwater pollution along with soil erosion and sedimentation within the City. It establishes standards and specifications for conservation practices and planning services, which minimize stormwater pollution, soil erosion, and sedimentation.

10-93-2: SCOPE: Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the City shall submit to the City, for approval, a Stormwater Pollution Prevention Plan, as required by this ordinance. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

10-93-3: STORMWATER POLLUTION PREVENTION PLAN FOR SMALL SITES: Every applicant for a building permit with more than twenty thousand (20,000) square feet but less than 1.0 acres of land disturbance, subdivision approval, or a permit to allow for excavation, filling, grading, or other such activity shall submit a Stormwater Pollution Prevention Plan to the City Engineer for review and approval. Sites that disturb less than 1.0 acre but are part of a larger development or connected action disturbing a cumulative 1.0 or more acres shall meet all the requirements of 10-93-4
STORMWATER POLLUTION PREVENTION PLAN FOR LARGE SITES.

- A. **Control Runoff.** Small Sites shall be designed to control runoff rate so as to not cause downstream flooding or erosion.
- B. **Minimize Erosion.** Small Site Stormwater Pollution Prevention Plans shall be designed to minimize erosion and to contain sediment from exiting the site.
- C. **Approval.** No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the City approves this plan.

10-93-4: STORMWATER POLLUTION PREVENTION PLAN FOR LARGE SITES: In addition to meeting the requirements for Stormwater Pollution Prevention Plans for Small Sites, Large Site Stormwater Pollution Prevention Plans shall meet or exceed the following criteria:

- A. **Minnesota NPDES/SDS Construction Stormwater General Permit MN R100001 (Construction Stormwater Permit).** Designed and implemented to meet or exceed the requirements of the Construction Stormwater Permit.
- B. **General Policy on Stormwater Runoff Rates and Water Quality for Large Sites.**

1. For new development ~~release-stormwater runoff~~ rates, volume, total suspended solids, and total phosphorus from the site ~~on an annual average basis~~ shall not increase over the predevelopment ~~24-hour 2-year, 10-year and 100-year peak storm discharge~~ values, based on the last 10-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

a. ~~Stormwater peak discharge rates shall not increase for the 24 hour, 2-year, 10-year, and 100-year storm events.~~

b. ~~Volume, total suspended solids, and total phosphorous may not increase on an average annual basis.~~

4.c. ~~An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.~~

2. For redevelopment ~~there shall be a net reduction on an annual average basis for release rates~~ ~~stormwater runoff rates~~, volume, total suspended solids, and total phosphorus ~~must be managed~~ from the predevelopment ~~24-hour 2-year, 10-year and 100-year peak storm discharge~~ values, based on the last 10-years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

a. ~~Stormwater peak discharge rates shall not increase for the 24~~

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- hour, 2-year, 10-year, and 100-year storm events.
- b. Volume, total suspended solids, and total phosphorous must show a net reduction on an average annual basis.
- 2.c. An instantaneous stormwater volume calculated as one inch of runoff from the new impervious surface shall be retained on-site.
3. Infiltration prohibited. Infiltration shall be prohibited if one or more of the following circumstances are present:
- a. The site is required to obtain a NPDES/SDS Industrial Stormwater Permit and the permit prohibits infiltration;
- b. Where vehicle fueling and maintenance occur;
- c. Less than three (3) feet of separation is present from the bottom of the infiltration practice to the elevation of the seasonally saturated soils or top of bedrock;
- d. Where high levels of contaminants in the soil or groundwater will be mobilized by infiltrating stormwater.
4. Infiltration restricted. Higher engineering review shall be required when the infiltration device will be constructed in areas:
- a. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn R. 4720.5100, subp. 13;
- b. Where soil infiltration rates are more than 8.3 inches per hour;
- c. Other areas as determined by the City Engineer.
- 3.5. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within the project boundaries. Such projects may include:
- a. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;
- b. Sites where infiltration is prohibited;
- c. Other locations as determined by the City.
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6. Sequencing. Projects that cannot fully meet the stormwater requirements of this section must demonstrate the site constraints through a sequencing analysis subject to review and approval of the City Engineer. Prior to consideration of off-site mitigation, the applicant must demonstrate on-site treatment to the maximum extent practicable given the site constraints.

4.7. Projects that have made reasonable effort but have been unable to fully meet volume, total suspended solids and total phosphorus requirements within the project limits may, upon authorization by the City, utilize the following methods to meet that portion not met onsite:

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- a. Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;
- b. Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
- c. Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
- d. Provide treatment that yields the same benefits at a site approved by the City.
- e. Offsite mitigation authorized by the City shall be completed within 24-months of the beginning of construction on the permitted site.

5.8. Applicants shall provide documentation showing compliance with the rate and quality requirements of this ordinance. Acceptable documentation shall be:

- a. For Rate and Volume: Calculations shall be by a methodology listed in the Minnesota Pollution Control Agency's publication, "The Minnesota Stormwater Manual" or other method approved by the City.
- b. For total suspended solids and total phosphorus: Calculations shall be done using the Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, P8 or other method approved by the City.

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b.c. Prepared and certified by a Professional Engineer.

10-93-5: Minimum Stormwater Pollution Prevention Measures and Related Items for All Sites. These minimum control measures are required where bare soil is exposed for all sites.

- A. **Easements.** If a stormwater management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow permanent access to the stormwater management facilities for inspection and maintenance purpose.
- B. **Temporary Stockpiles.** Temporary stockpiling of fifty (50) or more cubic yards of excess soil on any lot or other vacant area will not be allowed without issuance of a grading permit for the earth moving activity in question.
 - 1. For soil stockpiles greater than ten (10) cubic yards, the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.
 - 2. If for any reason a soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or stormwater inlet, and left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.
- C. **Mining Operations.** All sand, gravel or other mining operations taking place on the development site shall have any necessary authorization from the MPCA to discharge under the Minnesota National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) General Permit MNR050000 for Industrial Stormwater Multi-Sector (ISW) and all required Minnesota Department of Natural Resources permits.
- D. **Sweeping.** Traveled surfaces including but not limited to streets, parking lots, sidewalks and trails must be cleaned and swept whenever tracking of sediments occurs but no later than the end of each business day. Establishment of a regular sweeping schedule is encouraged.
- E. **Catch basins.** All newly installed and rehabilitated catch basins immediately prior to rivers, lakes, streams, or wetlands must be provided with a minimum three (3) foot sump area for collecting coarse-grained material or a permanent sedimentation pond between the outlet and such water bodies.

- F. **City Inspections.** The applicant shall be responsible for all required erosion and sediment inspections required in the approved Stormwater Pollution Prevention Plan. The City may perform inspections ~~on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained to ensure conformance with this section.~~ The applicant and/or builder shall provide access to the site and address any deficiencies noted by the City to maintain proper erosion and sediment control at all sites within the timeframes noted in this ordinance and the Construction Stormwater Permit. In cases where cooperation is withheld, construction stop orders may be issued by the City, until erosion and sediment control measures are compliant with the Construction Stormwater Permit and this ordinance. Follow up erosion and sediment control/grading inspections must then be scheduled and passed before the construction stop order is lifted or any other inspections will be done.
- G. **Inspection and Maintenance.** All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. The City or its designated representative shall inspect all stormwater management facilities during construction and during the first year of operation.
- H. **Private Facilities.** Where private facilities are allowed by the City Council the applicant must provide as part of the design a plan of operation and maintenance. The plan must indicate the responsible party or parties charged with the long term maintenance, repair, or replacement of the facilities. The plan shall also include information on the intended final ownership of the properties containing such facilities and the means by which inspection, maintenance, repair, or replacement when necessary shall be funded and accomplished and the party that will be responsible for the operation and maintenance. The details shall be included in an agreement that shall be recorded against the property being developed. In addition, the agreement shall provide for:
1. Access in perpetuity for inspection of the facilities by the City.
 2. Access in perpetuity for maintenance of the facilities should the City find that storm water facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.
 3. If upon inspection, the City finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities; the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings.
 4. If upon inspection, the City finds that any private stormwater water

management facilities require maintenance, repair, or replacement and such deficiencies create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities, the City may take immediate corrective action and charge the costs to the properties identified in the agreement as benefiting from the private stormwater facilities. The City Council shall, by appropriate resolution, assess the costs including appropriate administrative fees against said properties, and certify the same to the County Assessor of Anoka County, Minnesota.

10-93-6: Permanent Stormwater Pollution Controls.

- A. **Stormwater Fees.** The applicant shall install or construct, and pay all appropriate City Stormwater Fees for all stormwater management facilities necessary to manage increased runoff, so that the proposed stormwater runoff rates and water quality meet the criteria in this ordinance.
- B. **Maintenance of Existing Facilities.** Maintenance of existing permanent pollution controls that do not have adequate capacity to meet the runoff and water quality criteria of this ordinance shall not be accepted in lieu of new or retrofit permanent stormwater pollution controls.
- C. **Community Stormwater Management Facilities.** The applicant shall also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
- D. **Calculations.** All calculations and information used in the design shall be submitted along with the Stormwater Pollution Prevention Plan for the review and approval of the City Engineer.
- E. **Minimum Design Standards for all Stormwater Facilities.**
 - 1. At a minimum these facilities must conform to the most current technology as reflected in the current version of the Minnesota Pollution Control Agency's publication, "The Minnesota Stormwater Manual" and the Construction Stormwater Permit, and the Upper Rum River Watershed Management Organization's Watershed Management Plan including all amendments.
 - 2. Major stormwater facilities (i.e., ponds, pond outlet systems, and major conveyance systems) shall be designed for a return period of one hundred (100) years.
 - 3. All minor drainage systems (i.e., piped collection systems and minor

conveyance systems) shall be designed for a return period of ten (10) years.

4. Minimum building (low floor) elevations shall be above in-situ, designed or designated flood levels water levels. The lowest building floor elevation shall be one (1) foot above the 100-year flood level or one (1) foot above the pond EOF three (3) feet above mottled soils or highest known or anticipated water table, whichever is higher. The 100-year flood level shall be the highest 100-year level resulting from a single event analysis; the 100-year 24-hour rainfall event, 10-day snowmelt event, a multiple day runoff event analysis, or the critical event analysis. The City Engineer may allow deviation from these separations if the applicant submits evidence certified by a Licensed Geotechnical Engineer that a lesser separation can be achieved. Certification by a Licensed Geotechnical Engineer shall include field monitoring of the groundwater with piezometers to establish the highest anticipated ground water elevation.
5. Minimum opening elevations shall be above designed or designated flood levels. The minimum building opening elevation shall be one and a half (1.5) foot-feet above the 100-year flood level or pond EOF emergency overflow elevation. The 100-year flood level shall be the highest 100-year level resulting from a single event analysis; the 100-year, 10-day snowmelt event; a multiple day runoff event analysis, or the critical event analysis.
6. Landlocked runoff basins shall be sized to handle back-to-back 100-year SCS twenty-four (24) hour rainfall events, the ten (10) inch SCS twenty-four (24) hour rainfall event or the 100-year, 10-day snowmelt snow melt event, whichever produces the higher peak pond elevation (Landlocked HWL high water level). The lowest building floor elevation around landlocked basins shall be two (2) feet above the Landlocked HWL high water level.
7. Emergency overflows or outlets to drainage systems shall be provided to any landlocked area if the available stormwater storage capacity is inadequate to prevent flooding of residences and if the available downstream conveyance system capacity is adequate to accept additional flow.
8. The area of a pond's HWL plus one (1) foot of freeboard shall be contained entirely within an outlet that is owned by the City, or within a drainage and utility easement, that is owned by the City.

10-93-7: REVIEW: The City Engineer shall review the Stormwater Pollution Prevention Plan.

- A. **Permit Issued.** If the City determines that the Stormwater Pollution Prevention Plan meets the requirements of this ordinance, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the approved plan.
- B. **Denial.** If the City determines that the Stormwater Pollution Prevention Plan does not meet the requirements of this ordinance, the City shall not issue a permit for the land disturbance activity. All land use and building permits must be suspended until the applicant has an approved Stormwater Pollution Prevention Plan.

10-93-8: MODIFICATION OF PLAN: An approved Stormwater Pollution Prevention Plan may be modified upon submission of a written application for modification to the City, and after written approval by the City Engineer. In reviewing such an application, the City Engineer may require additional reports and data.

10-93-9: FINANCIAL SECURITIES: The applicant shall provide security for the performance of the work described and delineated on the approved grading plan involving the Stormwater Pollution Prevention Plan related remedial work in an amount of \$2,000 per gross acre or \$750 for each single or twin family home, whichever is greater. This security must be available prior to commencing the project. The form of the securities must be;

- A. **Currency.** The first \$10,000 (in U.S. currency) or fifteen (15) percent, whichever is greater, of this financial security must be by cash deposit to the City.
- B. **Deposit.** Deposit, either with the City, a responsible escrow agent, or trust company, at the option of the City, money, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. The type of security must be of a type acceptable to the City.
- C. **Financial Security.** The City may request a greater financial security, if the City considers that the development site is especially prone to erosion or the resource to be protected is especially valuable.
- D. **Maintaining the Financial Security.** If at any time during the course of the work the security falls below fifty (50) percent of the required deposit, the applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount.

1. If the applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the City that the amount has fallen below fifty (50) percent of the required amount the City may:

- a. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
- b. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

E. **Proportional Reduction of the Financial Security.** When more than half of the development's exposed soil area achieves final stabilization, the City may reduce the total required amount of the financial security by half, if recommended by the City Engineer.

F. **Action Against the Financial Security.** The City may act against the financial security if any of the conditions listed below exist. The City shall use funds from this security to finance remedial work undertaken by the City, a private contractor hired by the City, or to reimburse the City for all direct costs incurred in the process of remedial work including, but not limited to, staff time, consultant time, and attorney's fees.

1. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of final stabilization.
2. The applicant fails to conform to the grading plan and/or the Stormwater Pollution Prevention Plan as approved by the City.
3. The permanent stormwater control measures required by this ordinance fail within one year of site final stabilization.
4. The applicant fails to reimburse the City for corrective action taken under this ordinance.

A. **Returning the Financial Security.** Any unspent amount of the financial security deposited with the City for faithful performance of the Stormwater Pollution Prevention Plan and any Stormwater Pollution Prevention Plan related remedial work must-may be released one full year after the completion of the installation of all stormwater pollution control measures as shown on the grading and/or Stormwater Pollution Prevention Plan and establishment of final stabilization.

10-93-10: RIGHT OF ENTRY AND INSPECTION:

- A. **Powers.** The permittee shall allow the City and their authorized representatives, upon presentation of credentials to:
1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
 2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
 3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records to be kept under the terms and conditions of this permitted site.
 4. Inspect the stormwater pollution control measures required as part of the Storm Water Pollution Prevention Plan.
 5. Sample and monitor any items or activities pertaining to permits issued by the City.

10-93-11: NOTIFICATION OF FAILURE OF THE STORMWATER POLLUTION PREVENTION PLAN:

- A. **Notification by the City.** The initial contact will be to the party or parties listed on the application and/or the Stormwater Pollution Prevention Plan. Forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City, at its discretion, may begin corrective work.
- B. **Erosion Off-Site.** If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, shall more than seven (7) calendar days lapse without corrective action being taken. If in the discretion of the City, the applicant does not repair the damage caused by erosion, the City may do the remedial work required and charge the cost to the applicant.
- C. **Erosion into Streets, Wetlands or Water Bodies.** If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
- D. **Failure to Do Corrective Work.** When an applicant fails to conform to any

provision of this policy within the time stipulated, the City may take the following actions:

1. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
2. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
3. Direct the correction of the deficiency by the City or by a separate contract. The issuance of a permit constitutes a right-of entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
4. All costs incurred by the City in correcting stormwater pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities as described in this ordinance.
5. If there is an insufficient financial amount, in the applicant's financial securities as described in this ordinance to cover the costs incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

10-93-12: ILLICIT DISCHARGE: No person shall throw, deposit, place, leave, maintain, or keep nor permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, accumulations, or pollutants, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in the City, so that the same might enter a public water, except in containers, recycling bags, or other lawfully established waste disposal facility.

A. **Illegal Discharges.** No person shall cause any illegal discharge to enter the municipal storm water system unless such discharge:

1. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA; or
2. Is associated with firefighting activities.

B. **Good Housekeeping Provisions.** Any owner or occupant of property within the City shall comply with the following good housekeeping requirements:

1. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drainage system may occur. This section shall apply to both actual and potential discharges.
2. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in the City's codes.

C. **Storage of Materials, Machinery, and Equipment.** Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff. Any machinery or equipment which is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

D. **Removal of Debris and Residue.** All motor vehicle parking lots located in areas susceptible to runoff shall be swept to remove debris. Such debris shall be collected and properly disposed. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly in accordance with all State and Local requirements.

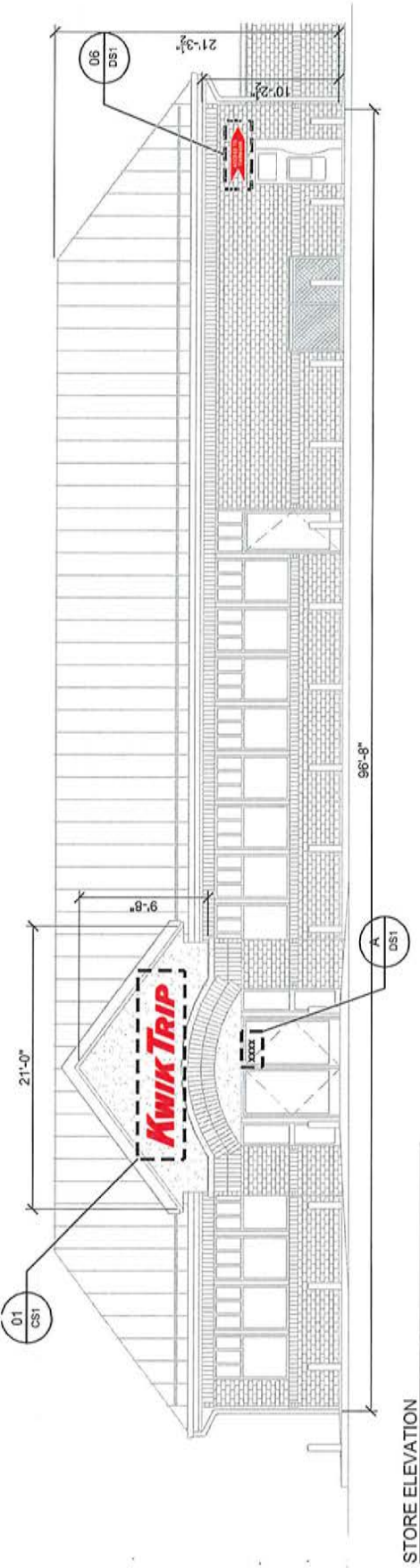
10-93-13: ENFORCEMENT: The City is responsible for enforcement of this [section](#).

- A. The City has adopted an Enforcement Response Procedures (ERP) [Document](#) ~~that~~ that includes increasing penalties for Illicit Discharges of Pollutants. The ERP [Document](#) is hereby referenced as part of this ordinance.
- B. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- C. In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City is authorized to seek costs of the abatement as outlined in this ordinance.

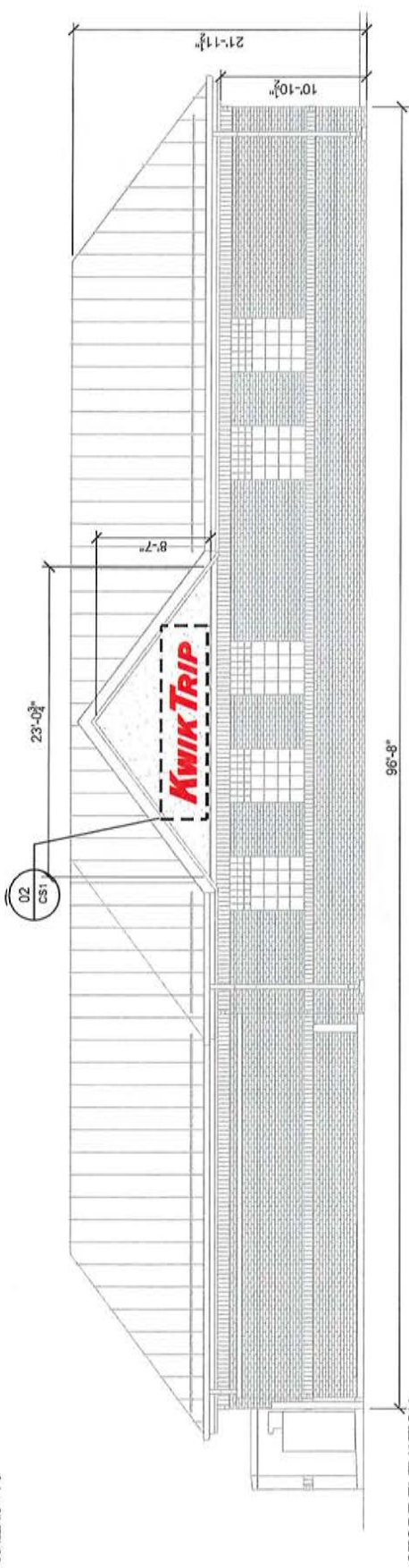
10-93-14: ABROGATION AND GREATER RESTRICTIONS: No part of this ordinance is intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

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10-93-15: SEVERABILITY: The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.



STORE ELEVATION
SCALE: 1/8" = 1'-0"



STORE ELEVATION
SCALE: 1/8" = 1'-0"



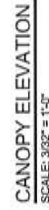
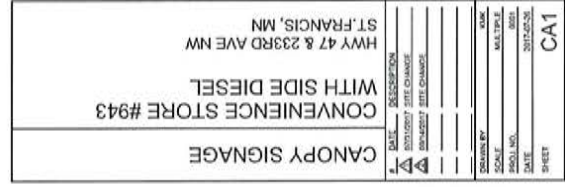
LOGO DETAIL - SIGNS #01 & #02
SCALE: 1/2" = 1'-0"



KWIK TRIP, Inc.
P.O. BOX 2105
LA CROSSE, WI 54602-2107
PH. (608) 781-8888
FAX (608) 781-8880

CONVENIENCE STORE SIGNAGE
CONVENIENCE STORE #943
WITH SIDE DIESEL
HWY 47 & 23RD AVE NW
ST. FRANCIS, MN

DATE	REVISION
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03/10/07	03/10/07
04/10/07	04/10/07
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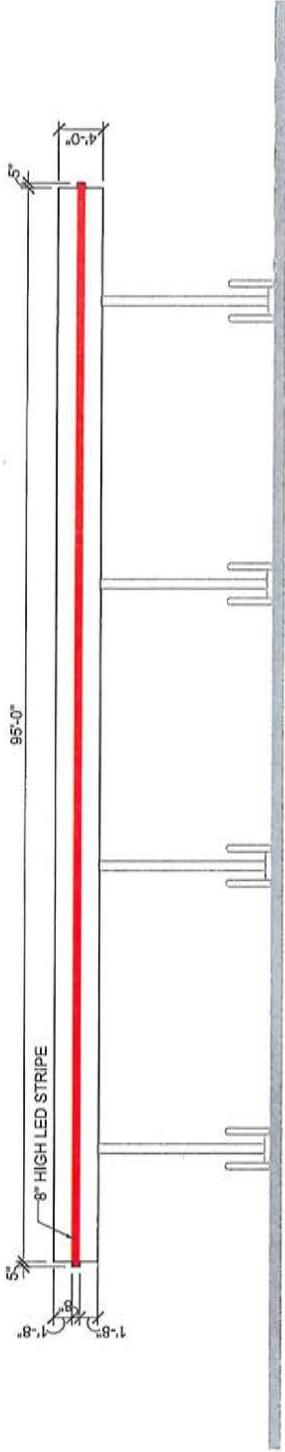
KWIK TRIP, Inc.
P.O. BOX 2107
1526 OAK STREET
LA CROSSE, WI 54602-2107
PH. (608) 781-8988
FAX (608) 781-8950

CONVENIENCE STORE SIGNAGE
CONVENIENCE STORE #943
WITH SIDE DIESEL
HWY 47 & 233RD AVE NW
ST. FRANCIS, MN

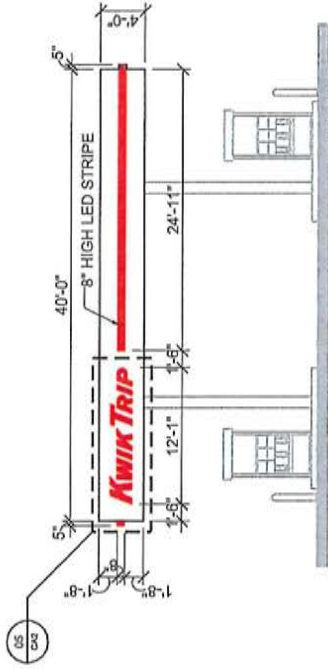
#	DATE	DESCRIPTION
1	03/25/07	SITE CHANGE
2	09/14/07	SITE CHANGE
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Kwik Trip Kwik Star		KWIK TRIP, Inc. P.O. BOX 2107 1525 OAK STREET LA CROSSE, WI 54602-2107 PH: (608) 781-8888 FAX: (608) 781-8860	CANOPY SIGNAGE CONVENIENCE STORE #943 WITH SIDE DIESEL ST. FRANCIS, MN HWY 47 & 233RD AVE NW	DATE: 03/15/2017 DESCRIPTION: SITE CHANGE REVISION: SITE CHANGE	DRAWN BY: JRM SCALE: N/A PROJECT NO: 2017-02-05 DATE: 2017-02-05 SHEET: CA2
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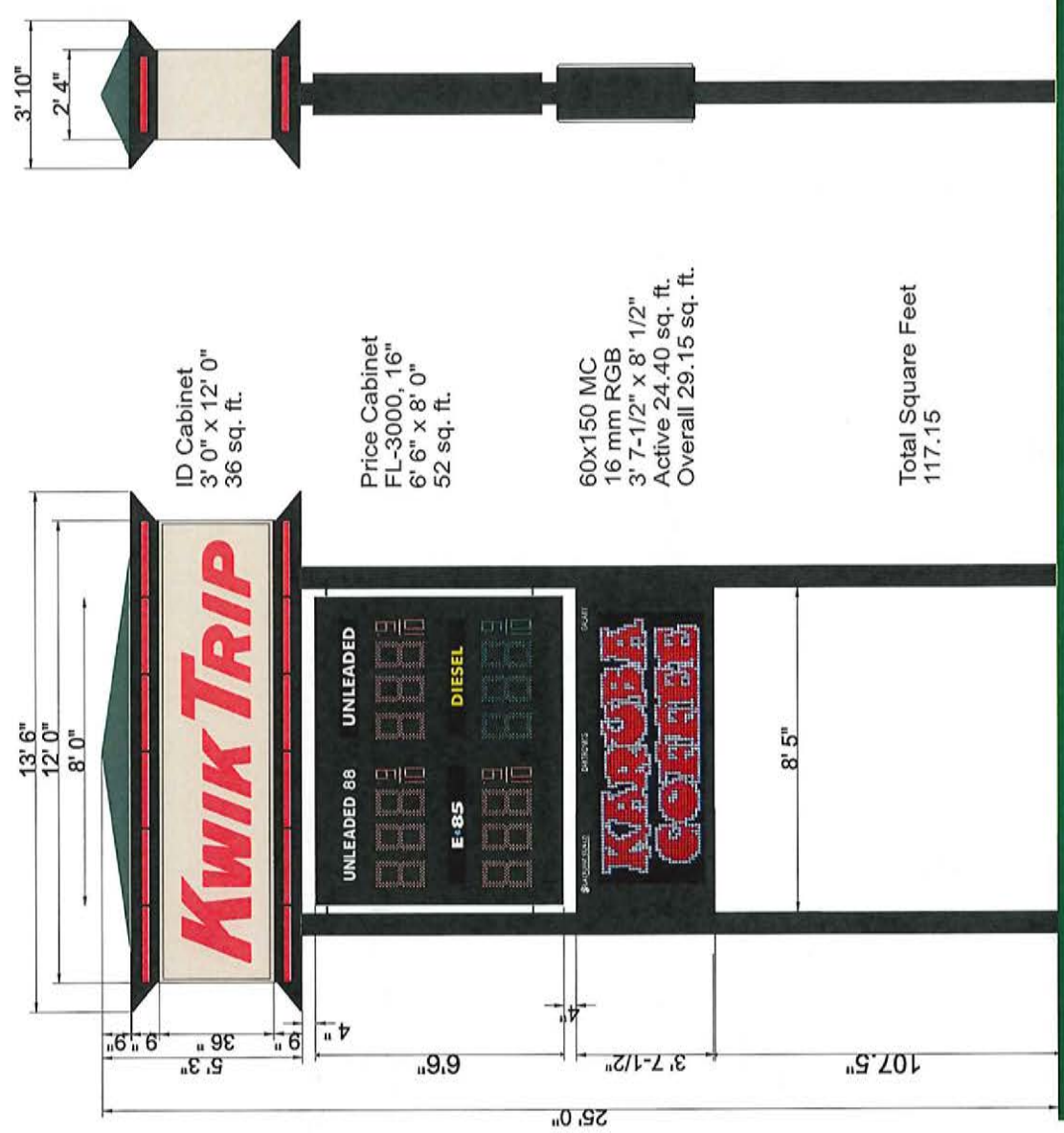
CANOPY ELEVATION
SCALE: 3/32" = 1'-0"



CANOPY ELEVATION
SCALE: 3/32" = 1'-0"



LOGO DETAIL - SIGN #05
SCALE: 1/2" = 1'-0"



Approved by: _____

Date: _____

Landlord: _____

Date: _____

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LA CROSSE SIGN CO.

MAKE A STATEMENT!

1450 Oak Forest Drive • Onalaska, WI 54650 • 608-781-1450
2242 Mustang Way • Madison, WI 53718 • 608-222-5353
2502 Melby Street • Eau Claire, WI 54703 • 715-835-6189

DESIGN

Drawing by: Bryan Cullen
Sign Type: Pylon
Date Created: 4-7-17
Last Modified:
Scale: 3/16" = 1'

SALES

Job Name: Kwik Trip
Job Address:
Salesperson: Cindy Bluske
Job Number:

FILE

Revision Number:
Job File Location:
S:\1 - Kwik Trip\ New Store\Design

COLOR KEY

1 NA 208080 Beige

2 Black S/G paint

3 #2283 Red Acrylic

4 White of Acrylic

5 Red LED

6 NA 307880 Hemlock Green

7 Green LED

8 Black (230-22)

9 Yellow (230-015)

10 Blue (230-167)



KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LACROSSE, WI 54602-2107

INSITES
 THE PLANNING LANSING ARCHITECTURE
 970 Madison Avenue, Suite 1111, N.Y.C. 10022
 Phone: 212-692-1111

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

Date: 10/27/27 Reg. No.: 147026

Signature: _____

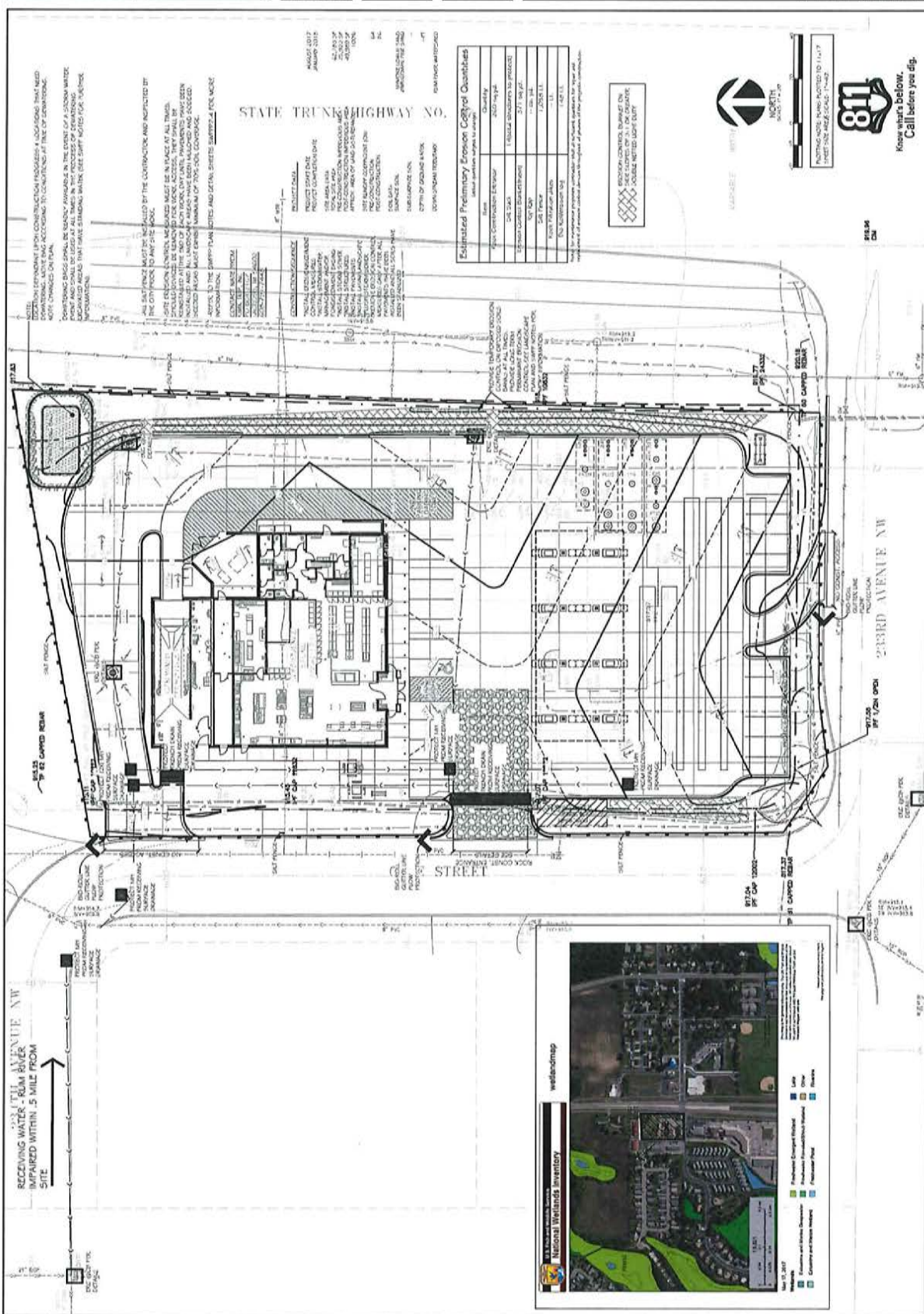
EROSION CONTROL PLAN

CONVENIENCE STORE 943

ST. FRANCIS, MINNESOTA

[illegible]

SWP1





KWIK TRIP, Inc.
P.O. BOX 2107
1626 OAK STREET
LACROSSE, WI 54602-2107
PH. (608) 781-8388
FAX (608) 781-8960

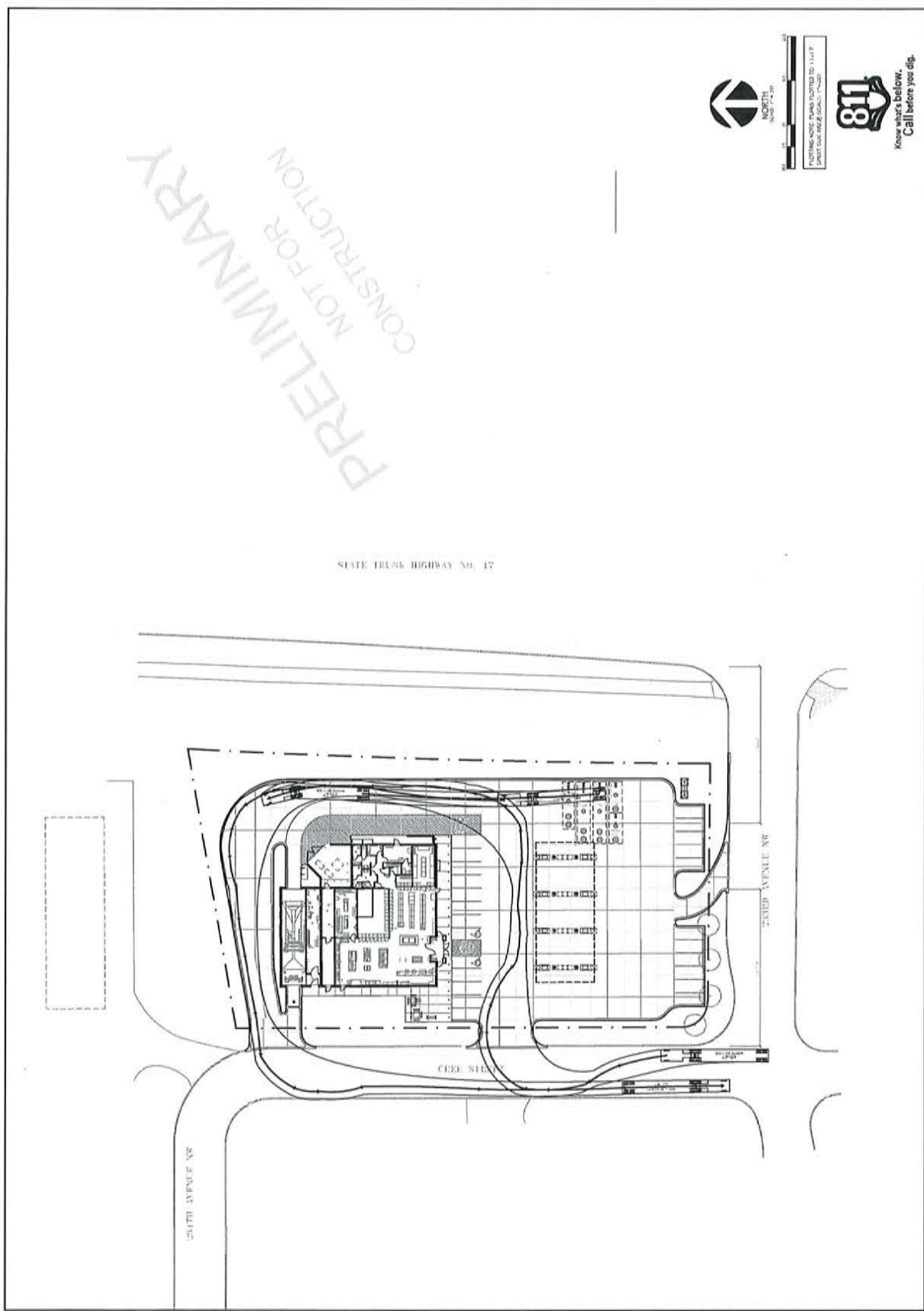
INSITES
LIFE TRAINING LANGUAGE ACTIVITIES
5050 Market Lane, Suite 110
Bryn Mawr, PA 19010
(610) 353-2400

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed landscape architect under the laws of the State of Maryland.

Date: 10/26/17 State No. 10000

 Licensed

TURNING PLAN
CONVENIENCE STORE 943
ST. FRANCIS, MINNESOTA

[illegible]



INSITES
THE FLORIDA LANDSCAPE ARCHITECTS
3050 Walker Lane North, STE 150
Plymouth, Minnesota 55441
763.383.8166
Fax: 763.383.8985

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

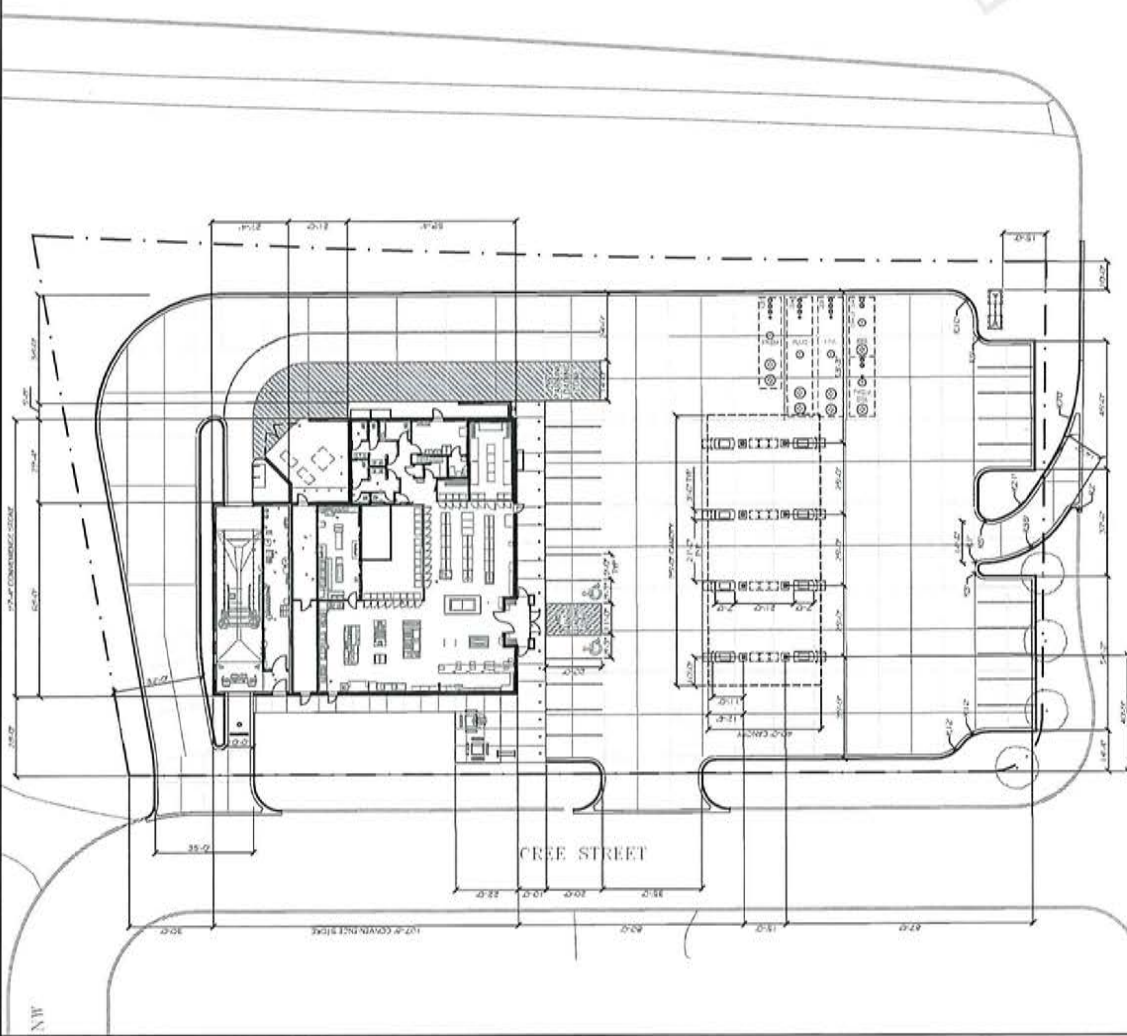
State of Minnesota	May 10, 1912
Signature	Signature of Architect

[illegible][illegible]

Know what's below.
Call before you dig.

PLACING NOTE PLANS PLACED TO 1:17
SHEET SIZE A3 & SCALE 1"=40'

STATE TRUNK HIGHWAY NO. 17



232RD AVENUE NW