



**MINUTES OF THE PROCEEDINGS OF THE PLANNING
COMMISSION OF THE CITY OF STACY IN THE COUNTY
OF CHISAGO AND THE STATE OF MINNESOTA
PURSUANT TO DUE CALL AND NOTICE THEREOF
PUBLIC HEARING and SPECIAL MEETING
SEPTEMBER 24, 2013, 7:00p.m.
STACY CITY HALL**

Call to Order

The Public Hearing and Special Planning Commission meeting were called to order by Chair Ness at 7:00pm.

Roll Call

Present: Dan Winberg, Jim Ness, Jim Clay, and Tony Olivolo
Present Alternates: Mark Utecht
Absent: None
Absent Alternates: None
Others Present: Bill Ulvin, John Ulvin, Leah Berlin, Jeff Selvog, Steve Kramer, Rick Kramer, Peter Grundhoefer, Andrew Ulvin, Mark Statz, Dustin Brakemeier, Chuck Lucia, and other public not identified.

Purpose of the Meeting

Public Hearing:

To hear public comment on an application for a Conditional Use Permit for property ID 19.00127.00, 5335 Stacy Trail.

The applicant is requesting a Conditional Use Permit to allow construction of a new Kwik Trip Convenience Store with gas, side diesel, and compressed natural gas.

Special Meeting:

Take action on the application for a Conditional Use Permit for property ID 19.00127.00, 5335 Stacy Trail.

Public Hearing 7:00-7:25pm

Chair Ness stated the purpose of the Public Hearing is to take public comment on an application for a Conditional Use Permit to allow construction of a Kwik Trip Convenience Store with gas, side diesel, and compressed natural gas.

Leah Berlin, Representative of Kwik Trip, (1626 Oak Street, LaCrosse, WI):

Ms. Berlin said that they are proposing to demolish all the current structures on the property, and build a convenience store with 10 fueling stations, side diesel, and compressed natural gas. Everything will be new, nothing existing will be used. The building will be brick with stucco accents. All the mechanical will be housed within the rooftop and not within site.

Public Hearing Continued

Dustin Brakemeier, Owner of Sunrise Mobile Home Park (SMHP), (300 Ehlers Avenue, Chaska, MN):

Mr. Brakemeier presented a list of items for the Planning Commission to consider; however, only discussed three:

1. He had an opportunity to meet with Leah Berlin regarding the use of his private road; they have worked out an agreement.
2. Stormwater – he sees this has been addressed and is ok with it as long as it meets the city engineer's requirements.
3. Water and sewer line owned by Sunrise MHP; concern if they use and it breaks, who fixes?

Chuck Lucia, (31157 Sunrise Trail, Stacy, MN):

Mr. Lucia asked who will plow the shared road; agreed upon between Kwik Trip and SMHP? Ms. Berlin said the details of the agreement need to be worked out, but that Kwik Trip usually does this; they adhere to a strict snow removal policy.

Planning Commission Questions:

1. Concern regarding rear lighting.
2. Road from Stacy Trail to SMHP (by A1 Tire)
3. Stacy Teen Center – can it be relocated?
 - Ms. Berlin spoke with Mr. Brakemeier regarding the relocation, she will need to research further, to see if it can safely be moved and insurance requirements.
4. Existing Shell freeway sign
5. Signing is limited by the city code; this may put the property over the allowed limit of 200 square feet. Sewer and water connection, where would it be public/private?
 - The city engineer, Mark Statz, will work with Kwik Trip and Mr. Brakemeier to determine the sewer and water connection; he will also determine the condition of the lines prior to the city possibly making them public.
 - Mr. Statz will also determine if the water main is large enough for the business. He said that “normal” bathroom use would not be an issue. Ms. Berlin said there were no plans in the future to add a car wash.
6. Diesel trucks – overnight parking
 - The Kwik Trip is not a truck stop and does not have showers; the intention is that trucks will not be parked overnight. It was suggested that maybe a time limit parking sign may be beneficial.

City Attorney Comments:

Mr. Grundhoefer expressed concern regarding the north south entrance; he would like to see clear traffic flow identified.

Discussion

Chair Ness announced that once the Public Hearing was closed no further public comment would be taken. He closed the Public Hearing at 7:25pm and opened the Special Planning Commission meeting.

Traffic**North South Throughway:**

The commission's preference would be to continue the access into SMHP; as has been previous practice. If this is not an option they would like the traffic flow prohibited from going through. Ms. Berlin stated the intention was to keep this access open.

A clear direction for traffic was discussed; surmountable curbs may accomplish clear traffic flow. Ms. Berlin was not agreeable to this as it may impact the trucker's loads. She is agreeable to striping however. The commission consensus agreed that striping would be sufficient for the traffic flow.

Mr. Grundhoefer would like the throughway dedicated as a road or an easement for the road. Ms. Berlin said that at this time SMHP does not have legal access through the property.

Mr. Grundhoefer said that it needs to be clear who is going to own the road and who will maintain the striping. The throughway is not a road at this time and is owned by the property owner. Ms. Berlin said that they are agreeable to an access agreement between them and the front properties (Kramer Mechanical). However, they do not want to give up any additional easement.

Shared Private Road:

The owner of Sunrise Mobile Home Park and Kwik Trip have agreed to make the privately owned road (owned by the SMHP); a shared road. They will both contribute additional portions of their properties. The details will need to be worked out.

Traffic Flow During Construction:

Traffic flow during construction will be accomplished by not closing both accesses into the mobile home park at the same time.

Signage

Freeway Sign: Ms. Berlin stated that they would like to keep the freeway sign; she will have Kwik Trip staff review.

The sign on the south side of the building (side facing SMHP) will not have a sign.

The signage allowed in the city code equals 200 square feet; using both sides of a sign in the calculation; Ms. Berlin said this differs from most cities. The city attorney was directed to review.

Exit sign on diesel concern of glare into homes in SMHP; she will have this reviewed.

Noise

Will outside speakers be utilized during the night? The concern is that the noise would be heard in the SMHP. Ms. Berlin said that the speakers can be installed on the pumps so they are quieter. The consensus was it was ok to have the speakers on the fueling station other than the diesel fueling area at night; the building will block the regular fueling station.

Action on the Public Hearing, Approval of the Conditional Use Permit

Motion by Ness to recommend that the City Council approve the Conditional Use Permit for the Kwik Trip with the following conditions:

1. Conform to Ordinance 153.051, Subd. D6 a-f:
 - 6) *Motor fuel station, subject to the following:*
 - (a) *That the approximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit.*
 - (b) *The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.*
 - (c) *Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps while in use. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.*
 - (d) *All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements.*
 - (e) *All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a 90-degree cutoff.*
 - (f) *The operation shall be responsible for litter control within 300 feet of the premises. Litter control is to occur on a daily basis. Trash receptacles must be provided at convenient locations on site to facilitate litter control.*
2. Throughway from the Eastern most entrance on Highway 19 (Stacy Trail) to the shared East/West access road, striped to a width of 24 feet to allow traffic flow.
3. Reciprocal access and maintenance agreement with SMHP owner and Kwik Trip to be approved by the city attorney.
4. No lighted sign on the south side of the building and south side of the diesel canopy.

Action on the Public Hearing, Approval of the Conditional Use Permit Continued

5. Install screening on the south side of the building between SMHP and the Kwik Trip facilities.

Second by Olivolo. Ness, Olivolo, Clay, Winberg, and Utecht voted yes. Chair Ness declared the motion carried.

Findings of Fact and Decision

Mr. Grundhoefer will prepare the findings of fact and decision based on the following:

1. The applicant meets the conditions set forth in section 153.501 D6 a-f.
2. The throughway from the Eastern most entrance on Highway 19 must be striped and maintained; south to the shared East/West access road; striping to be placed on the east and west border for a width of 24 feet.
3. Applicant reaches an agreement with the owner of Kramer Mechanical regarding an easement. (This was already verbally agreed to, not signed yet).
4. East/West reciprocal access and maintenance agreement between the SMHP and Kwik Trip; to be reviewed by the city attorney.
5. Verify maintenance easement to the lift station.
6. No lighted signs on the south side of building or south diesel canopy.
7. Install screening on the South side for light and sound between SMHP and Kwik Trip.

Mr. Grundhoefer will also include other items he deems necessary on the Findings of Fact and Decision.

Miscellaneous

The conditions set forth by the City Engineer and City Attorney shall be met.

Review if the city is able to execute an agreement to successfully take over the water and sewer lines; the lines need to be assessed of their condition before the city takes them over. Determine where the private line would start and the city line would end. This is not a condition on the permit, but needs to be reviewed in the development process.

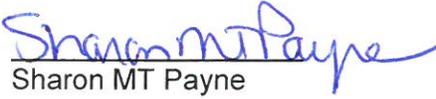
Receipt of Title Commitment; prior to the demolition of the existing structure or issuance of a building permit.

The Kwik Trip is proposed to be open October 2014.

The application will be placed on the October 8, 2013, regular council meeting for action.

Adjourn 8:50pm

Motion by Ness to adjourn. Second by Utecht. Ness, Utecht, Olivolo, Clay, and Winberg voted yes. Chair Ness declared the motion carried.


Sharon MT Payne