

**CITY OF EYOTA  
PLANNING COMMISSION SPECIAL MEETING MINUTES  
OCTOBER 10, 2016**

**Present:** Members: Lief Hughes, Janet Hughes, Casey Johnson and John Chesney  
Council Rep: Ray Schuchard and Bryan Cornell      Secretary: Marlis Knowlton

**Absent:** none

**Guests:** Kristi Clarke, Planner; Hans Zietlow, Kwik Trip; Dennis and Kim Miller, Buddy's Liquor and Gary Dahl, Dahl Trucks

**Call to Order:** Chair Lief Hughes called the meeting to order at 7:00 p.m.

**Approve Agenda:** Motion was made by Janet Hughes and seconded by Johnson to approve the agenda as presented. Ayes 4, Nays 0. Motion carried.

**Rezone Request – Northwest Investments La Crosse LLC – Public Hearing:**

Northwest Investments La Crosse LLC is the property owner of the Kwik Trip property. Kwik Trip is requesting the property adjacent to their store at 380 Sandstone Drive NW be rezoned from C-1 (commercial) to M-1 (industrial) for a blending station.

Motion was made by Janet Hughes and seconded by Johnson to close the regular meeting and open the public hearing. Ayes 4, Nays 0. Motion carried.

Hans Zietlow introduced himself and explained how the federal government now requires a certain amount of biodiesel or ethanol to be blended with diesel for many benefits. There will be four tanks to hold bio diesel and they will blend it with the diesel there and then take it to the pumps. The blending station will coordinate very well with the existing store. There will not be any additional employees; current Kwik Trip store employees will monitor the blending station activities. There will be additional spaces for truck parking. The area will have approved elevations and will be paved and curbed. All Minnesota Department of Natural Resources regulations will be followed. They intend to keep a couple acres of the parcel to be re-platted and developed at later date. This blending process is becoming very common around the country; Kwik Trip has one other one and plan on building more. It will increase Eyota's tax base.

Kristi Clarke explained the details of the Rezoning Report she submitted. Eyota's maximum building height is fifty five feet and this building is only thirty two feet. The blending process is better suited in an M-1 (industrial) use. This is a quiet type activity; there is no noise, smoke or other similar type concerns. It will be on 2.9 acres which is a large parcel. It does fit in the area and with the land use plan: with a pond, two highways, vacant property, no residential close by and other M-1 across the highway. Clarke recommended a land use plan map change to keep the map consistent with approved uses. Clarke's report gives all the standards and this project meets them and all ordinance requirements. Land use criteria were reviewed in detail. The plan even shows trees to be planted as additional buffer that is not required.

Clarke specified the Land Use Summary:

1. The proposed site meets all four (4) locational criteria for an industrial use.
2. The Land Use Goal of allowing orderly development within area that can be served by municipal facilities, while accommodating and expending growth for the City would be accomplished by allowing this land use change.
3. The plan, adopted in 2009, was meant to be flexible document that responds to changing needs of the residents, business owners, and community. Allowing this amendment that fits the locational criteria, will provide flexibility while maintaining conformity between the zoning ordinance and land use plan map.

Cornell questioned if any traffic studies have been completed. Zietlow confirmed there will not be a huge traffic increase because most of the trucks are already in the area; there will not be a lot more coming off the highway. Clarke confirmed they are not anticipating truck traffic increases and they do not want any traffic problems.

Chesney questioned if an environmental study had been completed. Zietlow explained that they are required to get numerous environmental agency permits and bio materials are not hazardous. Schuchard clarified there will not be a lot more trucks and will not be hauling hazardous liquids. Zietlow explained the Kwik Trip operations are learning about the benefits of the blending process and it is proving to be beneficial around the country.

Cornell asked Zietlow to explain that there will not be any new jobs. Zietlow said not at this site because it is so close to the existing Kwik Trip store that those employees will be able to keep an eye on activities.

Johnson had Zietlow confirm that there are future tanks shown on the plans and they will be used in the future for additional biofuel.

Gary Dahl, owner of Dahl Trucks located east of the property spoke at length how his property taxes increased significantly when the Kwik Trip store/station was built and how the City did not allow him to put up a fence claiming it would be an eye sore, when this project will be completely fenced. Dahl questioned how this blending station would look and how it would affect his taxes. Dahl also had it verified that buildings can be fifty five feet tall but these tanks are only going to be thirty two feet. Dahl questioned who gets the final vote to approve this; it was clarified that the Planning Commission will make a recommendation to the Council and the Council has the final vote.

Dahl understands why Kwik Trip wants to build this but questioned how it will affect his taxes and how will the blending station look in reference to the neighborhood. Dennis and Kim Miller also questioned how it will look. Zietlow spoke with Miller's regarding when they built their liquor store and did not have the plans reviewed or approved by him as the developer of Stone Garden Plaza commercial subdivision. The Millers breached the agreement and Zietlow never said anything about it. The blending station will look as good as the current store and will not be a detriment to the neighborhood. Millers, Dahl and Zietlow all commented about how this changes the neighborhood and how it will look. Zietlow assured them it will be nice.

Lief Hughes suggested Dahl would need to go to the Council to get tax questions answered, that is not something the Planning Commission can answer. Clarke clarified that the Council can not answer that either; Olmsted County would need to be asked, they calculate the tax amounts.

Clarke went on to explain that any new building and any additions or changes in an M-1 industrial zone requires a Conditional Use Permit (CUP). All CUP's require a public hearing which means the public is notified. All proposed changes will be reviewed by the Planning Commission and the Council; and all regulations, requirements and aspects of the change will need to meet the City's ordinance requirements.

Janet Hughes questioned if Zietlow looked at other parcels. Zietlow said they did not look at other land because they own this parcel, not any other land. It is a good parcel for this because it: has a Minnesota Department of Transportation (MnDOT) approved driveway, company employees are close to watch, biofuels are already on the road and it is just being blended here. Minnesota Department of Natural Resources (DNR) have very strict regulations, the regulations will be followed and if there are any concerns people can contact the DNR with questions to alleviate their fears.

Motion was made Johnson and seconded by Janet Hughes to close the public hearing and open the regular meeting. Ayes 4, Nays 0. Motion carried.

Motion was made by Lief Hughes and seconded by Johnson to recommend approving rezoning the property adjacent to 380 Sandstone Drive NW to M-1 (industrial) on the facts found by Clarke and listed in the report. Discussion: Cornell asked about the area storm water pond and it is sufficient. Ayes 4, Nays 0. Motion carried. See "Exhibit A"

**Conditional Use Permit – Kwik Trip Blending Station – Public Hearing:**

Motion was made by Lief Hughes and seconded by Johnson to close the regular meeting and open the public hearing. Ayes 4, Nays 0. Motion carried.

Clarke explained now that the parcel has been approved to be rezoned a public hearing is required for a Conditional Use Permit (CUP) which is required when any new construction or changes are proposed in an industrial zone. No construction can take place until a CUP is approved. Clarke proceeded to review, in detail, the staff report presented.

This business will not increase truck traffic a lot; but one idea that was suggested was to improve signage or directions for current and future pedestrians in the neighborhood trying to enter the existing convenience store. The one building on the site is very small (440 sq. ft.) and is set back on the lot so it will not block the view to other stores. The plan does show additional future tanks, the area will be fenced and only authorized people will be allowed access. There is very limited additional lighting and there is no new signage. The intent is this will be a very quiet business activity and will not bring attention to them. Zietlow clarified and pointed out the future tanks for Johnson; Zietlow confirmed they always plan ahead for expansion.

Clarke continued to review the staff report in detail; and noting that the CUP will require Kwik Trip to obtain all the required permits from agencies like DNR and Minnesota Pollution Control.

Kwik Trip has met all the City's zoning requirements for hazardous material storage, per Section 8.25 a-g. They will be required to report to the Eyota Fire Department and Olmsted County Law Enforcement annually. Schuchard commented that Rochester emergency management has probably already looked at this in reference to turning off valves in case of an emergency. Clarke noted that MnDOT has reviewed the plans and has no issues or additional requirements.

Three conditions are proposed:

1. The owner of this facility must report to the Eyota Volunteer Fire Department and the Olmsted County Sheriff's Department at least one (1) time a year to report products on-site and all other details specified by the MPCA and/or an approved Spill Prevention Plan.
2. The owner must provide better pedestrian control..... for adjacent walk/bike trail.
3. Any requirements as cited by MnDot...
4. Any requirements as cited by the City Engineer ....

The Commission discussed improved pedestrian control. The blending station will not significantly increase truck traffic; pedestrian traffic is currently in need of improvement. It was suggested to paint some striping for pedestrians to safely cross from the outer edges of the lot into the store. Johnson suggested a designated connection from the future trail along Highway 42, across the parking lot to the store front.

Clarke noted the City code has a detailed list (Section 11.10) to approve a CUP and she went through the list. See "Exhibit B"

It was noted that the visiting business owners had already left the public hearing and they should be told when this CUP will be addressed by the Council. Zietlow said he knows Dahl and will talk to him; but Buddy's was built without following covenant regulations so their argument about how this blending station will look is not a good argument. The blending station will not hinder the liquor store, no one knows what property tax implications will be at this point; but it will increase the tax base. Blending fuels is good for the country, using soybean and other oils are cleaner and more efficient. They feel it is better to blend it before it gets to the pumps.

Cornell asked how much the tax base will improve. That can only be determined by Olmsted County. Taxing entities look at these types of structures differently; the tanks maybe considered equipment or they may be considered building type structures which are taxed very differently. These tanks (and the process itself) may only have a life expectancy of ten years; it is unknown at this time. Seeing that it is vacant land now, any improvement will increase the tax base.

Motion was made by Lief Hughes and seconded by Janet Hughes to close the public hearing and open the regular meeting. Ayes 4, Nays 0. Motion carried.

Motion was made by Lief Hughes and seconded by Janet Hughes to recommend the Conditional Use Permit be approved for Kwik Trip as sound in the facts provided in the staff report and with the three conditions listed. Ayes 4, Nays 0. Motion carried. See "Exhibit C"

**Ordinance Codification:** The Legal and Editorial Research and Report was received from American Legal Publishing and distributed to the Commission. This is basically a list of over one hundred questions that the Commission needs to answer as the first part of the review to codify ordinances. The Commission discussed and agreed that every member needs to read the entire document and start answering as many questions as possible. From there it will be determined if outside help is needed, for example referring to the City Attorney.

**Adjourn:** Motion was made by Janet Hughes and seconded by Lief Hughes to adjourn. Ayes 4, Nays 0. Motion carried. Meeting was declared adjourned at 8:15 p.m.

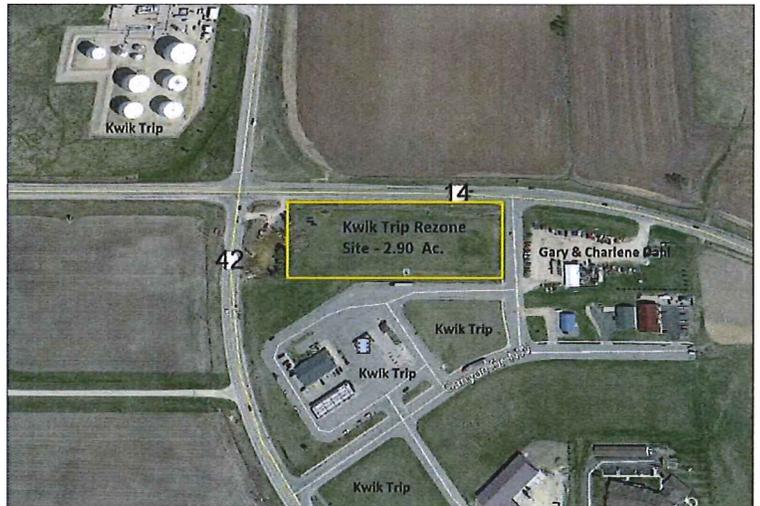
A handwritten signature in cursive script that reads "Marlis Knowlton". The signature is written in black ink and is positioned above a horizontal line.

Marlis Knowlton  
Clerk/Treasurer

**TO:** PLANNING & ZONING COMMISSION  
**FROM:** KRISTI CLARKE, PLANNER  
**SUBJECT:** NORTHWEST INVESTMENTS LA CROSSE LLC - KWIK TRIP PROPERTY REZONE REQUEST REPORT  
**DATE:** 10/03/16

**Meeting Date:** October 10, 2016  
**Applicant:** Kwik Trip, Hans Zietlow  
**Request:** Amendment to the zoning map, from C-1 to M-1

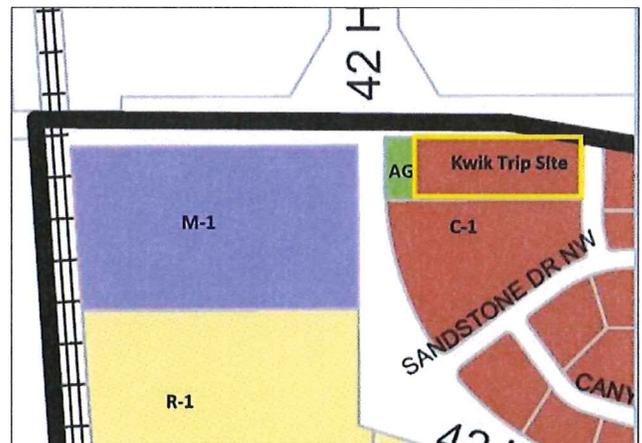
**Proposed Rezone and Land Use Plan Amendment:** Mr. Zietlow of Kwik Trip has requested a **zone change from C-1 (Commercial) to M-1 (Industrial)** and a **Land Use Plan change from Commercial to Industrial** on their property located Lot 1 Block 1, Stone Ridge Plaza, Olmsted County, Eyota Minnesota. The property contains approximately 2.90 acres.



**Current Land Use:** The property is vacant as you can see from the Aerial Exhibit.

**Hearings and Neighborhood Notices:** This requested rezone was posted in the Post Bulletin and all neighbors within 350' of the property were notified at least 10 days prior to the public hearing scheduled for Monday, October 10, 2016.

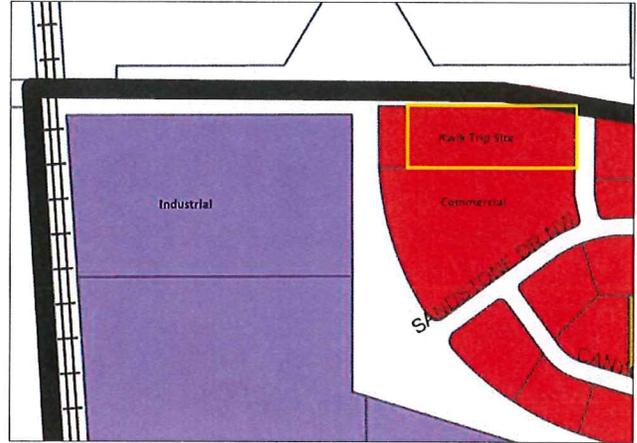
**Surrounding Land Uses:** The 2.90 acre vacant Kwik Trip site is zoned C-1 (Commercial), shown in red on the zoning map and is adjacent to Highway 42 and Highway 14 on the north and west side. The existing Kwik Trip gas station is located directly south of the proposed rezone site. Mixed commercial uses are located east of the Kwik Trip site, east of Granite Avenue.



Zoning Exhibit

**Reason for the Rezone & Land Use Plan Amendment:**

Kwik Trip would like to use their 2.90 acre site as a Bio Diesel Fuel Station. The proposed operation will be used to supplement the products on their petroleum transport trucks with ethanol or biodiesel and then delivered to their gas store locations. They will use the site 24 hours a day. The facility will be operated by transport drivers and will not be open to the public. This use is defined in the Zoning Ordinances as "heavy industrial" and is allowed conditionally in the M-1 Zone.



**Zoning & Land Use Plan Conformance:**

Section 2.04. ORDINANCE CONFORMANCE WITH THE COMPREHENSIVE GUIDE PLAN. The comprehensive guide plan and ordinance shall be in conformance with one another. Where conflicts exist between the comprehensive guide plan and zoning ordinance, the two documents shall be brought into conformance with one another.

To reduce conflicts between the comprehensive guide plan and the zoning ordinance, as outlined in Section 2.04, staff also recommends that a rezone request be reviewed along with the locational criteria found in the Comprehensive Plan to assure that the property is in conformance with the Land Use Plan as an industrial use.  
(See attached Land Use Map)

**Site Details, Zoning:**

**M-1 Zone Purpose:** Industrial uses in the Eyota City Zoning Ordinance, allows by conditional use, sites to be used for heavy industrial uses such as chemical transformation of materials into new products, establishments that blend materials and the transmission and distribution of materials by truck. *A bio diesel fuel station would fit in this category.*

**M-1 Zoning District Regulations:** (See attached City Code Section 4, C & E) In addition to the regulations set forth in the M-1 regulations, any use that stores hazardous or toxic materials must comply with Article VIII, Section 8.25.

**M-1 Performance Standards:**

	<u>Required</u>	<u>Proposed</u>
Height:	55' (principal) 25' (accessory)	Principal building and accessories comply
Lot area:	5,000 S.F.	2.90 Acres proposed
Lot coverage:	100%	Less than 100% proposed
Front Yard:	15 feet	15 feet provided
Rear Yard:	25 feet adjacent to a state highway	More than 25' provided
Side Yard:	30 feet total (10 feet min. side yard)	More than 25' provided
Buffering & Screening:		None required (See attached Landscape Exhibit)
Parking:	1 Stall per 2 employees- largest shift	8 Stalls provided
	Located: 7 feet of front and side	8 stalls at least 7' from side yard setback
Signs:	Per Ordinance; 8.14,13 (c)	All signage must comply with the Sign Ordinance

**Staff Zoning Summary:** All performance standards within the M-1 Zoning District are in compliance with City Code.

**Site Details, Land Use Amendment:**

**Land Use Plan Goal** (Eyota Comprehensive Plan, 2009) “Growth should occur in conjunction with municipal services and facilities. Municipal service areas should be well defined and expanded to accommodate and encourage orderly development”.

**Land Use Plan Industrial Locational Criteria** (Eyota Comprehensive Plan, 2009) -Sites for industrial uses shall contain the following characteristics:

1. Level terrain with slopes of five percent or less. *The proposed site is less than 5% slope*
2. Adequate access to transportation corridors such as collector roads, expressways, or other designated roadways such as trunk highways. *The site is adjacent to Highway 42 and Highway 14 and will access the site from Sandstone Drive, a local street off of Highway 42.*
3. Adequate area available for industrial expansion and bufferyards where needed to protect adjacent residential uses. *The site is located on 2.90 acres with development only in the western corner providing adequate bufferyards from the mixed commercial uses on Granite Avenue and the storm water detention basin and buffer area to the west of the site. In addition, the property owners are proposing additional screening with Norway pines along the west, north, and east corners of the proposed developed area.*
4. Served by municipal and public facilities. *The site is served by 8' watermain and sewer mains within the existing the Kwik Trip Gas Station and along Granite Avenue if the facility requires city services.*

**Zoning** (Eyota Comprehensive Plan, 2009) “The Eyota Comprehensive Plan is a comprehensive, long-range, general guide. In contrast, the Eyota Zoning Ordinance and maps are specific, immediate, and are used to control private land development. Because zoning provides control over almost every aspect of development, the Zoning Ordinance is the most important tool to implement the plan. *It must insure high standards of land development without unduly restricting private initiative or causing unnecessary costs to the land owner, the developer, or the public. Any applications for zoning changes or proposed development are referred to the Planning Commissioners and City Council for input and recommendations.*”

**Amending the Plan** (Eyota Comprehensive Plan, 2009) – “Amending the Plan - The Plan cannot be an effective guide over a long period of time unless it is flexible. It must respond to the changing conditions and needs of the community, as well as, the changing ideas of the citizens. In five years, this plan will likely require an update. This should be done by the same process used in creating the plan itself. Input should be received from the community and the updated plan should be approved by the Eyota Planning Commission and City Council and then forwarded to Olmsted County to approve and include in their county-wide planning efforts.”

**Staff Land Use Summary:**

1. The proposed site meets all four (4) locational criteria for an industrial use.
2. The Land Use Goal of allowing orderly development within area that can be served by municipal facilities, while accommodating and expanding growth for the City would be accomplished by allowing this land use change.
3. The plan, adopted in 2009, was meant to be a flexible document that responds to changing needs of the residents, business owners, and community. Allowing this amendment that fits the locational criteria, will provide flexibility while maintaining conformity between the zoning ordinance and land use plan map.

**Staff/Consultant Recommendation:** The proposed use of a Bio Diesel Fuel Facility north of the current Kwik Trip Gas Station does comply with the performance standards within the M-1 Zoning District and all other sections within the Zoning Ordinance and does comply with the locational criteria and general goals of the Comprehensive Plan. We would recommend approving the rezone and land use plan and forwarding comments to City Council for their review. A sample motion for approval is attached for your review:

***Sample Motion to Recommend Requested Rezone and Land Use Amendment***

**Whereas,** the 2009 Land Use Plan defines four (4) locational criteria that are meet with the proposed site and use, and;

**Whereas,** the 2009 Land use Plan goals allow for the orderly development within area that can be served by municipal facilities, while accommodating and expanding growth for the City would be accomplished by allowing this land use change.

**Whereas,** all specific zoning M-1 performance standards are meet with the proposed site and use, and;

**Whereas,** the stated purpose of the Industrial zoning and land use allow for heavy industrial uses, and;

**Whereas,** the requested use is adjacent to the existing Kwik Trip Gas Station, and adjacent to other commercial and industrial uses in the area so not considered spot zoning;

**NOW THEREFORE, The Planning Commission recommends to the City Council to rezone the property shown from C-1 (Commercial) to M-1 (Industrial) and to amend the Land Use Plan for the property from Commercial to Industrial.**

**CUP – Kwik Trip Inc.**  
Bio Diesel Fuel Facility  
Staff Review

Section 11.10. No conditional use shall be granted by the Planning Commission unless the Board shall find:

	<b>Standard</b>	<b>Staff Comments</b>	<b>Standard Met?</b>
1.	Will be harmonious with the general and applicable specific policies of the comprehensive guide plan of the city and this ordinance;	The proposed site meets all four (4) locational criteria for an industrial use and general goal of allowing orderly development within area that can be served by municipal facilities, while accommodating and expanding growth for the City would be accomplished by allowing this land use change.	<b>Yes</b> No Discussion Recommended
2.	Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding area and will not change the essential character of that area;	The property is within a mixed industrial and commercial zoned area. As can be seen from the aerial exhibit, all surrounding properties include buildings with large parking pads and mixed truck and automobile traffic-type uses. The proposed use will be harmonious in appearance with the existing neighborhood.	<b>Yes</b> No Discussion Recommended
3.	Will not be hazardous, unhealthy or unsafe to existing or future neighboring uses;	The maintenance, operation and use of a bio diesel fuel facility will not be detrimental or endanger the public health or general welfare of the City as it is a significant distance from all existing buildings and properties in the area. Also, all hazardous materials will be managed, controlled, and reviewed by local, and county officials annually. The facility will also be approved by the _____ (State Agency) prior to the approval of a building permit. During construction, the site will be inspected and required to meet codes. *See the <i>Hazardous Material Storage requirements</i>	<b>Yes</b> No Discussion Recommended
4.	Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use;	The site can be accessed from Sandstone Drive and Granite Avenue though the site plan shows driveways only through the existing Kwik Trip Gas Station off of Sandstone Drive. The site can connect to city sewer and water.  All emergency personnel can access the site in needed. All other facilities and services are available for the site.	<b>Yes</b> No Discussion Recommended

"Exhibit B"

5.	Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;	The proposed use will not create excessive requirements or costs for the City of Eyota and will be beneficial for the City's economic welfare.	Yes No Discussion Recommended
6.	Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of or offensive traffic, noise, smoke, fumes, dust, glare, vibrations, odors or other pollutants;	No excessive traffic, noise, smoke, fumes, dust, glare, vibrations, odors or other pollutions are planned for this use. The site will be secured with a perimeter fence and card reader gate. Though the site can be used 24 hours a day, the use will not typically have more than a few trucks on-site with five (5) downward lights to secure the site. * See the attached Fence and Photometric Site Plan	Yes No Discussion Recommended
7.	Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;	The site's two entrances are located behind the existing gas station building and will not create any traffic congestion on Sandstone Drive or interference from other gas station users.	Yes No Discussion Recommended
8.	Will not result in the destruction, loss or damage of a natural, scenic, or historic feature/structure of major importance;	The proposed site is not part of a natural, scenic, or historic feature.	Yes No Discussion Recommended
9.	Shall conform to specific standards of this ordinance applicable to the particular use and location.	All zoning, land use locational criteria, hazardous materials, landscaping, signage, lighting, and conditional use permit regulations have reviewed and are in compliance.	Yes No Discussion Recommended
10.	Will be compatible with surrounding buildings, circulation, open space, landscaping, parking, and compatible with existing natural topography, natural water courses, vegetation, exposure to sunlight and wind, and views.	The proposed use is compatible with surrounding buildings, and mixed commercial, industrial, and utility uses in the area. The site includes appropriate circulation for their needs, open space with nine (9) Norway pines to provide vegetation and coverage for the site, the buildings and tanks will not limit sunlight or create wind tunnels or impede views.	Yes No Discussion Recommended

To: Planning & Zoning Commission  
From: Kristi Clarke, Consultant Planner  
Date: October 3, 2016  
Subject: Northwest Investments La Crosse LLC - Kwik Trip Bio Diesel Facility –  
Conditional Use Permit (CUP) Application

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**MEETING DATE:** October 10, 2016

**I. REQUEST:**

- 1) **Applicant:** Kwik Trip
- 2) **Owner:** Northwest Investments La Crosse LLC
- 3) **Location:** Lot 1 Block 1, Stone Ridge Plaza, Olmsted County, Minnesota

**II. Staff Report**

A Conditional Use Permit has been requested by Kwik Trip Inc. to use their property north of the existing Kwik Trip located at 380 Sandstone Drive NW as a Bio Diesel Fuel Facility categorized as a heavy industrial use.

**Zoning Summary:** was provided in the Rezone/Land Use Plan Amendment Report

**Wetlands:** No wetlands are located on the site.

**Soils:** No flooding soils, shallow soils, or karst features are located on the site.

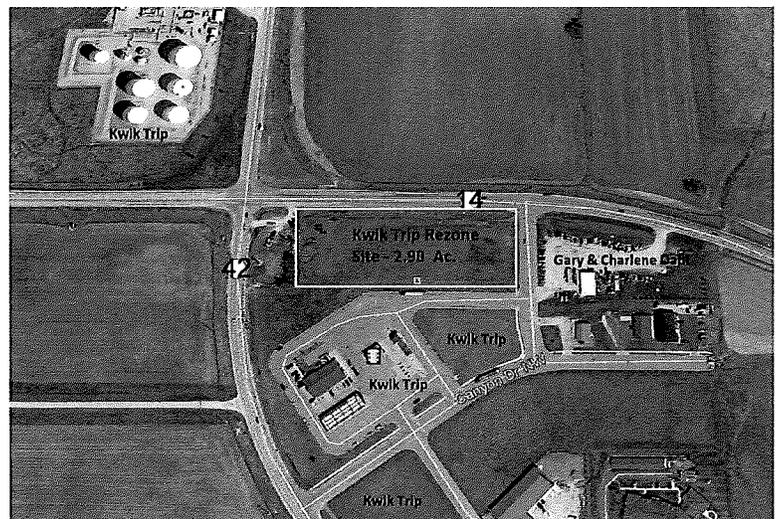
**Traffic Volume:** 4,800 Average Daily Trips on Highway 42 and 4,150 ADT along Highway 14.

**Access:** Sandstone Drive and Granite Avenue are the primary access points for the Gas Station and will be used for the Bio Diesel Fuel Facility as well. No known issues in traffic are reported for these local roadways.

**Pedestrian Activities and Trail:** Better direction through the proposed site should be considered to reduce pedestrian/automobile and truck traffic conflicts.

**Details of the request**

**Building:** 20' x 22', 440 square foot maintenance building, concrete approach to driveway. Gravel base for the rest of the area. \* See Site Plan



"Exhibit C"

**Accessory Structures:** Electrical transformer, 2- 8,500 gallon storage tanks, area for future storage tank.

**Fence & Access Gate:** Restricted access security fence with automatic card reader gate

**Hours of Operation:** 24 hours a day with limited additional truck traffic on Sandstone Drive.

**Employees –** None

**Parking:** 8 stalls, west of tanks and maintenance building

**Signage:** None

**Lighting:** 5 downward light poles as shown on in the plan set

**Fence/Gate:** 6' chain link fence as show on the Site Plan with a card-reader entry gate at the entrance of the property

**Surface Area for the property:** All developed areas including building, parking, and pads will be constructed with concrete.

**Hazardous Material Containment:** Kwik Trip will file a complete report and obtain approval from all State, Federal, and local regulations including a Spill Prevention Plan before a building permit will be issued.

**Surrounding Property Uses:** The 2.90 acre vacant Kwik Trip site is adjacent to Highway 14 on the north. The existing Kwik Trip gas station is located directly south of the site. Mixed commercial uses are located east of the Kwik Trip site, east of Granite Avenue. The detention basin for the Highway 42 roundabout is to the west of the site. \*See attached aerial

**Hazardous Material Storage:** Because the proposed use includes hazardous material storage, the requirement below must be address: \* See Section 8.25

- a. All buildings and structures much comply with all requirements established in the State Building Code. *(A building permit will only be issued when all Federal, State, and local requirements are met)*
- b. All storage must be fenced and locked so that there is no unauthorized entry into the site. *(See attached Fence/Gate Exhibit within the Site Plan)*
- c. All runoff of potential hazardous materials must be stored and controlled in case of an accident. *(A Spill Prevention Plan will be submitted and approved by all required State Agencies.)*
- d. The owner of this facility must report to the Eyota Volunteer Fire Department and the Olmsted County Sheriff's Department at least one (1) time a year to report products on-site. *(Providing an annual report will be a condition for approval of the CUP.)*
- e. Concentrations of hazardous materials should be limited to "safe" levels and accidents will be minimal. *(The owners will obtain all necessary approvals from the MPCA with all required Hazardous Waste, Emergency Planning, and Accident Management Plans)*
- f. A conditional use permit is required. *(A CUP is part of this application)*
- g. Gas stations are exempt from this ordinance. *(This is not a gas station use)*
- h. All State and federal laws addressing hazardous materials shall be complied with. *(The site will be reviewed by all State, Federal, and local agencies prior to obtaining a building permit)*

**Neighborhood Notification:** All property owners within 350' feet of this property were notified within ten days of the public hearing and published in the Post Bulletin. A public hearing is to be held on October 10, 2016 for this conditional use permit request.

**MnDOT:** The Transportation Planner was contacted and replied "MnDOT has no concerns with the Kwik Trip CUP/Rezone.

**Recommended Conditions:**

1. The owner of this facility must report to the Eyota Volunteer Fire Department and the Olmsted County Sheriff's Department at least one (1) time a year to report products on-site and all other details specified by the MPCA and/or an approved Spill Prevention Plan.
2. Better direction through the proposed site should be considered to reduce pedestrian/automobile and truck traffic conflicts.
3. Any requirements as cited by the City Engineer must be addressed.

*Notes to the owners:* The following plans and permits must be approved prior to receiving a building permit for this project:

- Approved utility and grading construction plans
- Approved stormwater management plan, including summary memo and calculations
- MPCA Construction Stormwater Permit – if more than 1- acre of land is disturbed

**III. PLANNING COMMISSION ACTION:**

Following is a sample motion for both approval and denial which may be used by the Planning Commission in their decision.

WHEREAS, the property at Lot 1 Block 1, Stone Ridge Plaza is zoned M-1 (Industrial); and

WHEREAS, the site has a land use of Industrial; and

WHEREAS, the site is adjacent to the Kwik Trip Gas Station, commercial uses to the east, and another Kwik Trip industrial site to the northwest of the site; and

WHEREAS, The Planning Commission provides the following findings:

- a) Kwik Trip Inc. has owned and operated other commercial and industrial sites within Eyota without neighborhood complaints.
- b) Conditions placed in this CUP will protect the health, safety & general welfare of the community and neighbors use and enjoyment of property and their property values.

- c) The purpose of the Industrial zone is to allow for development of land for uses with an industrial nature including chemical transformation of materials into new products and establishments that blend materials usage.
- d) There are no potential public health implications.
- e) The proposed use is consistent with the City's Comprehensive Land Use Plan.
- f) Ingress and egress is provided off Sandstone Drive, a local road off of Highway 14, where few traffic conflicts are present.
- g) The site has access to city sewer and water service.

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission recommends to the City Council to approve the Conditional Use Permit for a Bio Diesel Fuel Facility at Lot 1 Block 1, Stone Ridge Plaza, Olmsted County, Minnesota allowing for the construction of one building, storage tanks, and proposed driveways and parking areas as indicated in the site plan, with the following conditions:

1. The owner of this facility must report to the Eyota Volunteer Fire Department and the Olmsted County Sheriff's Department at least one (1) time a year to report products on-site.
2. The owner shall improve the Kwik Trip site and this site to reduce pedestrian/automobile and truck traffic conflicts by \_\_\_\_\_.
3. Requirements cited by the City Engineer: \_\_\_\_\_ will be made.