

PLAN COMMISSION MEETING
NOVEMBER 8, 2018 - 5:00 P.M.

Members Present: Fred Horne, Mike Kastens, Michelle Scanlan, MaryKay Rice, David Wilford and David Tyvoll

Members Absent: Jim Zajkowski

Fred Horne called the meeting to order and roll call was taken.

Mike Kastens moved to adopt the agenda as presented, seconded by Michelle Scanlan and carried.

MaryKay Rice moved to approve the minutes from October 2, 2018, seconded by David Tyvoll and carried.

Public Hearing

Fred Horne declared the Public Hearing open to discuss the following:

- a) Application for Conditional Use Permit to allow a car wash subject to 121-50.D of the Zoning Ordinance and a convenience gas station subject to Section 121-50.H of the Zoning Ordinance. Property is located at 1048 – 1132 North Knowles Avenue and 312 North Shore Drive and described as: OUTLOT 454 & N 17.5 FT OF W 165 FT OF OL 452; OUTLOT 455; OUTLOT 456 & LOT 4 OF CSM 1/23 BEING PART OF OUTLOT 457 EXC PT TO HWY PROJ 1559-08-24; LOT 1 CSM V1, P23 OUTLOT 457 DOC. #272654 RECORDED 6-7-63.

Noah Wiedenfeld explained the background of this application. Last November, the Governor passed Act 67 that requires municipalities to grant conditional use permits if an applicant meets or agrees to meet, all of the requirements and conditions specified in the relevant ordinance or imposed by the relevant zoning board. Any conditions must be related to the purpose of the ordinance and based on substantial evidence. Requirements and conditions shall be reasonable and to the extent practical, measurable. Nick Vivian, City Attorney, explained the performance standards Plan Commissions must use to review an application for Conditional Use Permit. If the applicant meets all of the requirements, it must be approved. Kwik Trip would like to construct a gas station, convenience store and car wash at the location on the corner of North Knowles Avenue and North Shore Drive. Noah explained the timeline of the process to date. The Development Review Committee began reviewing the application in September. There was a citizen meeting on October 12 and a neighborhood meeting on October 18. The Plan Commission meeting notice was published two times in the newspaper as required for the Plan Commission meeting on November 8, 2018. In addition, City staff had several in-person meetings and phone calls with property owners to answer questions. Several concerns were expressed at the various meetings. The following conditions have been included to address the various concerns.

1. Approval of the conditional use permits shall be contingent upon approval of the certified survey map.
2. The plans shall be modified to show the Ordinary High Water Mark (OHWM), the 35-foot vegetative buffer, and the 75-foot building setback.
3. The portions of the site within 35 feet of the OHWM shall be restored with native seeding or plantings.
4. The applicant shall work with the DNR to conduct a Natural Heritage Inventory of the proposed site, and comply with any DNR requirements that arise from that inventory.

5. Direct and indirect impacts to area wetland hydrology should be explored with coordination from the DNR wetland and waterways program.
6. The elevations shall be updated to indicate the type of material used for the auto fueling canopy.
7. All vending machines shall be located indoors.
8. Outdoor display of products shall not block vehicle and pedestrian access routes and is prohibited closer to the street than pump islands.
9. Car wash bay doors shall close automatically during the wash cycle to minimize noise impacts.
10. Car wash hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. daily.
11. Outdoor music shall be limited to between 7:00 a.m. and 10:00 p.m. daily.
12. Sound levels for the gas station/convenience store and car wash shall comply with Section 50-87.D of the City Code of Ordinances.
13. The landscaping plan shall be revised to include 10'- high evergreen trees in conjunction with a 6'- high fence as a proactive measure to limit possible concerns from the neighborhood about noise or vehicle headlights, and to further screen the loading area on the east side of the principal building.
14. The landscaping plan shall be revised to ensure that the plant schedule and plan notes are consistent with the actual number of plants shown on the landscaping plan.
15. Trees shall be replaced on a 1:1 replacement ratio. The City shall require a fee of not less than \$100 for each tree that is not replaced, per Section 121-55.C.
16. Landscaping improvements require a financial guarantee per Section 121-31 and shall not be deemed complete until the City has verified survivability of all required plantings through two winter seasons. The financial guarantee shall be received by the City on or before the date on which the building permit application is submitted.
17. WisDOT must approve the submitted Intersection Control Evaluation (ICE), and the Applicant must make any modifications to the ICE required by WisDOT.
18. The recommended intersection control alternative (traffic signals unless WisDOT requires a different alternative) shall be in place before a Certificate of Occupancy is issued for the Kwik Trip development.
19. The full cost of design and construction of the intersection improvements shall be borne by the applicant.
20. The intersection design shall include accommodations for bikes and pedestrians to cross Knowles Avenue as well as North Shore Drive.
21. All components of the intersection design are subject to the review and approval of the City and WisDOT.
22. Left turns directly onto Knowles Avenue from the Kwik Trip driveway shall be prohibited, with on-site signage indicating this restriction.
23. Left turns from Knowles Avenue into the Kwik Trip driveway may be restricted if it is determined necessary by the City and WisDOT – this issue will be further discussed as part of the ongoing Knowles Avenue corridor study.
24. The right-in access shall be shifted to the east, to provide additional distance from the Knowles Avenue intersection.
25. The right-in access shall include signage for “No Trucks” entering at that location, as well as “Do Not Enter” for vehicles exiting the site.
26. The width of the right-in access shall be increased to 16' to provide adequate space for turning vehicles.
27. The applicant shall verify that their snow removal equipment can accommodate the 16'-wide entrance.

28. As part of the intersection design, the access to the Pete's Pizza site shall be redesigned. The design costs shall be borne by the applicant, and the construction costs may be assessed to the applicant as part of the development agreement.
29. The applicant shall be required to grant an easement, and construct a trail along the river on the east side of the property. In the future, this would connect to the rest of the riverwalk along the Willow River when it is constructed to the south, but would also be connected along the south lot line to the Knowles Avenue sidewalk to provide direct bike/pedestrian access to the convenience store. To enable the future connection of the riverwalk trail along the Willow River, the applicant shall place \$125,000 in escrow for that project.
30. Dynamic display signs shall require approval of a valid license per Section 46-172.
31. The site plan shall be revised to indicate that the exterior refuse/recycling enclosure has a solid gate.
32. All utility, grading, drainage, and erosion control issues are subject to review and approval of the Public Works Director.
33. The sewer main and manhole on the site shall be reconstructed to ensure constructability and future accessibility for excavation.
34. The watermain and service laterals shall be placed at a minimum 8' bury, which will require dewatering.
35. A 4" flushing hydrant shall be installed on the site to allow for cleaning the water service at an adequate scouring velocity.
36. The existing water services that will not be used for the development shall be abandoned at the corporation stop to avoid future leaks.
37. The sanitary sewer shall be insulated as needed, in accordance with WI Administrative Code SPS 382.30.
38. While the existing boundary of the floodplain is shown on the survey for the proposed development, both the existing and proposed boundaries should be shown and clearly labeled on the site plans.
39. The plans shall be modified to bring the car wash building and adjacent grading into compliance with City Ordinance 109-190(d).
40. The applicant shall comply with the requirements of City Ordinance 109-59(b), and secure a Land Use Permit prior to issuance of a building permit.
41. The applicant shall submit a copy of an approved Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) prior to issuance of a Land Use Permit.
42. The applicant shall submit a copy of an approved Letter of Map Revision (LOMR) prior to receiving a Certificate of Compliance.
43. The applicant shall comply with the requirements of City Ordinance 109-59(c), and secure a Certificate of Compliance prior to any buildings on the site being granted occupancy.
44. The applicant shall provide a plan, in accordance with Section 109-62, certified by a registered professional engineer or architect that the flood-proofing measures will protect the proposed underground tanks to the flood protection elevation.
45. The applicant shall be responsible to secure any permits that may be required by the United States Army Corps of Engineers (USACE), or any other state or federal regulatory agencies.
46. Approval of the application is contingent on approval of the construction and ongoing maintenance plans by DATCP.
47. The applicant shall develop and maintain a spill containment plan (with contact information), and have spill containment materials on hand at all times. A copy of the plan shall be filed with the City prior to issuance of occupancy.
48. The applicant shall coordinate with the DNR's wastewater program with regard to the state's general permit addressing discharge of petroleum contaminated water.
49. The applicant shall submit an as-built confirming the constructed embankment top elevation.

50. The applicant shall secure a DNR permit if the dewatering pumping rate exceeds 70 gallons per minute.
51. The plans shall be modified to show reinforced concrete pipe (RCP) within the street right-of-way.
52. The plans shall be modified to resolve the elevation conflict related to the pipe between Apron #13 and Outlet Structure #12.
53. The plans shall be modified to show the 2-year storm elevation on the detail for the wet detention basin liner.
54. The applicant shall consider the use of sediment forebays at inlets to ease maintenance efforts.
55. The applicant shall submit a long-term stormwater maintenance agreement that addresses the submerged outlets, catch basin snouts, inlets, pipes, and wet detention basin.
56. The use of trench drains around the car wash draining to the wet pond shall be confirmed with DPS code.
57. The length to width ratio of the stormwater pond flow path shall be maximized with a goal of 3:1 or greater to prevent short circuiting.
58. The applicant shall confirm that any storm up to the 10-yr, 24-hour design storm shall not flow backward through the principal outlet.
59. The applicant shall adjust the invert elevation of the submerged outlet as needed to maximize sediment removal efficiency.
60. The applicant shall submit a copy of their approved Wisconsin Pollution Discharge Elimination System (WPDES) Notice of Intent (NOI) permit prior to issuance of a building permit.
61. A development agreement shall be signed by both the applicant and the City to ensure that required public improvements are made and the City's financial interests are protected.

Considerable discussion followed. Several citizens expressed their concerns. Fred Horne declared the Public Hearing closed. Mike Kastens moved to approve the Conditional Use Permit for the gas station/convenience store and car wash with the 61 conditions listed, seconded by MaryKay Rice and carried.

Fred Horne declared the Public Hearing open to discuss the following.

- b) Application for Zoning map amendment rezoning property from Z3 District to Z7 District in accordance with the Comprehensive Plan, certified survey map, and site plan review for expansion of an existing office/warehouse building. Property is located at 1433 Cernohous Avenue and described as: SEC 10 T30N R18W PT SW NE & PT CSM 9-2430 LOT 1; BEING CSM 21-5248 LOT 16 (2.16 AC) & INC COMM SW COR SD LOT 16; TH N 89' W 106.00FT; TH N 00' W 304.56FT; TH E ALNG S LN LOT 12 CSM 21-5248 106.00FT TO NW COR SD LOT 16; TH S 304.56FT TO POB.

Noah Wiedenfeld explained that Oevering Properties would like to construct an addition to their existing building at 1433 Cernohous Avenue. Oevering Properties will need to purchase additional land to the west of their property to allow for the addition. The two properties will need to have one zoning designation. At this time, Oevering's property is zoning Z3 and the City-owned property is Z7.

The DRC recommends changing the zoning on this property to Z7.

- c) Petition for Annexation for the following properties:
 - 1) ANNEXATION DESCRIPTION - PARCEL 1 - SOUTH SIDE OF PAPERJACK - Located in the SE1/4 of the NE1/4 of Section 10, T30N, R18W, Town of Richmond,

St. Croix County, Wisconsin; being that parcel described in Document Number 674372 and Document Number 674776, described as follows: Beginning at the northeast corner of Lot 1 of Certified Survey Map recorded in Volume 9, Page 2430, Document Number 476885 at the St. Croix County Register of Deeds Office, said point being on the south line of the plat of New Richmond Business and Technical Park; thence westerly, along the south line of said plat, 182 feet; thence southerly 33 feet; thence easterly 182 feet to the east line of said Lot 1; thence northerly, along said east line, 33 feet to the point of beginning. Parcel contains approximately 0.14 Acres (6,006 Sq. Ft.). Above described parcel was excepted from Parcel 1 described in Ordinance #418.

- 2) West Side of HWY "65" – South of Paperjack Drive Located in the SE1/4 of the NE1/4 of Section 10, T30N, R18W, Town of Richmond, St. Croix County, Wisconsin; described as follows: Beginning at the E1/4 Corner of Section 10; thence North, along the east line of the NE1/4 of said section, 1319 feet more or less; thence West, 75 feet more or less to the west right-of-way of Highway "65" as described in Document Number 290618 at the St. Croix County Register of Deeds Office; thence South, along said west line, 446 feet more or less to a north line of Parcel Number 5 described in Document Number 916885; thence East, along said north line, 42 feet more or less to the east line of said parcel; thence South, along said east line, 202 feet more or less to a south line of said parcel ; thence West, along said south line, 42 feet more or less to previously described west right-of-way line; thence South, along said west line, 670 feet to the east - west 1/4 line of said section; thence East, along said east - west 1/4 line, 75 feet more or less to the point of beginning. Parcel contains approximately 2.08 Acres (90,573 Sq. Ft.).
- 3) East Side of HWY "65" – South of Richmond Way
Located in the NW1/4 of the SW1/4 of Section 11, T30N, R18W, Town of Richmond, St. Croix County, Wisconsin; described as follows: Beginning at the W1/4 Corner of Section 11; thence S00°01'31"E, along the west line of the SW1/4 of said section, 589.86 feet to the westerly extension of the south line of a Certified Survey Map recorded in Volume 15, Page 4129, Document Number 651735 at the St. Croix County Register of Deeds Office; thence S89°51'41"E, along said westerly extension, 40.00 feet; thence N00°01'31"W 589.86 feet to the east-west 1/4 line; thence S89°58'20"W, along said east-west 1/4 line 40.00 feet to the point of beginning. Parcel contains approximately 0.54 Acres (23,592 Sq. Ft.).

Noah Wiedenfeld explained the locations for the three right-of-way areas to be annexed. This was an oversight when the abutting properties were annexed to the City. The WI DOT has approved this annexation. The Development Review Committee also recommends approval of the annexations. Fred Horne declared the Public Hearing closed.

MaryKay Rice moved to approve the zoning map amendment for Oeovering Properties, seconded by Michelle Scanlan and carried.

MaryKay Rice moved to approve the petitions for annexation for road rights-of-way, seconded by Michelle Scanlan and carried.

Certified Survey Map for Kwik Trip

The Certified Survey Map is required to combine the five parcels into one. The Development Review Committee recommends approval of the CSM with the following conditions:

- 1) All existing internal easements shall be vacated.
- 2) All utility, grading, drainage and erosion control issues are subject to review and approval for the Public Works Director.

David Tyvoll moved to approve the Certified Survey Map with the two conditions listed, seconded by David Wilford and carried.

Communications and Miscellaneous

None

MaryKay Rice moved to adjourn the meeting, seconded by David Wilford and carried.

Meeting adjourned at 5:55 p.m.

Tanya Batchelor
City Clerk