

## **City of Dayton Economic Development Authority (EDA)**

March 19, 2024- 7:30 a.m.

### **Agenda**

1. Call to Order
2. Approve Agenda
3. Consent Agenda
  - a. Approval of Minutes – January 16, 2024 EDA Meeting
4. Open Forum – Time is limited to 3 minutes. No EDA Board Action will be taken, however direction can be given to staff for future meetings.
5. Approval of Goals for 2024
6. Approval for Posting of RFP for Real Estate Broker
7. Approval for Posting of RFP for Legal Services
8. Discussion on AI Camera System for Police Operations
9. Recommendation for City Council of Current Applications
  - a. Preliminary Plat of Ziegler Dayton Addition
  - b. Conditional Use Permit for Driven Auto Sales
  - c. Preliminary Plat and Site Plan for Riverview Villas
  - d. Concept Plan for Kwik Trip
10. Staff and Board Updates
11. Adjourn

*The mission of the EDA is to promote economic growth in the City of Dayton through the attraction of new business, retention of existing business and promotion of managed growth and redevelopment of key areas by providing resources that enable development and enhance the quality of life in Dayton.*

## **MINUTES OF THE JANUARY 16, 2024, ECONOMIC DEVELOPMENT AUTHORITY MEETING**

Chair Huttner called the January 16, 2024, EDA to order at 7:30 a.m.

### **Roll Call**

Present: EDA Chair Huttner, Bernens, Berge, Fashant, Luther, Salonek

Absent: Peralta

Also, in attendance: Zach Doud, City Administrator/Finance Director; Jon Sevald, Community Development Director

### **Approval of the Agenda**

Doud requested that an item be added to the agenda to be called 7.5 Discussion about Legal Counsel.

Huttner requested that an item be added to the agenda to be called 8.5 Discussion about Retention of Commercial and Residential Licensed Broker.

Motion to approve the revised agenda by Fashant seconded by Salonek all ayes. Motion passed unanimously.

### **Approval of EDA Minutes from November 21, 2023**

Motion to approve the minutes by Fashant seconded by Bernens all ayes; Motion passed unanimously.

### **Open Forum**

There was no one present for Open Forum.

## **AGENDA ITEMS**

### **Review EDA Bylaws – Updates As Needed Per Discussion**

Doud stated that City Council is requiring an Attendance Policy that mandates after a Commissioner misses three meetings in a year, that Commissioner will be removed. This must be approved by changing the EDA Bylaws.

Huttner asked if there has been a problem with attendance. The answer is yes. Additional discussion ensued.

It was pointed out that there is already an Attendance Policy within the Bylaws of the EDA. The current policy states, “unless excused by the president.” This will be changed to state, “will be recommended to Council to be removed.” The term “calendar year” will also be used.

Fashant stated that on page five, at the bottom, under staff, there needs to be an update to reflect the current staff titles and responsibilities.

Fashant stated that on page two, number one under officers, there are a lot of positions listed, and it is unclear who some of these people are. Should we name these positions, or take them out? Additional discussion ensued as to whether to name positions, and if

so, there should be an election for President/Chair because the Bylaws state that the position is to be elected annually.

Huttner requested that all the positions be elected and named at this point during the meeting. The positions that need to be filled are: 1) President; 2) Vice President; and 3) Treasurer. Doud read from the Bylaws that indicated there should also be a Secretary and an Assistant Treasurer. There was consensus to remove the two additional positions and retain the three that are necessary.

Motion by Luther and seconded by Salonek to retain Huttner as President of the EDA. Motion passed unanimously.

Motion by Huttner and seconded by Bernens to elect Luther as Vice President of the EDA. Motion passed unanimously.

Motion by Salonek and seconded by Huttner to elect Bernens as Treasurer of the EDA. Motion passed unanimously.

Fashant suggested to remove Benting from the Bylaws since she does not attend. Doud concurred.

Huttner suggested that a raise be given to the Commissioners. Additional discussion ensued. The current rate is \$25 per meeting attended.

Fashant stated that he noticed the EDA is supposed to be producing a budget by August 1<sup>st</sup> of every year. Additional conversation ensued.

Motion by Fashant and seconded by Luther to make the above-referenced changes to the EDA Bylaws. Motion passed unanimously.

### **Railroad Spur - Discussion**

Huttner stated that this is a railroad track that comes into the City for the purpose of transferring goods. Huttner is very much in favor of moving forward with this project. Fashant stated that it is worth exploring. Salonek stated that it is worth having the information about it. Sevald stated that Dayton can indeed have a railroad spur, the question is, who pays for it? There are three options, 1) The Developer; 2) The EDA; or 3) The City.

Additional conversation ensued.

There was consensus for Sevald to continue researching a potential railroad spur. Fashant suggested that Sevald reach out to potential users of said railroad spur.

### **Review Applications/Process for EDA**

Doud stated that there are currently zero applicants for the EDA. The application window closed about a week and a half ago. As of December 31, 2023, Commissioner Berge position is officially open with no apparent interest to fill it. The current Bylaws state that the EDA consists of at least five members and not more than seven members. Having six members could potentially cause an issue with voting in the future.

Motion by Fashant and seconded by Bernens to keep the posting active. Motion passed unanimously.

### **Legal Counsel Discussion**

Huttner stated that the City should not be relying on general counsel to do specialty legal work for the City. Huttner stated that the EDA has the right to employ a specialty lawyer when the need arises.

Doud stated that the EDA would have to have a budget, and currently there is no budget for the EDA.

Additional conversation ensued.

Motion by Salonek and seconded by Luther to send out for an RFP for legal counsel on a per diem process for the EDA of Dayton. Motion passed unanimously.

### **Staff Update**

#### **a. Industrial, Commercial, and Residential Updates**

Doud stated that he is not aware of any that have not already been updated to the EDA.

#### **b. 113<sup>th</sup> Concept Plan**

Doud stated that the 113<sup>th</sup> Concept Plan has come through the Planning Commission. The Parkway Neighborhood is currently tabled, but it will be moving forward.

#### **c. Re-Development of the Spanier Property**

Doud stated that Tom Spanier owns this property and is looking to develop the east lot into a more useful property. An access road must be developed. This is an industrial property (I-1).

### **Retention of Residential and Commercial License Broker**

Huttner stated that Hennepin County always uses a broker when they purchase or sell a property and asked whether Dayton do the same.

Motion by Luther and seconded by Fashant to send out an RFP to hire a licensed broker for the purchase and sale of EDA property. Motion passed unanimously.

### **LPR Cameras**

Huttner stated that he spoke to someone about License Plate Reader (LPR) cameras, and believes this falls under the EDA in their capacity to keep the citizens of Dayton safe. The system is expensive. Huttner stated that the City could get a better rate than the individual business owners of Dayton.

Doud stated that because this item is not an agenda item, there can only be discussion with no motions and no actions.



Huttner stated that it would be \$3,500 per year per camera for his personal business. Salonek suggested that Chief Enga look into it.

**ADJOURN**

Motion by Fashant and seconded by Bernens to adjourn at 8:55 a.m. Motion passed unanimously.

Respectfully submitted,  
Zach Doud, City Administrator/Finance Director

### EDA Mission:

The mission of the EDA is to promote economic growth in the City of Dayton through the attraction of new business, retention of existing business and promotion of managed growth and redevelopment of key areas by providing resources that enable development and enhance the quality of life in Dayton.

### EDA Goals

- 1) Support existing business expansion and attract new businesses through the use of the revolving loan fund.
- 2) EDA Members will organize Business Outreach Visits
- 3) Prioritize support for redevelopment areas including Balsam Lane; Historic Village, Dayton Parkway Interchange and Co. Rd. 81 corridor
  - a. Work with property owners to encourage site improvements;
  - b. Actively identify and engage with property owners (willing sellers) the purchase of property at key locations for redevelopment purposes;
  - c. Create redevelopment plans necessary to pursue grants;
  - d. Utilize regional trail corridors as opportunities for economic development
- 4) Support local Dayton events that promote its economic development efforts
- 5) Encourage the City Council to review Zoning standards that supports redevelopment and new development in priority areas.
  - a. Engage with existing businesses and identify zoning codes or other issues that restrict business expansion.

This list is food for thought and is not a suggestion or recommendation by City Staff. These are merely ideas for thought and if there are any changes, these are meant for the EDA to decide, not City Staff.

# City of Dayton, MN

## ECONOMIC DEVELOPMENT STRATEGIC PLAN

APPROVED: July 19, 2022



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Prepared by:

Ehlers  
3060 Centre Pointe Drive  
Roseville, Minnesota 55113

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## ACKNOWLEDGMENTS

The Economic Development Authority of the City of Dayton (EDA) developed this document to ensure a pragmatic approach to growth and economic development throughout the City of Dayton. The EDA is comprised of seven commissioners – two commissioners are City Council members, and five commissioners represent local businesses.

### Economic Development Authority Board of Commissioners:

- Scott Salonek, City Council Member
- Julie Gustafson, City Council Member
- Jack Bernes, Business Representative
- Tim Huttner, Business Representative
- Jim Berge, Business Representative
- Vacant, Business Representative
- Vacant, Business Representative

### Staff Liaisons:

- Zach Doud, Interim City Administrator/Finance Director
- Tina Goodroad, Former City Administrator

### Consultant:

- Jason Aarsvold, Ehlers and Associates
- Keith Dahl, Ehlers and Associates

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# Introduction

## OVERVIEW

The City of Dayton, Minnesota is a growing community located in the northwest corner of the Minneapolis-St. Paul Statistical Area. It is located at the confluence of the Mississippi River and Crow River and remains largely rural compared to adjoining communities. The United States Census Bureau estimates the City had a population of 8,226 in 2021. This is an increase of about 76% from the 2010 census or a 13% increase from the 2020 census.

The City is seeing strong demand for both residential and business growth given its available land and location within the Twin Cities Metropolitan Area. The EDA is intently aware of its assets, competitive position, and growth potential after the completion of the Dayton Parkway Interchange on Interstate 94. Dayton intends to capitalize on its opportunities and help shape growth over the next several years in a manner consistent with community values. To accomplish this, the EDA undertook an in-depth and intentional strategic planning process for economic development.

This Economic Development Strategic Plan sets forth an achievable, strategic economic development plan for the EDA and City of Dayton. The Strategic Plan identifies specific goals, strategies and actions which build upon unique strengths and distinct characteristics of the City. Each of the goals focus on one or more priorities of the EDA which factor into the economic health and enhanced vitality of the City. The Strategic Plan's purpose is to articulate a set of measurable strategic actions that facilitate development within the City and provide guidance to staff on where to spend their time and City resources.

The Strategic Plan is not meant to be an exhaustive outline, but rather is intended to be a roadmap for guidance and direction. In addition, the plan is meant to be fluid in that it should be reviewed regularly to determine if there is a change in priorities or if resources need to be shifted. A key aspect of this Strategic Plan is to assure the mechanisms are in place to recognize success, big or small, in development and to continuously realign the resources and policies of the City to meet the goals of the EDA.

## PROCESS

The EDA initiated the strategic planning process at its meeting on April 19, 2022 with a review of the City's current status. Data was gathered, analyzed, and distilled to conduct a "level setting" planning session with the EDA. Discussions focused on understanding City perspectives, perceptions, and realities, identifying EDA priorities, reviewing roles and responsibilities, and assessing the course of direction for the future. The major themes discussed are presented below as Strengths, Weaknesses, Opportunities, and Threats (SWOT).

### Strengths:

- Availability of land
- Proximity to commercial, healthcare, and other services in adjacent communities
- Convenient freeway access with addition of the Dayton Parkway Interchange at I-94
- Geographic location along the Mississippi River and Crow River
- Lots of parks and trails
- Diversity of new and younger families
- Strong local housing market

### Weaknesses:

- Cost to construct new public infrastructure
- Maintenance costs of existing public infrastructure
- Lack of convenient access/connections to parks and trails
- High residential tax burden
- Distance to a national or regional airport
- Service and consumer based commercial
- No apparent City Center

**Opportunities:**

- Preserve and reinvest into the Historic Village
- Expand access to and increase use of outdoor recreational areas
- Collaborate with regional partners to promote Dayton
- Increase marketing efforts to build awareness of development opportunities
- Attract capital intensive industries (i.e. Research and Development)
- Develop a City Center Master Plan

**Threats:**

- Loss of agricultural land – rural decline
- Staffing levels to adequately provide public services
- Making development decisions to pay debt service
- Financial strain of high tax burdens
- Onerous public approval processes

Following the April 14, 2022 meeting, staff took the EDA commissioner’s feedback and began to formulate draft goals for consideration. At its meeting on May 17, the EDA reviewed and revised proposed strategies and came to consensus on the final goals for inclusion in the Plan.

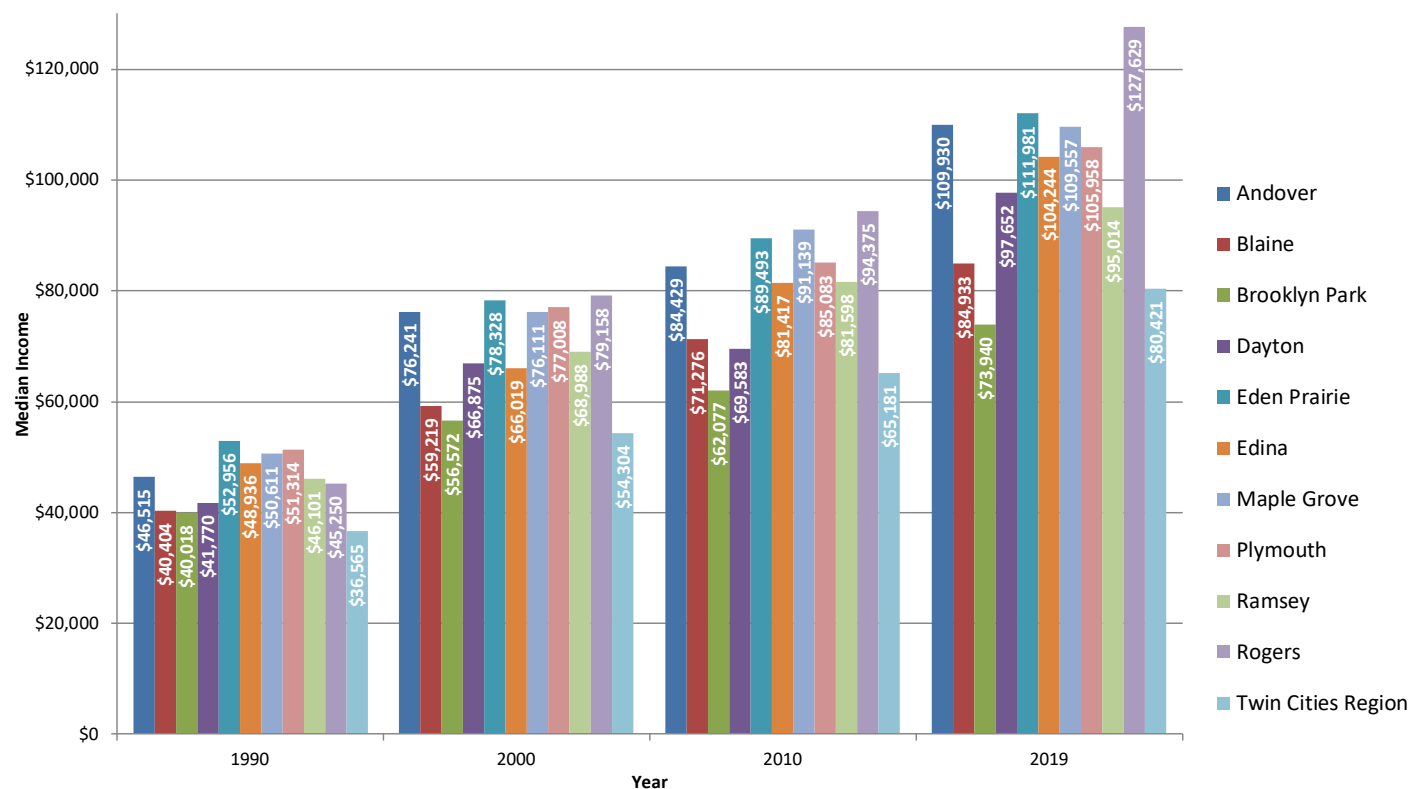
On June 21, 2022 EDA commissioners considered strategies, and action steps for inclusion in the Plan to direct the City’s economic development efforts over the next several years.



## Context

EDA Commissioners spent time reviewing data about the City of Dayton to help inform the strategic planning process. The following is information and key “take-aways” provided through the planning process to review these in the context of the metro area, peer cities, and the State.

## INCOME



Dayton's median household income increased from \$41,770 in 1990 to \$97,652 in 2019 (134%)

Median household income in the Twin Cities increased from \$36,565 in 1990 to \$80,421 in 2019 (120%)

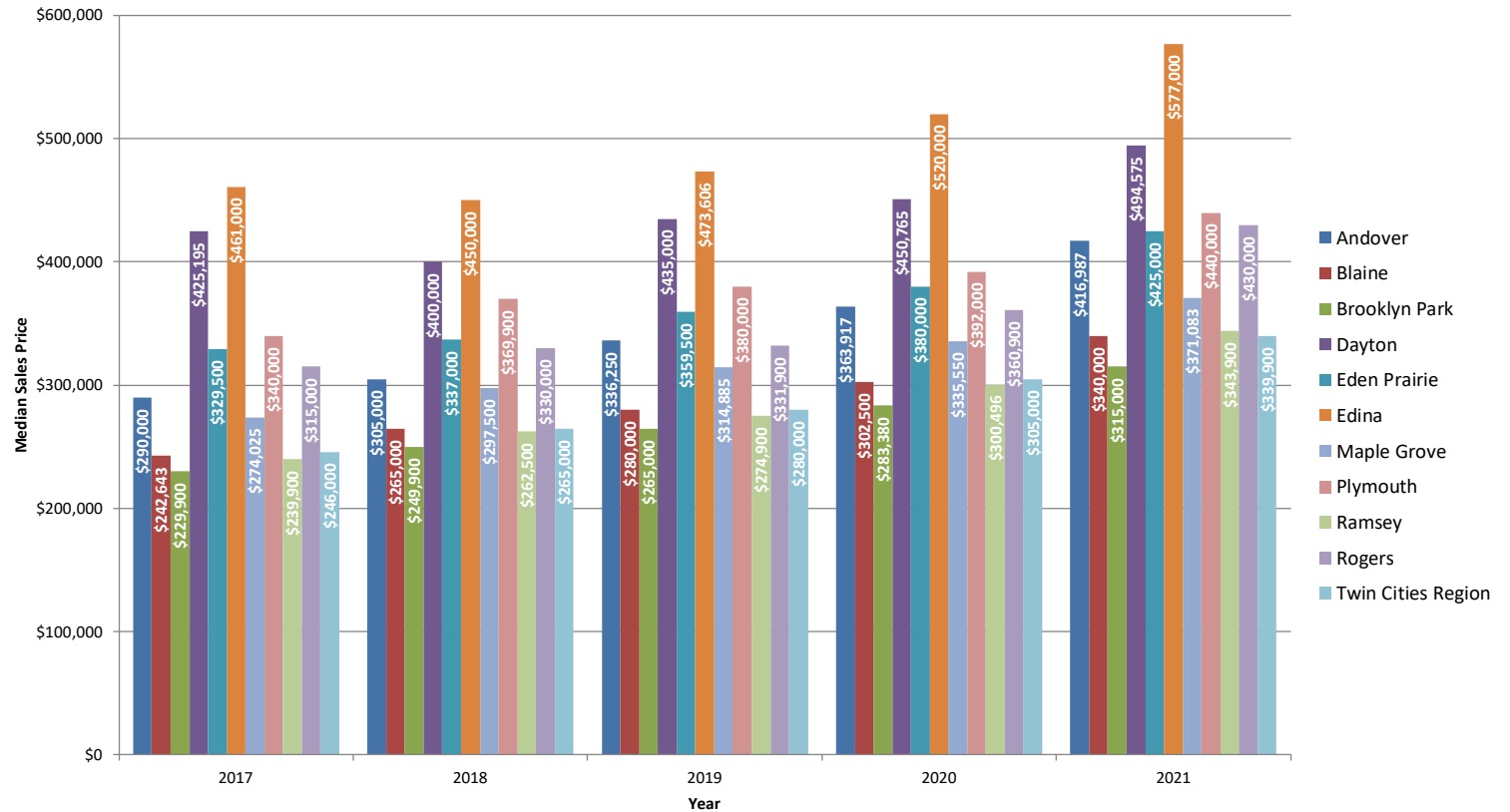
Dayton's median income is growing faster than the Twin Cities region

## HOUSING SALES

Dayton's median home sale price was \$425,195 in 2017 and increased to \$494,575 in 2021, which is a 16% increase

The median home sale price in the Twin Cities region was \$246,000 in 2017 and increased to \$339,900 in 2021, which is a 38% increase

Dayton's median home sales price is among the highest of the peer cities reviewed



## TAX BASE

Growing the tax base is one of the central goals of any economic development effort. Tracking the growth in Dayton's tax base will be one important way to measure success. Comparing that growth to the state as a whole, as well as other peer communities will help the City understand if the tax base growth is simply inflationary, or if the City's growth is increasing relative to its peers. A strong economic development strategy is one factor that can contribute to tax base growing faster than peer communities. The table below compares Dayton's market value and tax capacity, which are measures of the City's tax base, to the state of Minnesota between 2015 and 2021. While City level data is available for 2023, aggregated State level data is not. Thus, the tables below use 2021 data since it is the latest aggregated data available at the State level.

	Year		Change 2015 - 2021	
	2015	2021	Amount	Pct.
<b>Estimated Market Value</b>				
Dayton	\$509,036,227	\$1,100,677,500	\$591,641,273	116.23%
Minnesota	\$626,900,095,947	\$804,978,906,709	\$178,078,810,762	28.41%
<b>Tax Capacity</b>				
Dayton	\$5,252,308	\$11,629,398	\$6,377,090	121.42%
Minnesota	\$6,502,590,274	\$8,716,666,897	\$2,214,076,623	34.05%

Source: Minnesota Department of Revenue

As the table shows, Dayton's tax base has grown well over 116% since 2015, as compared to the state which has grown over 28%. In addition to comparing Dayton's growth to the state as a whole, it is also beneficial to see how the City is doing relative to its peer cities. The table below compares the growth in market value between 2015 and 2021 amongst Dayton and select peer communities. This comparison is a helpful way to understand whether the City's market value growth reflects the general inflation within the region, or if there may be other factors contributing, such as an intentional economic development effort.

City	2020 Population	Estimated Market Value		Change 2015 - 2021		Market Value Per Capita
		2015	2021	Amount	Pct.	
Andover	32,601	\$2,610,013,669	\$3,685,468,000	\$1,075,454,331	41.20%	\$113,047.70
Blaine	70,222	\$5,339,903,262	\$8,195,586,700	\$2,855,683,438	53.48%	\$116,709.67
Brooklyn Park	86,478	\$5,485,607,651	\$8,458,083,900	\$2,972,476,249	54.19%	\$97,806.19
<b>Dayton</b>	<b>7,212</b>	<b>\$509,036,227</b>	<b>\$1,100,677,500</b>	<b>\$591,641,273</b>	<b>116.23%</b>	<b>\$152,617.51</b>
Eden Prairie	64,198	\$9,096,573,076	\$11,447,364,200	\$2,350,791,124	25.84%	\$178,313.41
Edina	53,494	\$9,893,204,412	\$13,465,932,900	\$3,572,728,488	36.11%	\$251,727.91
Maple Grove	70,253	\$7,741,298,726	\$10,770,851,200	\$3,029,552,474	39.13%	\$153,315.18
Plymouth	81,026	\$9,669,972,231	\$13,897,052,002	\$4,227,079,771	43.71%	\$171,513.49
Ramsey	27,646	\$2,026,693,935	\$3,043,174,200	\$1,016,480,265	50.15%	\$110,076.47
Rogers	13,295	\$1,582,611,852	\$2,348,313,600	\$765,701,748	48.38%	\$176,631.34
Minnesota	5,576,606	\$626,900,095,947	\$804,978,906,709	\$178,078,810,762	28.41%	\$144,349.25

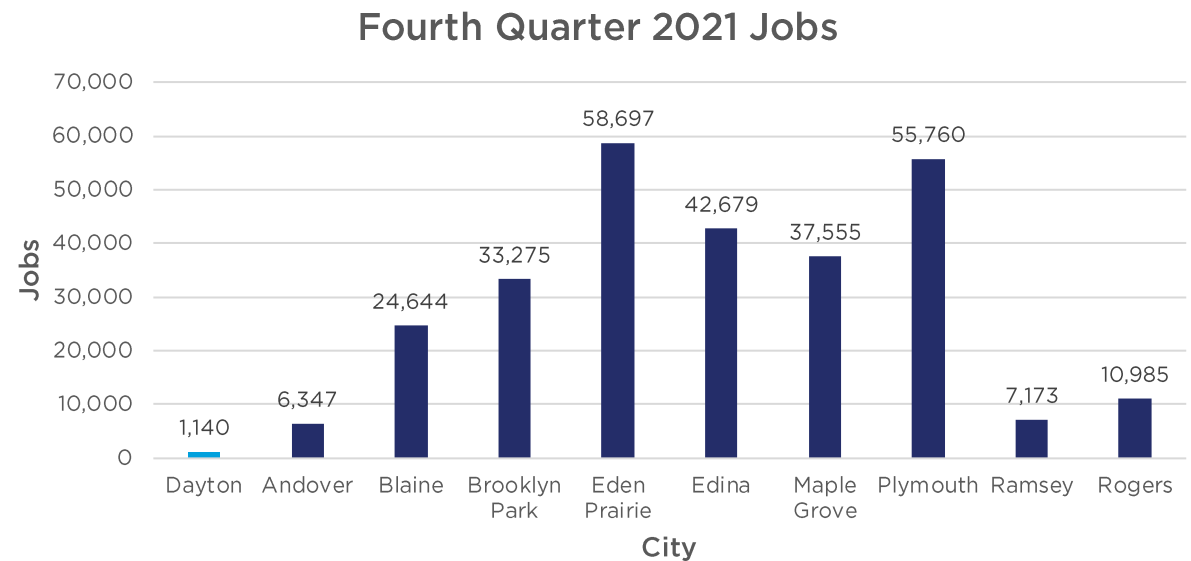
Source: US Census; Minnesota Department of Revenue

Dayton's market value is growing faster than the peer cities reviewed. The fact that Dayton is a growth community with available land, is contributing to this. Total market value is lower than the peer cities, but this presents an economic development opportunity for the City's future. On a per capita basis, Dayton ranks in about the middle for market value among the peer cities reviewed.

## EMPLOYMENT

Existence of job opportunities within a community is one indicator of economic strength. Jobs provide opportunities for residents, but they also bring significant economic activity that helps support additional growth in the commercial sector. The table below compares the number of jobs in Dayton to peer cities.

According to the Minnesota Department of Employment and Economic Development's Quarterly census of employment and wages, Dayton had 1,140 jobs in the community as of 4th quarter 2021. This is very low relative to the number of jobs in the peer cities reviewed. Recent development activity as well as a renewed focus on job growth through economic development efforts are expected to narrow this gap in jobs between peer cities.



## Resources

Successful implementation of Dayton's Economic Development Strategic Plan will require attention to the balance between priorities and available resources. The amount of work in this plan the City can take on and the timeframe within which it can be accomplished will be a function of available resources. These resources include both money and staff time. There will always be more activities on the economic development wish list than available resources to give them all the appropriate attention.

The City's staff and other financial resources are finite, and it is difficult to create a large enough "war chest" in the short-term to address all the City's needs. The City has relied in the past on the use of some public resources and tools that exist to accomplish its goals and will need to in the future as well.

The primary limiting resource for the City is internal staff capacity necessary to fully execute long-term plans. Done correctly, adding staffing capacity is an investment with a return to the City, not solely an expense. The intent of creating a thoughtful plan is to make sure these limited resources are deployed in a way that meets the City's objectives.



For this reason, prioritizing the City's economic development activities is critical. This exercise in prioritization must be done in the context of the resources available to get the job done. Finding the proper balance will help ensure the City's investment in economic development is achieving the goals most important to the community. If priorities and resources are out of balance, the City will either have trouble accomplishing its goals, or will be investing more than may be necessary. The City will need to continually evaluate its economic development program and funding levels to stay in balance.

This plan contemplates time horizons for accomplishing each goal based on a schedule that uses short term, mid-term, and long-term increments. These time horizons are based on each goal's complexity and necessary level of involvement and resources. The exact date by which each goal will be accomplished is a function of the priority they are given and the City's available staff capacity and resources.

We recommend establishing an annual work plan to address these goals that can prioritize which items are most important and then match the resources necessary to carry out that plan. This plan should be revisited annually, and priorities and resources should be adjusted accordingly.

# Economic Development Strategy

## GOAL 1: STRENGTHEN THE LOCAL TAX BASE

STRATEGY	ACTIONS	TIMELINE
1.A. Encourage tax base growth and diversification	Meet with economic development partners, such as the local Chamber of Commerce, Hennepin County, Greater MSP, and DEED to inform them of sites, buildings, and EDA economic development initiatives	On going
	Meet with site selectors to understand their needs and ensure Dayton is producing relevant information to provide during site selection processes	On going
	Assemble a list of “available sites” for residential, commercial, and industrial development. Include site specific information about zoning classification, square footage, access to amenities, transportation access, access to utilities, and other pertinent information	Short-Term
	Continually update the list of available sites as sites are developed and new sites become available	On going
	Send a delegation to a Site Selector conference	Long-Term
1.B. Attract capital and job intensive industries	Conduct a sector industry analysis to determine target industries	Short-Term
	Develop target industry profiles that summarize Dayton’s competitive positioning and highlights the benefits of doing business in the city	Mid-Term
	Distribute marketing materials to local and regional partners, including making them available on the City’s website	Mid-Term



1.C. Encourage commercial and industrial property reinvestment and revitalization	Implement a consistent Business Retention and Expansion program to assess existing businesses needs and growth	Long-Term
	Create business assistance grant and/or loan programs that incentivize reinvestment of existing commercial and industrial buildings	Long-Term
1.D. Evaluate financial and staffing resources necessary to accomplish goal		Short-Term

## DATA COLLECTION POINTS

1. Measure increased market value and tax base growth
2. Track number of businesses relocating and expanding
3. Track number of site visits to assess businesses needs
4. Identify three or more target industries and produce target industry profiles for each
5. Track google analytics

## GOAL 2: ENCOURAGE PUBLIC/PRIVATE PARTNERSHIPS TO CONSTRUCT PUBLIC INFRASTRUCTURE TO SUPPORT QUALITY DEVELOPMENT

STRATEGY	ACTIONS	TIMELINE
2.A. Evaluate new development impacts on underserved or unserved areas	Review property land use guidance for undeveloped industrial and commercial areas within the City to assess future public infrastructure needs	On going
2.B. Coordinate construction of public infrastructure in concurrence with new development	Adopt a development-fee program and other appropriate financing measures, so that new development pays its share of the costs when new public infrastructure is required	Short-Term
	Seek grant funding for public infrastructure needs (i.e., TED and TEDI grant programs through DEED) that position areas for development and have the potential to reduce development costs	On going
2.C. Limit areas of new development to be concentrated around existing public infrastructure to not prematurely expand service delivery areas		On going

### DATA COLLECTION POINTS

1. Track the development ratio of public to private funds invested
2. Track total amount of grant funds secured and received
3. Measure length of public infrastructure paid for by the private sector

### GOAL 3: FOSTER EMPLOYMENT GROWTH WITH STRONG WAGE OPPORTUNITIES THROUGH ATTRACTION OF NEW BUSINESSES AND EXPANSION OF EXISTING BUSINESSES

STRATEGY	ACTIONS	TIMELINE
3.A. Direct any potential City assistance for higher job density and pay	Update the City's Business Subsidy Policy to ensure applicants are aware of required goals to receive public assistance	Short-Term
3.B. Expand marketing efforts to build awareness of opportunity in Dayton	Create an economic development portion of the City's current website to have economic development information accessible and in a centralized location	Short-Term
	Create a community profile that summarizes Dayton's competitive positioning and highlights the benefits of doing business in the City	Mid-Term
	Publish a list of available incentives the EDA would be willing to consider and/or support if the incentive is through the County, State or Federal government	Mid-Term
3.C. Promote development of existing vacant and underutilized properties	Create business assistance grant and/or loan programs that incentivize reinvestment of existing commercial and industrial buildings	Long-Term

3.D. Evaluate potential commercial and industrial development sites	Assemble a list of “available sites” for residential, commercial, and industrial development. Include site specific information about zoning classification, square footage, access to amenities, transportation access, access to utilities, and other pertinent information	Short-Term
	Continually, update the list of available sites as sites are developed and new sites become available	On going
	Pursue data collection processes that would be useful in determining if an existing business is out growing its space	On going
3.E. Collaborate with local and regional partners to promote Dayton	Meet with economic development partners, such as the local Chamber of Commerce, Hennepin County, Greater MSP, and DEED to inform them of sites, buildings, and city economic development initiatives	On going
	Create a process to push out information to real estate brokers when a site and/or building is ready for development and the owner is willing to sell	Mid-Term
	Communicate local businesses needs identified from BRE to local and regional partners to determine if there is a solution that can be implemented	On going
3.F. Evaluate financial and staffing resources necessary to accomplish goal		Short-Term

## DATA COLLECTION POINTS

1. Measure number of jobs created and retained
2. Track average wage levels overtime
3. Track number of businesses relocating and expanding
4. Measure net increase in commercial and industrial square footage
5. Produce a community profile brochure
6. Track number of available sites
7. Track number of website visits and clicks on Dayton's Economic Development subpage

## GOAL 4: ENSURE CITY PROCESSES ARE BUSINESS FRIENDLY AND DO NOT CREATE BARRIERS TO DEVELOPMENT

STRATEGY	ACTIONS	TIMELINE
4.A. Conduct an internal audit of existing processes and timelines	Review existing entitlement processes	Short-Term
	Determine if there are any opportunities to streamline approval processes and reduce approval timeframes	On going
4.B. Collaborate with internal and external stakeholders	Hold focus group discussions to obtain feedback	Mid-Term
	Discuss approval processes with recently established businesses	On going

### DATA COLLECTION POINTS

1. Review and track approval timelines for developments
2. Conduct two focus groups discussions – one for internal stakeholders and one for external stakeholders

## GOAL 5: PROMOTE THE GROWTH OF A “CITY CENTER” LOCATED IN TERRITORIAL ROAD AND HOLLY LANE AREA

STRATEGY	ACTIONS	TIMELINE
5.A. Facilitate development of the “City Center”	Engage property owners to discuss and identify development opportunities	On going
	Review property located in the City Center to determine if there may be any barriers to development (i.e., financial, market based, etc.)	Mid-Term
	Identify opportunities to remove barriers to development	On going
	Create a list of incentives	Mid-Term
5.B. Consider establishing a small area master plan		Long-Term
5.C. Engage developers to determine opportunities for implementation		Long-Term

### DATA COLLECTION POINTS

1. Track and report on efforts made to increase marketing efforts around the City Center
2. Complete a small area master plan
3. Track and monitor properties as they become available

## GOAL 6: EXPLORE PRESERVATION, REINVESTMENT, AND REDEVELOPMENT POSSIBILITIES WITHIN THE HISTORIC VILLAGE

STRATEGY	ACTIONS	TIMELINE
6.A. Conduct high level redevelopment feasibility analysis	Engage property owners to discuss and identify opportunities for preservation, reinvestment, and/or redevelopment	On going
	Identify financial or market gaps that are barriers to opportunities	Mid-Term
	Identify significant historic buildings and sites that qualify to be certified as historic on the National Register of Historic Places	Long-Term
6.B. Collaborate with the local Chamber of Commerce to attract businesses	Share redevelopment feasibility analysis with Chamber members and engage in open dialogue about the future of the Historic Village	On going
6.C. Consider establishing a small area master plan		Long-Term

### DATA COLLECTION POINTS

1. Track and report on efforts made to communicate with property owners and increase marketing efforts related to the Historic Village
2. Complete a redevelopment feasibility analysis



## GOAL 7: PROVIDE GREATER CLARITY AROUND WHEN AND HOW TO USE CITY ASSISTANCE FOR PROJECTS

STRATEGY	ACTIONS	TIMELINE
7.A.	Update and expand upon existing business subsidy policy	Short-Term
7.B.	Prepare an application for public assistance	Short-Term
7.C.	Formalize a process for consideration of requests for public assistance	Short-Term

### DATA COLLECTION POINTS

1. Update business subsidy policy
2. Create an application requesting public financial assistance
3. Develop a list of available incentives and publish on the economic development subpage of the City's website

## GOAL 8: STRENGTHEN QUALITY OF LIFE WITHIN DAYTON THROUGH ENHANCEMENT OF RECREATIONAL OPPORTUNITIES

STRATEGY	ACTIONS	TIMELINE
8.A. Increase access to parks, trails, and outdoor opportunities	Identify opportunities and projects that highlight family-friendly activities, activities for young professional, and ethnic group-related activities to promote a healthy and active lifestyle within Dayton	On going
	Seek local partners (Chamber of Commerce, businesses, adjacent communicates, Hennepin County, non-profit organizations) to help secure private funding	On going
	Promote areas to access local lakes and adjacent rivers	Mid-Term
	Encourage City Council to increase access and connectivity to lakes and adjacent rivers, as well as constructing the West Mississippi Regional Trail and city-wide trail development	On going
8.B. Prepare a “Quality of Life” brochure to promote lifestyle opportunities and benefits for businesses and workers to relocate to Dayton		Mid-Term

### DATA COLLECTION POINTS

1. Monitor and track use of public recreational facilities and trails
2. Track park dedication funds and other private funds received from businesses attraction and retention efforts
3. Design and publish a quality-of-life brochure on the economic development subpage of the City’s website

## GOAL 9: USE ECONOMIC DEVELOPMENT RESOURCES TO PROMOTE A FULL RANGE OF HOUSING CHOICES WITHIN DAYTON.

STRATEGY	ACTIONS	TIMELINE
9.A. Promote Housing choice	Identify financial or market gaps that are barriers to opportunities	Mid-Term
	Create a list of incentives available through the city	Mid-Term
9.B. Update and expand upon existing business subsidy policy to include conditions for use of public financing to promote housing choice		Short-Term

### DATA COLLECTION POINTS

1. Complete inventory of existing housing choices
2. Update business subsidy policy

**City of Dayton EDA**

12260 South Diamond Lake Road

Dayton, MN 55327

P 763.427.4589

[www.cityofdaytonmn.com](http://www.cityofdaytonmn.com)

**Request for Proposals**

**Real Estate Broker Services**

**City of Dayton EDA**

**12260 S. Diamond Lake Road**

**Dayton, MN 55327**

**[www.cityofdaytonmn.com](http://www.cityofdaytonmn.com)**

**Effective**

**June 1, 2024, to December 31, 2025**

## Real Estate Broker Services

The City of Dayton EDA is requesting proposals for the EDA's Real Estate Broker services. Any questions regarding the proposal should be directed to Zach Doud at (763) 323-4010 or [zdoud@cityofdaytonmn.com](mailto:zdoud@cityofdaytonmn.com)

Request for Proposals must be submitted to Dayton City Hall ATTN: EDA, 12260 South Diamond Lake Road, Dayton, MN 55327, no later than 11:00 a.m., April 30, 2024.

### INTRODUCTION

The City of Dayton Economic Development Authority (EDA), invites proposals from qualified, licensed, and certified real-estate brokers interested in forming a collaborative partnership. This partnership will focus on providing comprehensive real-estate brokerage services that support the EDA and its objective in promoting economic development through various property initiatives within Dayton. This RFP outlines the partnership goals, submission requirements, and selection criteria for a real-estate broker to collaborate with both the City of Dayton EDA.

The EDA encourages Proposers to submit their best proposal possible. The requirements within this RFP may be altered by Proposers if proposals explicitly describe the change, rationale, and price implications. The services shall begin on or as close to June 1, 2024, as possible, and terminate at the will of the EDA on or by December 31, 2025.

The RFP does not obligate the EDA to accept a proposal. The EDA reserves the right to cancel this solicitation if it is in the EDA's best interest. The EDA reserves the right to reject any or all proposals or parts of proposals, or to accept part or all the proposals based on consideration other than the lowest cost.

#### A. PARTNERSHIP OBJECTIVES

1. Provide Expert Representation and Advisory
  - Act as a partner in real estate matters, offering expertise on acquisition, disposal, and leasing of property tailored to economic development goals.
2. Support Economic Development Initiatives
  - Engage in projects and initiatives led by the EDA, leveraging real-estate opportunities to foster community growth and investment.
3. Engage in Strategic Meetings
  - Participate in scheduled meetings every 3rd Tuesday of the month to discuss progress, share updates, and strategize on future real-estate endeavors.
4. Perform Comprehensive Property Analysis
  - Offer detailed analyses, including valuation, zoning compliance, market trends, and feasibility studies, to guide strategic decisions.
5. Facilitate Efficient Transactions
  - Oversee real-estate transactions, ensuring they are executed effectively, ethically, and in compliance with all regulations.

B. SUBMISSION REQUIREMENTS

1. Firm Overview
  - A summary of the brokerage firm's history, emphasizing collaboration with municipalities and EDAs, and detailing experience in economic development projects.
2. Team Credentials
  - Information on team members who will directly collaborate with the EDA, including their experience in public-private partnerships.
3. Collaboration Strategy
  - A description of the proposed approach for working alongside the EDA, detailing methodologies for service delivery and stakeholder engagement.
4. References
  - A minimum of three references from similar collaborations, highlighting the firm's ability to work as a strategic partner in economic development contexts.

C. PAYMENTS AND BILLING FOR SERVICES

1. Broker Invoicing
  - Payment shall be based on a commission model for real-estate transactions, with proposals required to detail the firm's commission rates and any additional fees.
2. EDA Payments
  - The EDA will process payment at the following EDA meeting that occurs following the real-estate transaction finalizing.

D. INDEMNIFICATION. The Broker shall defend and indemnify the EDA, its officers, agents, representatives and/or employees against all claims, damages, losses, costs, or expenses, including reasonable attorney fees, which may be asserted against the EDA or for which it may be held liable, to the extent resulting from the negligence or willful misconduct of the Contractor, its employees, agents, representatives, or subcontractors, in the performance of the Contract.

E. TERMINATION. The EDA shall have the right to terminate any Contract in the event of breach thereof by the Broker, and continuing breach shall not be deemed to be waived because it was not followed by prompt termination.

F. NON-DISCRIMINATORY PRACTICES. The provisions of Minn. Stat. Section 181.59 which relates to civil rights and discrimination shall be a part of this Contract as fully set forth herein.

G. SUCCESSORS & ASSIGNS. The Contractor binds itself jointly and severally, his successors, executors, administrators, and assigns to the EDA in respect to all covenants of a Contract, except that the Broker shall not assign or transfer any part of its interest in a Contract, or sublet as a whole, nor shall the Broker assign any monies due, or to become due, without the EDA's written consent.

H. WHOLE CONTRACT

1. Any Contract embodies the entire RFP and all attachments as part of the Contract between the parties including all prior understandings may not be modified except in writing signed by all parties.
2. No assignment or subletting of this Contract shall be permitted without the express written consent of the EDA. The Contractor shall be held responsible for full and faithful performance of this Contract.

- I. DISPUTE RESOLUTION. The parties agree to first attempt to resolve any disputes between them informally before resorting to legal action. If the parties are unable to informally resolve a dispute, they may avail themselves of any available legal remedy.

# PROPOSAL CONTENT CHECKLIST

Please submit this RFP with the below completed requirements by the due date:

1. Firm Overview
2. Team Credentials
3. Collaboration Strategy
4. References
5. Signature Page

Any Proposal must be submitted in a 9" x 12" or larger envelope with the OFFICIAL PROPOSAL form attached. Proposers must include six (6) printed copies and one electronic copy of the Proposal inside the sealed envelope.

Only the company names of Contractors submitting proposals will be made public. All proposal documents shall be held as confidential until the Dayton EDA awards a new contract and authorizes Staff to execute the new contract.

---

Please submit the proposal using this OFFICIAL PROPOSAL form as cover for the proposal.

## OFFICIAL PROPOSAL

### CITY OF DAYTON EDA REAL ESTATE BROKER REQUEST FOR PROPOSAL

**DUE DATE:** Tuesday April 30, 2024, no later than 5:00 p.m.

PROPOSALS WILL **ONLY** BE ACCEPTED AT:

**DAYTON CITY HALL**  
**ATTN: EDA**  
**12260 South Diamond Lake Road**  
**Dayton MN 55327**

**PROPOSAL SUBMITTED BY:**

Firm name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Official contact and phone number: \_\_\_\_\_

---

### RECEIPT OF PROPOSAL

Received: \_\_\_\_\_  
Date Time By Whom



## SIGNATURE PAGE

Dated \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signature

By \_\_\_\_\_  
Title \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS

\_\_\_\_\_ (Name) being duly sworn, deposes and says that he/she is the  
\_\_\_\_\_ (Title) of \_\_\_\_\_ (Name of Company) and that  
the answers to the foregoing questions and all statements contained therein are true and correct.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission expires (notary stamp):

**CITY OF DAYTON EDA**  
**REQUEST FOR PROPOSAL**  
**FOR REAL ESTATE BROKER SERVICES**

Notice is hereby given that the City of Dayton EDA will be accepting proposals for a real estate broker contract for all properties located within the City.

Specifications and other information necessary to submit a proposal may be obtained at Dayton City Hall ATTN: EDA, 12260 South Diamond Lake Road, Dayton, MN 55327 or by writing to the same address. The Request for Proposal is available on the EDA's website [www.Cityofdaytonmn.com](http://www.Cityofdaytonmn.com).

Each proposal shall be delivered to Dayton City Hall no later than 5 p.m. on Tuesday April 30, 2024.



## **REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR LEGAL SERVICES.**

Date:

To Whom It May Concern:

In official action by the Dayton Economic Development Authority (EDA) on March 19, 2024, we are pleased to announce the release the enclosed Request for Proposals (RFP) for per diem legal services. The Dayton EDA has identified a significant growth within our jurisdiction, necessitating specialized legal services.

The purpose of this RFP is to engage legal professionals, to provide expert, per diem legal counsel and support as Dayton continues to experience rapid expansion and development. We are seeking services that include, but are not limited to, real estate transactions, zoning and land use, leasing, development agreements, and environmental compliance.

If you have any questions about the RFP process or the RFP itself, please contact:

Zach Doud, City Administrator  
Staff Liasion to the Dayton EDA  
763-323-4010  
[zdoud@cityofdaytonmn.com](mailto:zdoud@cityofdaytonmn.com)

Thank you in advance for your consideration of the EDA's legal services RFP.

Sincerely,

Zach Doud  
City Administrator  
Staff Liaison to the Dayton EDA

**Schedule**  
**Request for proposals**  
**Legal services**

EDA Approval of RFP	March 19, 2024
Distribute/Advertise RFP's	March 2024
RFP Submittals	DUE April 30, 2024 by 5 p.m.
Staff/EDA Interviews	Completed by May 21, 2024
EDA Approval	May 21, 2024

**CITY OF DAYTON EDA  
REQUEST FOR QUALIFICATIONS AND PROPOSALS  
FOR LEGAL SERVICES**

March 19, 2024

**Introduction**

The City of Dayton Economic Development Authority (EDA) is inviting interested law firms with experience in commercial and residential real estate law to submit written proposals to provide EDA Attorney services. The EDA Attorney will be selected by the EDA and will also work closely with the EDA, City Administrator and other designated City Staff.

This request has been prepared by the City of Dayton EDA to retain the services of legal consultants, an EDA Attorney and staff for commercial and residential real estate law.

**Background**

The City of Dayton is a progressive community with a population of just over 10,000. Dayton covers 25 square miles and is located along the northwest border of Hennepin County and the northeast border of Wright County. Dayton is situated between three freestanding cities – the Cities of Maple Grove and Champlin, in Hennepin County, the City of Otsego, just across the border in Wright County.

The EDA is governed by a Chair, 4 Business Owners, and 2 City Councilmembers. The EDA has the City Administrator as the Staff Liaison to the commission that is responsible for the daily activities of the EDA.

This contract for legal services is scheduled to start as of June 1, 2024.

**General Instructions**

A. Responses must provide complete information as described in this request. One (1) electronic copy or hard paper copy shall be submitted by 5:00pm on Tuesday April 30, 2024. The proposals shall be marked: Dayton EDA, Legal Services RFP and sent to: [zdoud@cityofdaytonmn.com](mailto:zdoud@cityofdaytonmn.com)

City Of Dayton  
Attn: EDA  
12260 S Diamond Lake Rd  
Dayton, MN 55327

B. To ensure fairness and uniformity, firms submitting responses are requested to not contact City Staff or EDA. Questions about this RFP may be directed to:

Zach Doud, City Administrator 763-323-4010  
[zdoud@cityofdaytonmn.com](mailto:zdoud@cityofdaytonmn.com)

Prior to submission deadline

C. The EDA will not reimburse any expenses incurred by the firm submitting responses including but not limited to, expenses associated with the preparation and submission of the response and attendance at interviews.

D. The EDA reserves the right to reject any and all proposals, to request additional information from any or all Proposers, and to suggest modifications to the terms and conditions or a retainer agreement from that offered by a Proposer.

E. All legal firms may submit a proposal for the general legal services requested.

F. Proposal Content:

- a. Title Page – Show the RFP subject, the name of the firm, local address, telephone number, name of contact person and date.
- b. Table of Contents – Include a clear identification of the material by section and page number.

## **Categories**

### **1. EDA Attorney/General Legal Service Requirements – Labor Attorney**

Following are the primary responsibilities for the legal services the EDA will require in a EDA Attorney:

- Attend one EDA meeting held the (3<sup>rd</sup> Tuesday) of the month when requested by the EDA or City Administrator.
- Provide ongoing legal advice on commercial and residential real estate matters.
- Assist in the negotiation, drafting, and review of real estate transactions.
- Ensure compliance with local, state, and federal regulations concerning real estate.
- Represent the Dayton EDA in real estate disputes and litigation as required.

## **Required Proposal Elements**

Background – Describe the nature of your law firm's practice and the firm's qualifications for providing EDA Attorney services. Include a professional chronology for the individual who will be designated to serve as EDA Attorney, as well as for others whom you anticipate being involved with providing legal services to the EDA.

Provide the overall capabilities, qualification, training, and experience in commercial and residential real estate law. Provide the following for the person whom you propose to designate as EDA Attorney and for each person you propose to designate as a deputy or back-up.

- Legal training and number of years of practice, including date of admission to the Minnesota Bar Association, number of years of commercial and residential real estate law.
- Professional affiliations.
- Experience in the area of commercial and residential real estate law
- Types of clientele represented and years representing each.
- Office location and accessibility to the EDA.

If the firm or any of the attorneys employed by the firm, have ever been sued by cities, or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information about the nature of the incident, the dates of when the matter began and was concluded, and the results of the situation.

Describe your office staffing, including all permanent and temporary employees, their general duties, and work schedules. Include any staffing changes you would propose should you be awarded the EDA Attorney contract.

### **Clients/Conflict of Interest**

List all public clients for which your firm currently provides services under a fee for services basis. Identify any foreseeable or potential conflicts of interest both public and private that could result from such representation and the manner in which you would propose to resolve such conflicts.

### **Compensation**

Provide the pricing schedule you will use to charge the EDA for providing services as outlined in this Request for Proposals. Describe how the firm intends to provide legal services on a per diem rate.

State the hourly rate for the designated EDA Attorney, and associates for general work and for special services.

Identify the minimum increment of time billed for each service including phone calls, correspondence and personal conferences.

Firms shall indicate all other costs and reimbursable including travel (per mile), telephone, printing, photocopying, etc.

### **Professional References**

Provide three professional references for the individual designated as EDA Attorney, including addresses and work telephone numbers. References should be currently employed public agency officials or agents.

## Evaluation and Selection Process

Proposals will be screened and candidates being interviewed and selected by the EDA. The criteria for evaluating the proposals are listed below in order of importance and weight given to them in evaluating each proposal:

- Depth and breadth of experience and expertise of the proposal team and lead attorney in the practice of law most often encountered in EDA government operations.
- Ability to staff and perform legal services promptly and in a manner that permits the EDA to operate in an effective and efficient manner.
- Lack of current or potential conflicts of interest with clients located in Dayton or clients who do business with the City of Dayton EDA.
  - o Communication skills
  - o Cost of Services
  - o Location of the firm's offices

The contract will require that the law firm selected maintain general liability, automobile, workers' compensation, and errors and omissions insurance. The contract will also contain provisions requiring the selected law firm to indemnify the EDA and provide that the EDA Attorney is an independent contractor serving at the will of the EDA. Other required provisions will include the EDA's right to terminate the agreement, at its sole discretion, upon the provision of notice.

The EDA anticipates the original contract will be three (3) years in length with an option to extend an additional three (3) years.



**PRESENTER:**

Wayne Hilbert, CNH Architects

**ITEM:**

Preliminary Plat of Ziegler Dayton Addition, 18151, 18171 Territorial Road (CNH Architects)

**PREPARED BY:**

Zach Doud, City Administrator

Jon Sevald, Community Development Director

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Consider if the project is consistent with EDA vision for businesses in Dayton.

**BACKGROUND:**

Ziegler-CAT operates a construction equipment rental business at 18171 Territorial Road.

Zigler Truck Group operates commercial truck sales (showroom) at 18151 Territorial Road.<sup>1</sup>

The Applicant is requesting to combine the two lots in order to use the entirety of both properties for either business.

**Comprehensive Plan:**

Both properties are guided Commercial, *intended to accommodate general commercial and highway-oriented businesses such as fast food restaurants, convenience stores, gas stations, big box retail, and other auto-oriented business. Limited office and service uses are also appropriate, depending on scale and location.*

**CRITICAL ISSUES:**

1. **Screening.** Screening outdoor storage from view of Dayton Parkway. Staff's recommendation is:
  - A. Screen the SE corner (two offset rows of 6' coniferous trees).
  - B. Make it a display area (concrete pad(s) with shrubs and landscaping around).
  - C. Both A & B (display area in the SE corner, with 6' coniferous trees behind it).
2. **Driveways.** No more than one driveway is permitted.<sup>2</sup> The project has two existing driveways. In past practice, the city has allowed separate driveways for passenger traffic, and truck traffic.

**60/120-DAY RULE (IF APPLICABLE):**

Conditional Use Permit (Amendment)

Preliminary Plat

March 9, 2024 / May 9, 2024

April 12, 2024 / June 7, 2024

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<sup>1</sup> Resolution 53-2022; Site Plan, 18171

Final Plat

**RELATIONSHIP TO COUNCIL GOALS:**

N/A

**BUDGET IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval. Staff requests direction regarding the business combination in terms of EDA review.

**ATTACHMENT(S):**

Aerial Photo

Preliminary Plat

Final Plat

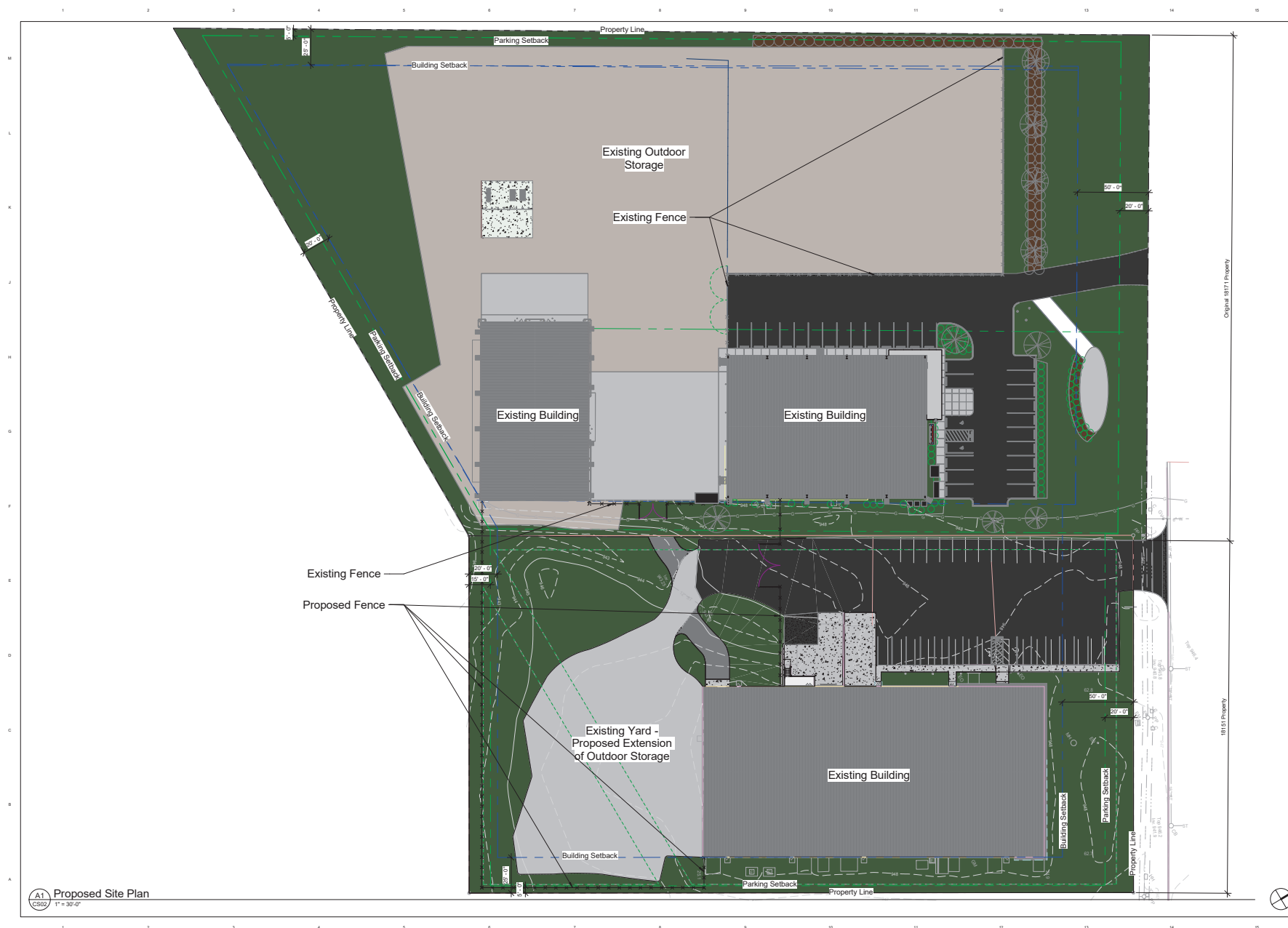
Site Plan











**PRESENTER:**

Leon Volkov, Driven Auto Sales

**ITEM:**

Conditional Use Permit for Auto Sales, 18078 Territorial Road (Driven Auto Sales)

**PREPARED BY:**

Jon Sevald, Community Development Director  
Zach Doud, City Administrator

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Consider if Auto Sales is appropriate for this location.

**BACKGROUND:**

The property consists of three tenants. Driven Auto Sales is located in the east unit. A CUP was issued in 1993 for Auto Repair, allowing storage of materials behind the building in a fenced area.

The property is zoned B-3 General Business. Auto Sales is a Conditional Use.<sup>1</sup>

Driven Auto Sales has operated from this location since 2008. Currently, the owner buys salvaged vehicles through a 3<sup>rd</sup> party, repairs those vehicles at this location, and sells through a 3<sup>rd</sup> party off-site (Prime Auto Group in Andover). Obtaining a Dealers license will allow the owner to purchase vehicles. The Applicant will continue to sell vehicles through Prime Auto Group (off-site). The use and appearance of the property will not change.

**CRITICAL ISSUES:**

1. **On-Site Vehicle Sales.** No on-site sales are intended. However, CUP's are transferable owner-to-owner. Consideration should be given to limit the area of on-site vehicle sales to be limited to the existing parking lot footprint.
2. **Minor Vehicle Repair.** Minor Vehicle Repair is a permitted use, whereas Major Vehicle Repair<sup>2</sup> requires a CUP (not included in this application). It is Staff's understanding that that the Applicant's repair of salvaged vehicles is primarily replacing damaged parts, vs. repairing parts (body work).
3. **Environmental Contaminants.** Staff will inspect outside storage areas for possible contaminants. It is Staff's understanding that fluids are drained from salvaged vehicles prior to vehicles coming to the site.

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<sup>1</sup> City Code 1001.061, Subd 4(d); Conditional Uses; *Automobile and other vehicles of transportation sales with an outdoor sales lot.*

<sup>2</sup> Definition of *Major Vehicle Repair*: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame, or fender straightening or repair; overall painting and upholstery; and/or vehicle steam cleaning. *Minor Motor Vehicle Repair*: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under Motor Vehicle Repair, Major.

4. **Landscaping.** Required landscaping (based on the entire property) includes; 22 overstory trees, 45 ornamental trees, 22 evergreen trees, 679 shrubs, and a 5' landscape strip around the building.<sup>3 4 5</sup> The general intent of the City Code when there is a new use, is to require the use to comply with current standards as much as practical. In this case, the current use (auto repair) is being altered, vs establishing a "new" use (auto sales), assuming on-site vehicle sales is limited. It is questionable if there is a benefit for additional landscaping.

**60/120-DAY RULE (IF APPLICABLE):**

Conditional Use Permit

Feb 6, 2024<sup>6</sup> / Apr 6, 2024

**RELATIONSHIP TO COUNCIL GOALS:**

N/A

**BUDGET IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends Approval, with conditions.

**ATTACHMENT(S):**

Aerial Photo

Site Photos

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<sup>3</sup> City Code 1001.06, Subd 4(3)(c) (Parking lot landscaping....) and Section 1001.19 (Parking Regulations)

<sup>4</sup> City Code 1001.24, Subd 4(5)(c) (B-3 General Business District)

<sup>5</sup> City Code 1001.24, Subd 4(3) (Landscaping requirements in multiple family residential, and all non-residential uses).

<sup>6</sup> Per MN Statute 15.99, Subd 3(g), the city extended its 60-day review to 120-days. Notice was provided to the applicant on Feb 1, 2024.





*Area used by Driven Auto Sales (highlighted in yellow)*





Front parking lot of Driven Auto Sales (right garage door and service door) (photo Jan 16, 2024)



Interior of Driven Auto Sales (photo Jan 16, 2024).



Driven Auto Sales Outside Storage area (inoperable vehicles), behind building (photo Jan 16, 2024)

**PRESENTER:**

Erum & Eric Lucero, Pride of Homes, LLC

**ITEM:**

Pride of Homes, LLC: Preliminary Plat, and Site Plan for *Riverview Villas*, 16361 Dayton Avenue and 18541 Levee Street

**PREPARED BY:**

Jon Sevald, Community Development Director  
Zach Doud, City Administrator

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Consider if the project is consistent with the Concept Plan, Comprehensive Plan, and Historic Village Framework.

**BACKGROUND:**

The Applicant is requesting to develop six townhome units.

A Concept Plan was reviewed by the Planning Commission on January 4, 2024, and by the City Council on January 23, 2024. Comments included: dress up corner unit façade. Make the architecture more historic, vs. modern. Larger garage for storage. Continue board & batten siding from front facade around to side façade. Consider two master suites in units.

During the Concept Plan Public Hearing, public comments were generally supportive of the project. Residents had concerns regarding the amount of rental properties in the Village.

Since the Concept Plan review, the Applicant has revised the front building facades based on the Commission's comments. The architecture is less modern and features second story balconies overlooking the river.

**Preliminary Plat**

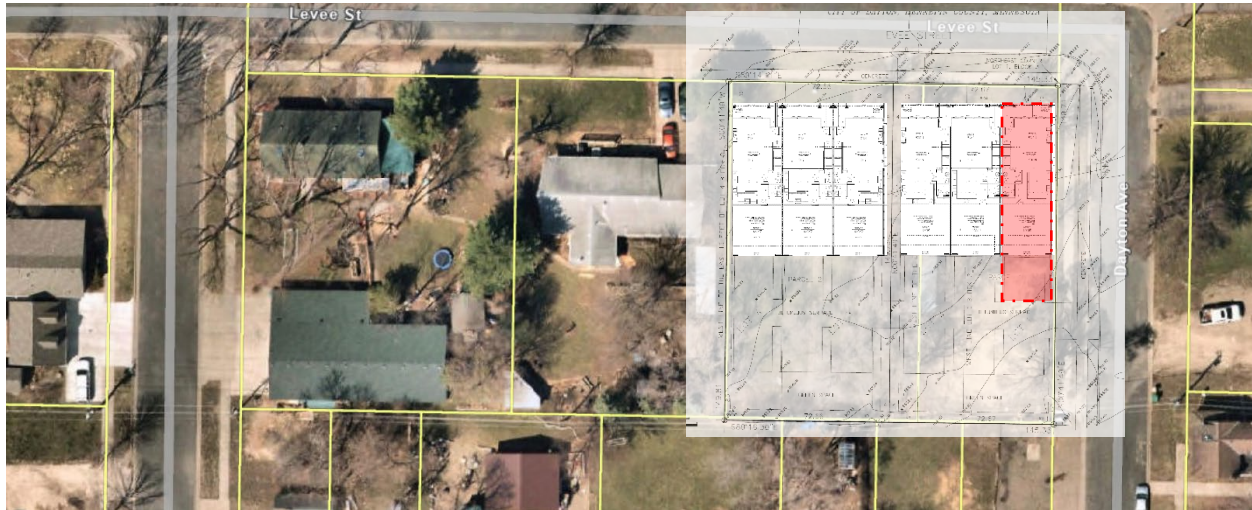
The Preliminary Plat will adjust the property line creating two equal sized lots. Within the GMU-3 district, there is a minimum 0' building setback, and 10' maximum setback. The townhomes will have a front 10' setback, an inner 4' setback (8' in-between buildings), and 2.5' setback between townhomes and west, and east side yards. Proposed setbacks are compliant.

NOTE: There is an existing catch basin adjacent to Parcel 2, Unit 3, which likely will not be needed after grading (can be filled and capped). This can be addressed during Building Permit review.

**Site Plan**

Within the GMU-3 district, corner lots must have a minimum 65% frontage consisting of buildings at the build-to-line. This would require the corner unit to be 86' in building depth vs. 66' as proposed. **Is the proposed building layout acceptable to the EDA Commission** (e.g. 66' building depth)?





Accent material (e.g. brick/stone) is required to be wrapped around walls visible from public view (e.g. along Dayton Ave). During the City Council’s review of the Concept Plan, the Council was supportive of the façade as-is.

Siding is required to be cement board (vs. vinal). Siding material is not provided on the elevation drawings, dated January 8, 2024. During Concept Plan review, the Applicant commented that material hadn’t been decided on.

Required off-street parking is 2 garage stalls + 2.5 surface stalls, whereas proposed is 2 garage stalls + 4 surface stalls per unit. Minimum parking stall dimensions are 10’ X 20’ whereas 9’ width is proposed. **Is the EDA Commission supportive of 9’ wide stalls?**

**CRITICAL ISSUES:**

1. Staff recommends requiring dedication of ½ right-of-way (ROW) for an alley. Staff’s intent is that a 16’ ROW, 12’ surfaced alley be located along the common rear property line primarily to serve properties along Robinson Street as they redevelop.
2. The Site Plan is consistent with the intent of the City Code, but not fully compliant. The Planning Commission is asked to determine if plans are acceptable as-is.
3. A Landscape Plan is required (4 trees, 36 shrubs).

**60/120-DAY RULE (IF APPLICABLE):**

Zoning Map Amendment	March 29, 2024 / May 29, 2024
Preliminary Plat	/ May 29, 2024
Final Plat	
Site Plan	March 29, 2024 / May 29, 2024

**RELATIONSHIP TO COUNCIL GOALS:**

*Create a Sought After Community*

**BUDGET IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Staff Recommends Approval with conditions.

**RECOMMENDED MOTION:**

Motion to Approve:

1. Preliminary Plat of Riverview Villas with conditions.
2. Site Plan, with conditions.

**ATTACHMENT(S):**

Aerial Photo

Zoning Map

Historic Village Framework Plan

Site Photos

Site Plan, January 8, 2024

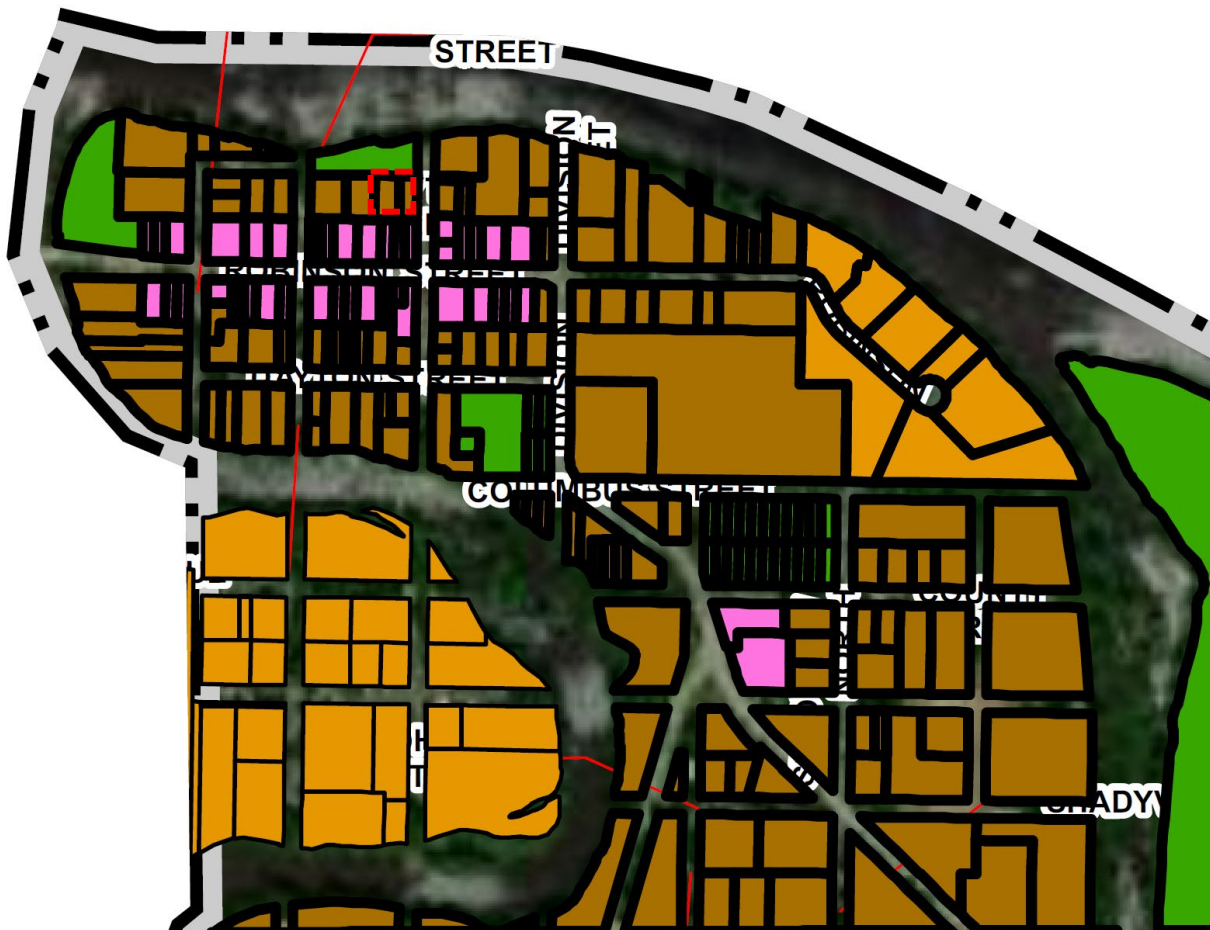


AERIAL PHOTO





## ZONING MAP



### Legend

	A-1 Agricultural District		R-2 Single Family District (90,000 Sf, Unsewered)
	A-2 Agricultural District		R-3 Single Family and Attached Residential
	B-2 Neighborhood Business District		R-E Single Family District (5 Ac, Unsewered)
	B-3 General Business District		R-M Medium Density Residential District
	B-4 Commercial/Industrial District		R-MH Mobile Home District
	B-P Business Park District		R-O Old Village Residential
	ES Essential Service District		S-A Special Agriculture District
	GMU-4 Balsam Lane		GMU-3 Historic Village
	I-1 Light Industrial District		Open Water
	I-2 Heavy Industrial District		
	P-R Public Recreation District		
	R-1 Single Family District		
	R-1A, Single Family Residential		

### PUD

PUD

City Boundary

# HISTORIC VILLAGE FRAMEWORK PLAN

**HISTORIC VILLAGE  
FRAMEWORK PLAN**  
CITY OF DAYTON 2040 PLAN  
AUGUST 2023  
Stantec





## SITE PHOTOS



*Panoramic View of the project area looking southwest (Feb 4, 2024)*



*View of the project area, looking south from Mississippi River Park (Feb 4, 2024)*



*Panoramic View from near rear property line looking north towards Mississippi River Park (Feb 4, 2024)*



Dimensions, notes, details and conformation to all local codes are to be verified by owner and contractor prior to the start of construction  
Phillips Planning, Inc. will assume no responsibility for same after commencement of construction.



THIS BUILDING IS DESIGNED PER THE 2020 MINNESOTA RESIDENTIAL CODE AS IRC-3 TOWNHOUSE OCCUPANCY CLASSIFICATION AND EACH UNIT SHALL BE EQUIPPED WITH A FIRE SPRINKLER SYSTEM.

REVISIONS

ERIC LUCERO

phillipsplanning inc.  
13754 FRONTIER COURT  
SUITE 100  
BURNSVILLE, MN 55337  
(952) 432-2044  
www.phillipsplan.com

MEMBER OF

BAM

PLAN# 23-1116A

DATE: 1-8-2024

1/5

**PRESENTER:**

Dean George, Kwik Trip

**ITEM:**

Kwik Trip Concept Plan, 11XXX Maple Court

**PREPARED BY:**

Jon Sevald, Community Development Director  
Zach Doud, City Administrator

**POLICY DECISION / ACTION TO BE CONSIDERED:**

**BACKGROUND:**

Kwik Trip pursued a concept plan, rezoning, and preliminary plat for this site in 2021/2022 for a Motor Fuel Station with semi-truck fueling and parking. The Rezoning and Preliminary Plat were denied by the City Council on a 3-2 vote. Verbal reasons for denial (summarized) include opposition to a truck stop (crime, and increased service calls), and the desire for a different use on this corner.

Since this corner has remained vacant with limited interest, Kwik Trip re-submitted 2021 plans. No changes to these plans have been made.

**CRITICAL ISSUES:**

1. Is the use (gas station with overnight truck parking) appropriate for this location?

**RELATIONSHIP TO COUNCIL GOALS:**

Create a Sought After Community

**BUDGET IMPACT:**

N/A

**RECOMMENDATION:**

The Applicant requests direction if to resubmit an application for rezoning, and Preliminary Plat.

**ATTACHMENT(S):**

Staff Report, Nov 22, 2021  
Concept Plan

**ITEM:**

Application by Kwik Trip for a Rezoning from B-P, Business Park District to B-3, General Business District, Conditional Use Permit Approval, and Preliminary Plat.

**APPLICANT:**

Dean George, Kwik Trip

**POLICY DECISION / ACTION TO BE CONSIDERED:**

Discussion and feedback from City Council

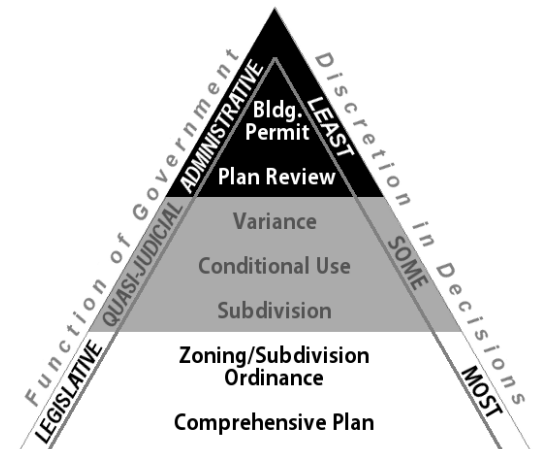
**BACKGROUND/OVERVIEW:**

Kwik Trip is requesting approval of a rezoning from B-P, Business Park to B-3 General Business, a Conditional Use Permit to operate a motor fuel station, and Preliminary Plat approval to construct a Kwik Trip convenience/gas store and truck stop to be located south of the new Dayton Parkway expansion, west of Holly Lane and north of Maple Court (and RDO store). The Planning Commission and Council reviewed a concept plan for this project in May.

The site totals approximately 10.27 acres. The applicant proposes constructing a Kwik Trip convenience store and gas station/truck stop with 36 overnight semi-truck parking stalls. The site is bordered by future Dayton Parkway extension and Holly Lane.

**LEVEL OF CITY DISCRETION IN DECISION-MAKING**

Action taken on the proposed rezoning is **legislative** in nature; the City has broad discretion in making land use decisions based on the comprehensive plan and advancing the health, safety, and general welfare of the community. The basic question of the zoning change is whether it is consistent with surrounding property and the comprehensive plan, will it advance vision and goals for the City for future development and redevelopment.

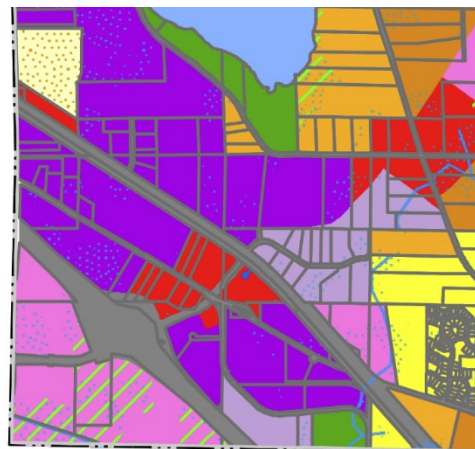


The subdivision (preliminary plat) plat and conditional use request is a **quasi-judicial**; the City's role is to determine the facts associated with the request and weigh those facts against the legal standards contained in the City Code and State Statute. In general, if the facts indicate the applicant meets the relevant legal standards of the code and will not compromise the general welfare, the applicant is likely entitled to approval. The City is, however, able to add conditions to the plat approval to ensure that any impacts to parks, roads, utilities, or other public infrastructure on and around the subject property are adequately addressed. Subdivisions may also be modified to promote the public health, safety, and general

welfare, and to provide for the orderly, economic, and safe development of land.

### **LAND USE & ZONING:**

Currently, the site is guided for commercial at the corner of Dayton Parkway and Holly Lane and industrial over the remaining. The applicant is proposing to rezone the property from B-P Business Park to B-3 General Business District. The land use and zoning will be further addressed under the planning considerations section.



### **ADJACENT ZONING AND LAND USE:**

Direction	Land Use Plan	Zoning Map	Existing Use
East	Industrial	I-2, PUD	Industrial (Cemstone Ready Mix)
North	Territorial Road and Commercial	B-3, B-P	Commercial (Comfort Matters Heating & Cooling)
West	Industrial and Interstate	B-P, Interstate	Farmland and Interstate
South	Industrial and Interstate	B-P, Interstate	Farmland and Interstate

### **SITE ANALYSIS OVERVIEW**

The proposed use is a convenience store with motor fuel sales and an overnight truck stop (36-stalls proposed). The building is located in the north portion of the lot, with pumps on the south side of the convenience store and diesel pumps to the southwest corner. They are proposing 20 fuel canopy stalls and five diesel canopy stalls. The view from the future Dayton Parkway will be more focused on the building versus pumps, and the applicant has provided a rendering from the parkway per the Commission's request from the concept stage. That being said, the truck parking would be heavily utilized, and viewing the truck parking would be unavoidable due to the grade difference between this site and the off-ramp and Dayton Parkway (drivers would be looking down into the site as you use Dayton Parkway).

The applicant has proposed that the site be accessed from a right-in-only movement on Holly Lane N, two full access movements on Maple Court (one specifically for trucks and the other vehicles), and two exit-only access points located off of the cul-de-sac. Semi-trucks will enter the site from Maple Court and proceed past the diesel canopy to the truck parking stalls to the west, in which they would back into the spots. The applicant will provide an exhibit showing truck movements through the site.

The applicant has updated their plans to include a sidewalk connecting the property to the trail located on Holly Lane. Additionally, they have included a direct and continuous pedestrian network between the parking lot and the main building.

The minimum lot size in the B-3 District is 1 acre with a 45 ft maximum height for principal structures. The preliminary plat of the proposed Lot 1 meets the minimum lot requirements. The B-3 District setbacks are located below in the table, and all setbacks are being met.

Setbacks <sup>2</sup>	
Building - Principal Structure	
Front yard	40 (60) feet - <i>Plus 1 foot for every 1 foot of building height over 30 feet (maximum setback of 80 feet)</i>
Side yard	25 (40) feet
Side yard (street)	25 (40) feet
Rear yard	25 (40) feet
Parking	
Front, side, or rear to a street	20 (20) feet
Side interior	10 (20) feet
Rear yard	10 (20) feet
<sup>2</sup> Setbacks in parentheses apply adjacent to R-1 - RH Residential Districts. A 20 foot setback is required for any structure or parking adjacent to any other Residential District.	

### **Parking**

The applicant is providing 101 spaces within the site comprised of 36 truck stalls, 36 standard stalls, 20 fuel canopy stalls, five diesel canopy stalls, and four stalls for disabilities parking. Therefore, the applicant is meeting the standards for the required amount of parking. Parking setbacks indicate that parking stalls shall be setback 20 feet from the front, side, or rear to a street. The applicant is not meeting the required 20-foot setback for the truck stall directly north of the first proposed access point on the Maple Court Cul-de-sac. Therefore, the applicant will need to remove the stall to meet the requirements.

The Planning Commission and City Council expressed concern regarding the overnight truck stalls, and this is addressed later in the CUP standards.

### **Building Elevations**

The proposed elevations consist of brick with aluminum storefront openings, arched brick lintel, and stucco accents. Windows are featured on three elevations and meet the 25% coverage on the east and south elevations. The roof is a mansard design and is constructed of metal that will enclose any rooftop mechanical units. The rooftop features peaks in the design, allowing for signage on the south, east, and north elevations. The zoning ordinance has minimum standards for motor fuel stations limiting the placement and elevation of fuel canopies. The canopy height is limited to 20 feet in height and meets this requirement. The canopy columns are white, and the elevation of the canopy is white with a red strip and signage on the front and side. Staff is supportive of the proposed building elevations.

### **Landscaping**

The proposed landscaping plan meets minimum requirements for total landscape area of the site within the parking and drive areas. The plan also meets requirements for variety of landscape materials. A variety of overstory and evergreen trees and shrubs will be provided. The plan provides a variety of landscaping at the site boundary with additional required buffering along the south, west, north and east of the property. All of the screening meets the requirements of the code. Staff supports the proposed landscaping plans.

### **Signage**

The applicant has provided a signage plan for the Council to review and the applicant is proposing 15 signs. The applicant shall be requesting a variance from the sign ordinance at a later date. Staff is looking for the Council's feedback on the proposed signage plan. The plan includes wall signage consisting of Kwik Trip signs on the south (front entrance), east (facing Holly Lane), and north (facing Dayton Interchange). The ordinance limits the applicant to two walls signs and will need to pursue the variance.

The applicant is proposing three freestanding signs, including two pylons signs and a freestanding sign for the CAT truck weighing station. The pylon signs are located on the northwest and northeast corners of the lot facing the interstate and the interchange. The applicant is proposing pylon signs of 60' and another at 25' in height. The 60' sign includes a Kwik Trip panel area, a two digital price signs, and a CAT Scale illuminated sign. The 25' sign includes a digital price cabinet and a dynamic sign. The third sign is a 16' sign for the CAT Scale. Freestanding signs are limited in the B-3 District to 11 feet in height and 64 sq ft in area. Additionally, the current ordinance limits digital displays to gas prices. All three of these signs exceed the maximum height (11ft) size (64 sqft) and the allowed number of freestanding signs (2). Staff is currently working on updating the signage ordinance, which is proposed to allow a maximum height of 25 feet while maintaining the size allowance (64sqft). The applicant will need to pursue a variance for height, size, and a number of freestanding and wall signs. A variance request for additional signage may be unlikely due to a lack of practical difficulties as required by state statute for a variance. Staff recommends a reduction in the signage and conformance with the new code currently under review.

### **Lighting**

The applicant is proposing a downcast fixture within the parking area. A photometric plan has been submitted that shows lighting will not spill over the property line. Therefore, all canopy lighting shall also be downcast.

### **Accessory Building**

The proposed site development plans showcase a "gator shed" on the parcel. The shed is approximately 450 square feet in size which would make it an accessory building. Currently, the code prohibits accessory buildings on commercially zoned properties. Staff is in the process of updating the accessory building code, but the updated code also does not allow for accessory buildings on commercially zoned properties. Therefore, the applicant may need to pursue a variance to allow for the accessory building or consider attaching the ancillary building to the principal building.

### **Floor Plan**

The applicant has provided a narrative regarding the floor plan and is proposing the following as it relates to truck stops:

This location will also provide an additional restroom area consisting of three bathroom stalls for both Men and Women and two separate single shower rooms. A Public washer and dryer will also have its own room to accommodate laundry needs, and a table and seating area will be designed to give guests a place to sit down and enjoy food and drink offerings.

The shower rooms and laundry area are features that are associated with truck stops. Therefore, this is an area where the Council can limit the shower stalls and the laundry room if they are concerned with the usage.

### **Planning Considerations**

The following is a list of planning considerations that the Council will need to discuss and address as follows:

#### **Land Use**

The property is currently guided for commercial at the corner of Dayton Parkway and Holly Lane and industrial over the remaining land. The City Council will need to make a recommendation on the appropriate land use for the site.

- A. Should the parcel be all commercial? The commercial land use in the 2040 Comprehensive Plan is defined as follows:

*This category is intended to accommodate general commercial and highway-oriented businesses such as fast food restaurants, convenience stores, gas stations, big box retail, and other auto-oriented businesses. Limited office and services uses are also appropriate, depending on scale and location. .*

- B. Should the parcel be all industrial? The industrial land use in the 2040 Comprehensive Plan is defined as follows:

*This category is intended to provide areas for industrial related businesses including manufacturing, warehousing, automotive, trucking, office, and other related industrial uses.*

#### **Zoning**

The property is currently zoned B-P Business Park District and the applicant is requesting that the property be rezoned to B-3 General Business District. The City Council will need to make a recommendation on the appropriate zoning for the site. The following are the intended purposes for the districts:

(Current) Business Park District (B-P): *Intent. The purpose of the B-P, Business Park District is to provide for multi-use building and/or the establishment of business offices, wholesale showrooms, and related uses in an environment which provides a high level of amenities,*



*including landscaping, preservation of natural features, increased architectural design, pedestrian facilities and other features. This District falls within the Industrial Land Use category.*

*(Proposed) General Business District (B-3) Intent. The purpose of the B-3, General Business District is to provide for the establishment of areas devoted to high intensity retailing and service activity primarily oriented toward motorists and requiring higher volumes of traffic and visibility from major roads. Uses will serve a City-wide and multi-community consumer market. This District falls within the Commercial Land Use category*

The applicant is proposing the following uses for the site and the definitions for each use as defined in city code.

- Motor Vehicle Convenience Store: *Premises for self-service motor fuel sales that may include the sale of convenience groceries, fast foods and/or a restaurant and may offer a car wash.*
  - *The B-3 District lists Motor Fuel Station as a CUP*
  - *The I-1 District lists Convenience/Gas Station as a permitted use*
- Truck Stop: *A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.* Since a "truck stop" is defined as a type of motor fuel station, a truck stop could be approved through a CUP if the property is rezoned B-3, because motor fuel stations are a conditional use in the B-3 district
- Diesel Fuel Sales for trucks: The City doesn't have a designation.
- Overnight Parking: The City doesn't have a designation.

Whether or not the proposed use may be permitted depends on whether the property is rezoned from B-P to B-3. The proposed use is not permissible if the property retains its B-P zoning classification, and permissible if it is rezoned B-3. Whether the property should be rezoned is a legislative decision, involving a wide range of value judgments. In assessing whether the property should be rezoned, the City Council must assess whether rezoning the property promotes the public health, safety, morals, and/or general welfare of the community.

### **CUP Standards**

The proposed use of Motor fuel station requires a CUP in the proposed B-3 zoning district, which lays out special requirements and performance standards as follows:

### **Special Requirements and Performance Standards in B-2, B-3, and B-4 Districts**

(1) Motor fuel stations shall be subject to the following standards:

- a. 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. Underground 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 site. Fuel pumps shall be installed on pump islands.

*The applicant is meeting this requirement.*

- b. The total height of any overhead canopy or weather protection shall not exceed 20 feet in height. *The applicant is meeting this requirement.*



c. No sales or rental of motor vehicles or trailers or campers shall be permitted. *This will be a condition of approval.*

d. All goods for sale by a motor fuel station convenience store other than petroleum based products required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure. *This will be a condition of approval.*

e. Each motor fuel station shall be compatible with the area in which it is located. *This is a question for the City Council to determine if the use is compatible with the area in which it is located.*

f. A minimum 10 foot landscaped yard shall be planted and maintained behind the property line along all public streets. A landscaped yard not less than 5 feet wide shall be maintained along exterior property lines. *The applicant is meeting this requirement.*

g. Motor fuel dispensers shall be located at least 30 feet from a property line, and 100 feet from R- District property lines. *The applicant is meeting this requirement.*

h. 1. Structures shall be set back:

- (a) Front: 30 (60) feet;
- (b) Side: 30 (50) feet;
- (c) Rear: 30 (50) feet.

2. Setbacks in parentheses apply to lot lines adjacent R-Districts. *The applicant is meeting this requirement.*

i. All canopy lighting for motor fuel station pump islands shall be recessed or fully shielded. Illumination levels for pump islands shall comply with the lighting standards of Subsection 1001.14. *This will be a condition of approval.*

j. Litter control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control. *This will be a condition of approval*

k. The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. for motor fuel stations located in the B-2 District unless extended by the City Council as part of the conditional use permit. *While this condition applies to B-2 Districts, if the City Council has concerns about the hours of operation it may be addressed via a condition.*

*The Planning Commission didn't feel this was appropriate and that they preferred to have the truck stop open and staffed 24 hours a day.*

This leaves the City Council's role to review the technical aspects of the CUP as it relates to the City's Zoning Ordinances and the Comprehensive Plan. The Dayton City Code describes the purpose and scope as follows: *The conditional use permit process is intended to provide the City with an opportunity to review a proposed use that has the potential to be incompatible with surrounding uses, but can be made compatible through the establishment of reasonable conditions. Approval of a conditional use is a site specific approval and does not indicate that the conditional use is able to be conducted on every parcel within the zoning classification. Every application for a conditional use permit will be individually reviewed on its own merits, and the facts surrounding the subject property will determine the appropriateness of the proposed use. The approval of the conditional use permit runs with the land and is not impacted by changes in ownership.*

As a reminder the CUP requires the application to meet the following conditions for approval:

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district. *If the Council is not supportive of a rezoning, a CUP approval could not be considered.*
2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.
3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

*The City Council has expressed concerns regarding the safety of the proposed use, specifically regarding crime. As a result, staff has attached an exhibit summarizing the crime and service calls from the data provided by Kwik Trip and from the truck stop located in Rogers.*

*If the City Council is concerned regarding the truck stop usage, they can limit those aspects related to truck stops. These include the following:*

- *The Council can recommend that the number of truck stalls be limited in amount.*
  - *The Council can recommend the removal of shower stalls that are associated with truckstops.*
    - *The Planning Commission did not recommend removing the shower stalls.*
  - *The Council can recommend the removal of the laundry room, which is associated with truck stops.*
    - *The Planning Commission did not recommend removing the shower stalls.*
4. The proposed use will not impede the normal and orderly development of surrounding property.
  5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. *While crime issues may possibly be reduced via conditions, the use itself may pull police services to the commercial use, which may require additional police services.*
  6. The proposed use is adequately screened.
  7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration, or visual pollution.
  8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.
  9. The proposed use will protect sensitive natural features.
  10. The City Council may recommend conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety, and welfare.

#### **PLANNING COMMISSION REVIEW:**

The Planning Commission discussed the following and made recommendations for each of these items. Staff is looking to receive feedback from the City Council tonight on the same issues and has inserted the recommendations of the Planning Commission.

Staff would recommend tackling each item separately:

1. Recommendation on the appropriate land use for the site for the 2040 Land Use Map.
  - a. Should the land use be entirely commercial?
  - b. Should the land use be entirely industrial?

*The Planning Commission recommended that the parcel be guided for commercial over the entirety of the property*

2. Rezoning the property from B-P, Business Park to B-3 General Business
  - i. The Commission will need to make a decision on zoning for the property.
  - ii. Is the proposed use appropriate for the B-3 General Business?
  - iii. Will rezoning the property from B-P to B-3 promote the public health, safety, morals, and/or general welfare of the community?

*The Planning Commission recommended rezoning the property from B-P, Business Park to B-3, General Business. They felt that the location was an appropriate area for the motor fuel/convenience store location. It was discussed that the crime data was not necessarily connected to truck stops and instead was associated with convenience stores in general.*

3. Preliminary Plat approval for platting the property into one block and lot with the following conditions:
  - i. The applicant shall pay Park Dedication fees for the parcel.
  - ii. The applicant shall pay sanitary sewer, water, and stormwater development fees, unless parcels have been previously assessed for trunk utilities.
  - iii. All applicable Sewer Access Charges and Water Access Charges shall be paid for Lot 1, Block 1. The applicant shall submit SAC Determinations applications directly to the Metropolitan Council.
  - iv. The applicant shall meet the requirements of the City Engineer memo dated October 25th, 2021.

*The Planning Commission recommended the approval of the Preliminary Plat.*

4. Conditional Use Permit Approval for the motor fuel station, truck stop:

*The Commission discussed the Conditional Use Permit and voted 3-1 in favor of recommending approval of the CUP. One member was absent but expressed concern over the potential crime related to the truck stop via an email to the commission. The Planning Commission felt that they should not limit the number of truck stalls for the site to succeed. They thought that if the trucks were limited, they were concerned about the future viability of the western portion of the site. In addition, they felt that the crime wasn't necessarily associated with truck stops in general but all convenience/motor fuel stores. As such, it didn't make sense to limit the truck stalls since that wouldn't necessarily limit the potential crime. Two of the Commissioners were against the truck stop parking, citing a concern regarding the crime from the truck stop.*

In addition, the following topics were discussed:

- *There was some support to consider the height of the sign citing that even though it was 60 feet in height, there was a 20-foot elevation change which made the height not as impactful.*
- *Discussion on changing the landscaping of the islands believing they will not succeed where trucks are parking and as such the landscaping in the parking islands will not survive. Recommend doing bigger parking island ends but not the medians as proposed under the plan.*
- *Recommendation to add a brick overlay to the fuel canopies at the bottom to match the building.*

- a. Staff recommended the following conditions at Planning Commission and wishes for additional feedback on the conditions:
  - i. The applicant will provide a new site plan conforming to the setback requirements for parking spaces, removing the nonconforming truck stall space located off the cul-de-sac on Maple Court.
  - ii. Stacking spaces shall not interfere with parking spaces or traffic circulation.
  - iii. No sales or rental of motor vehicles or trailers or campers shall be permitted
  - iv. All goods for sale by a motor fuel station convenience store other than petroleum-based products required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure.
  - v. All site lighting and canopy lighting shall be downcast.
  - vi. The applicant shall work with the fire department to ensure location of hydrants are placed meeting the needs for fire safety.
  - vii. A copy of the detailed plan for the store will also need to be provided for review.
  - viii. All plans should include fire extinguisher placement throughout the structures, pump stations, and outbuildings.
  - ix. Any additional requirements required by the Fire Department
  - x. Building Permits for signage shall be obtained prior to installation.
  - xi. The applicant will provide an exhibit showcasing the truck movements throughout the site.
  - xii. Site circulation signage shall be posted throughout the site exhibiting the ingress/egress of each access point and the type of vehicles allowed.
  - xiii. The applicant shall meet the requirements of the City Engineer memo dated October 25<sup>th</sup> 2021.
  - xiv. City Council can determine if a limit of truck stop stalls is necessary. If the Planning Commission wishes to limit the number of truck stop stalls staff

is recommending a reduction of half the number of truck stalls allowing for 18 truck stalls.

- xv. City Council can determine if the shower stalls and laundry room shall be allowed.
- xvi. City Council can determine if a limit of hours of operation is necessary.
- xvii. The applicant will add a brick overlay to the bottom of the fuel canopy matching the brick and design of the principal building.
- xviii. The applicant will revise the design of the parking lot medians to ensure landscaping survives impact from trucks. Applicant will work with City Staff on the redesign.

### **Actions Tonight**

Staff is looking for discussion and feedback from the Council tonight to prepare the appropriate resolutions for consideration at the December 14, 2021 meeting at which the following options would be presented to the Council:

### **Option 1 Recommend Approval**

If the Council wishes to recommend approval, they will need to approve the following:

1. Recommendation of approval on the land use designation for the entirety of the site between either Industrial or Commercial Land Use (a Commercial Land Use Designation supports the application for rezoning to B-3).
2. Recommendation of approval for the rezoning of the property to B-3, General Commercial from B-P, Business Park if the Commission doesn't approve this the application for the CUP could not be considered.
3. Recommendation of approval for the Preliminary Plat with the conditions for approval as stated above.
4. Recommendation of approval for the Conditional Use Permit with the conditions for approval as stated above.

### **Option 2 Recommendation Denial of Rezoning/Land Use Change**

If the City Council does not support a change from the existing land use (commercial in the NE corner, and industrial over the rest of the parcel, then it follows that a rezoning of the entire parcel to B-3 could not be supported by the Land Use. Without the rezoning the remainder of the application could not be considered due to the need for a CUP. If the Council wishes to proceed in this direction, then findings of fact related to denial of the application (e.g. what about the subdivision and CUP does not meet the Land Use Plan, or proposed zoning district, or other code or policy) will be required. The Land Use and Zoning decisions are at the discretion of the City Council, meaning the City has the most latitude in these policy decisions. If the Commercial Land Use and Rezoning is supported, see option 1.

### **Option 3 Table the application with specific requests for additional information.**

Preliminary Plats must be acted on within 120 Days, while other land use applications (rezoning) must be acted on within 60-days or can be extended to no longer than 120-days.

**ATTACHMENT(S):**

Engineering Memo

Cover Letter Narrative

Existing Conditions

Site Plan

Grading & Erosion

Utility Plans

Stormwater

Landscape Plan

Photometric Plan

Signage Plan

Gator Shed

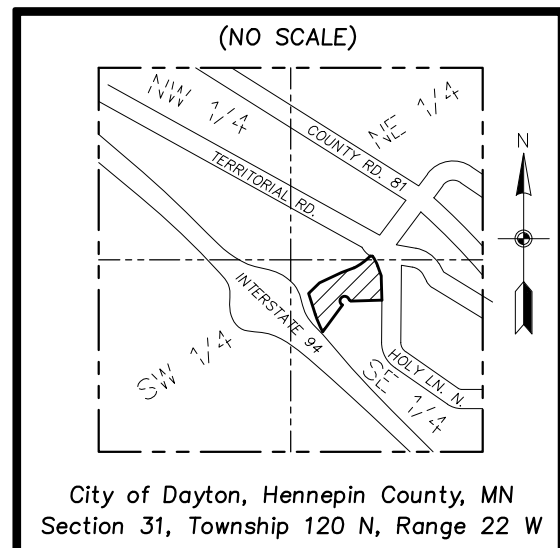
Section Drawing

Rendering

Summary of Crime Stats Exhibit



## VICINITY MAP



## CONTROL POINTS

(ASSUMED COORDINATES)

#31 233855.0150° 467493.5040° 937.22° TP PK  
#32 233870.3260° 468091.9910° 950.55° TP CP  
#33 234339.6940° 468117.5460° 958.33° TP CP  
#34 233474.2050° 467238.0030° 930.32° TP CP

OWNER:  
CITY OF DAYTON  
PID: 31-120-22-42-0014

OWNER:  
CITY OF DAYTON  
PID: 31-120-22-42-0014

OWNER:  
CITY OF DAYTON  
PID: 31-120-22-42-0012

OWNER:  
CITY OF DAYTON  
PID: 31-120-22-42-0014

OWNER:  
RDO EQUIPMENT CO.  
PID: 31-120-22-42-0013

## LEGEND

- |   |   |           |                                    |
|---|---|-----------|------------------------------------|
| ● | - Denotes Found Iron Monument   | — uq —    | - Denotes Hand Hole                |
| ○ | - Denotes set or to be set 5/8 inch by 14 inch rebar, marked with RLS 40361 | — ufo —   | - Denotes Electric Meter           |
| ✱ | - Denotes Light Pole  | — ohe —   | - Denotes Underground Gas line     |
| ✱ | - Denotes Miscellaneous Sign  | — --- --- | - Denotes Underground Fiber Optic  |
| ✱ | - Denotes Existing Spot Elevation   | — --- --- | - Denotes Overhead Utility Line(s) |
| ○ | - Denotes Sanitary Manhole  | — --- --- | - Denotes Watermain                |
| ○ | - Denotes Catch Basin   | — --- --- | - Denotes Sanitary Sewer           |
| ○ | - Denotes Flared End Section  | — --- --- | - Denotes Storm Sewer              |
| ○ | - Denotes Fire Hydrant  | — --- --- | - Denotes Existing Fence as noted  |
| ○ | - Denotes Gate Valve  | — --- --- | - Denotes Concrete Surface         |
| ○ | - Denotes Guy Wire  | — --- --- | - Denotes Bituminous Surface       |
| ○ | - Denotes Utility Pole  | — --- --- | - Denotes Existing 2 Ft. Contour   |
| ○ | - Denotes Mail Box  | — --- --- | - Denotes Existing 10 Ft. Contour  |
| ○ | - Denotes Telephone Box   |           |                                    |
| ○ | - Denotes Television Box  |           |                                    |

## ALTA/NSPS LAND TITLE SURVEY

PART OF LOT 3,  
BLOCK 1, VF13 ADDITION,  
HENNEPIN COUNTY, MINNESOTA

PROPERTY DESCRIPTION: (Per Schedule A of Title Commitment File No. 1564778-2, with a commitment date of January 07, 2021 at 8:00 A.M., prepared by First American Title Insurance Company)

That part of Lot 3, Block 1, VF13 ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the most southerly corner of Lot 1, Block 1, RDO ADDITION, City of Dayton, Hennepin County, Minnesota; thence North 46°06'40" West, along the southwest line of said Lot 1, a distance of 107.83; thence North 42°18'14" West a distance of 795.56 feet; thence northwesterly 337.99 feet along the southwest line of said Lot 1 and a non-tangential curve concave to the northeast having a radius of 1332.00 feet, a central angle of 14°32'16", a chord bearing of North 35°01'30" West and a chord length of 337.08 feet, to the northwest corner of said Lot 1 and the true point of beginning; thence continue along said curve for a distance of 249.33 feet, a central angle of 10°43'31", a chord bearing of North 22°23'35" West and a chord length of 248.97 feet; thence North 17°01'50" West, tangent to last curve, a distance of 289.30 feet; thence North 65°46'36" East a distance of 199.32 feet; thence North 65°46'36" East a distance of 319.16 feet; thence North 69°29'52" East a distance of 180.65 feet; thence northeasterly 263.34 feet along a non-tangential curve concave to the northwest having a radius of 765.00 feet, a central angle of 19°43'23", a chord bearing of North 54°22'30" East and a chord length of 262.04 feet; thence South 86°40'48" East, not tangent to last curve, a distance of 32.31 feet; thence southeasterly 149.51 feet along a non-tangential curve concave to the southwest having a radius of 519.00 feet, a central angle of 16°50'19", a chord bearing of South 27°18'06" East and a chord length of 148.99 feet; thence South 19°02'56" East, tangent to last curve, a distance of 136.77 feet to the east line of said Lot 3; thence South 00°41'19" West, along the east line of said Lot 3, for a distance of 32.88 feet; thence South 01°13'14" East, along the east line of said Lot 3, for a distance of 285.06 feet to the northeast corner of said RDO ADDITION; thence South 68°46'46" West, along the northerly line of said RDO ADDITION, for a distance of 413.03 feet to a tangential curve concave to the northeast having a radius of 20.00 feet; thence westerly and northwesterly a distance of 26.36 feet, along the northerly line of said RDO ADDITION and along said curve, a central angle of 75°31'21", a chord bearing of North 53°27'34" West and a chord length of 24.49 feet to a curve concave to the southeast having a radius of 60.00 feet; thence northwesterly, westerly, southwesterly, southerly, and southeasterly, along the northerly line of said RDO ADDITION and along said curve, for a distance of 233.45 feet, a central angle of 222°55'49", a chord bearing of South 52°50'12" West and a chord length of 111.68 feet to the northwest corner of said Lot 1; thence South 37°08'43" West, not tangent to last curve and along the northwesterly line of said Lot 1, for a distance of 439.28 feet to the true point of beginning.

(abstract property)

## GENERAL NOTES:

- Bearings shown hereon are based on the most southerly southwest line of Lot 1, Block 1, RDO ADDITION, which is assumed to bear N46°06'40"W.
- Monuments have been found, set, or will be set at all major corners of the boundary and indicated on this survey.
- Surveyed property address, per title commitment - vacant land
- Per FEMA Flood Insurance Rate Map Number 27053C0045F with an effective date of 11/04/2016, surveyed property is located in Zone X, areas of minimal flooding. Areas determined to be outside 500-year floodplain determined to be outside the 1% and 0.2% annual chance floodplains.
- Surveyed property contains ±10.27 acres.
- BENCHMARK: Minnesota Department of Transportation Geodetic GSID Station No. 11201 (MnDot Name Brenna MNDT RM 2) - Elev. = 950.22 ft. (NAVD 88)
- Per the undated zoning verification letter prepared by Alec Henderson, Planner with the City of Dayton, the surveyed property is zoned Business Park, B-P. The setback requirements, height and floor space area restrictions, and parking requirements specific to the surveyed property are as follows:

Building - Principle Structure  
- Minimum Front Yard - 40 ft. plus 1 ft. for every 1 ft. of building height over 30 ft. (maximum setback of 80 ft.)  
- Minimum Side Yard - 20 ft. (Minimum Side Yard (Street) - 40 ft.)  
- Minimum Rear Yard - 20 ft.  
- Maximum Structure Height - 45 ft. or 3 stories, whichever is less  
- Maximum Impervious Surface Coverage - 80%  
- Maximum Building Footprint Coverage - 50%

Parking  
- Minimum Setback to Front, Side, or Rear to a Street - 20 ft.  
- Minimum Side Interior - 15 ft.  
- Minimum Rear Yard - 15 ft.  
- Minimum to Residential - 15 ft.

Note - The minimum setback requirements cannot be graphically depicted without an interpretation by the surveyor and are not shown hereon.

- At the time of this survey there were no buildings observed on the surveyed property.
- No parking spaces were observed on the surveyed property.
- Above ground utilities have been field located as shown. Underground utilities shown hereon are those which were field marked by utility companies responding to Gopher State One Call, Ticket No. 210680765, dated 3/09/21 or were taken from utility plans provided by the City of Dayton. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on-site location (651-454-0002). However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, Gopher State One Call locate and other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the client is advised that excavation may be necessary.
- At the time of this survey, the adjacent land to the west, north, and east is currently under road construction or is proposed to be reconstructed. Surveyor is not aware of any proposed changes to the street right-of-way lines. There was observable evidence of recent street or sidewalk construction or repairs.
- Per Schedule B, Part II Exceptions of the above listed Title Commitment:

Item 8 - The terms, provisions and easements contained in the document entitled "Easement Agreement" recorded September 15, 2003 as Doc. No. 8163239 of Official Records. (Described sign easements are not on nor do they touch surveyed property and are not shown hereon.) Above has been amended by Doc. Nos. 8869622, A10251763 and A10447021. (Contains no plottable easements and is not shown hereon.)

Item 9 - The terms and provisions contained in the document entitled "Certification of Resolution 26-2006" recorded September 27, 2006 as Doc. No. 8869614 of Official Records. (The temporary easement right to install improvements/indemnification contained in this document is blanket in nature and is not shown hereon.)

Item 10 - The terms and provisions contained in the document entitled "Certification of Resolution 27-2006" recorded September 27, 2006 as Doc. No. 8869615 of Official Records. (Vacates the drainage and utility easements as dedicated in the underlying plat of Triple Eagle Addition. Said vacated easements are not shown hereon.)

Item 11 - The terms and provisions contained in the document entitled "Certification of Subdivision Agreement VF13 Addition" recorded September 27, 2006 as Doc. No. 8869615 of Official Records. (The temporary easement right to install improvements/indemnification contained in this document is blanket in nature and is not shown hereon.)

Item 12 - The terms and provisions contained in the document entitled "Certification of Resolution 59-2008" recorded May 27, 2009 as Doc. No. A9367079 of Official Records. (Not survey related and is not shown hereon.)

Item 13 - The terms and provisions contained in the document entitled "Certification of Settlement Agreement" recorded May 27, 2009 as Doc. No. A9367080 of Official Records. (Not survey related and is not shown hereon.)

Item 14 - The terms, provisions and easements contained in the document entitled "Temporary Construction Easement Agreement" recorded December 10, 2019 as Doc. No. A10733691 of Official Records. (as shown hereon)

Item 15 - The terms and provisions contained in the document entitled "Certification of Resolution 11-2017" recorded May 22, 2018 as Doc. No. A10555241 of Official Records. (Not survey related and is not shown hereon.)

Item 16 - The terms, provisions and easements contained in the document entitled "Order Granting Petition and Ordering Transfer of Title and Possession" recorded December 30, 2019 as Doc. No. A10740376 of Official Records. (Said document extinguishes an easement which does not lie on the surveyed property.)

Item 17 - An easement shown or dedicated on the Map as referred to in the legal description  
For: drainage and utility purposes. (Drainage and utility easements as dedicated on the plat of VF13 ADDITION are shown hereon.)

## STATEMENT OF POSSIBLE ENCROACHMENTS:

- 1) Sliding gate and chain link fence encroaches approximately crosses ±5 ft on to the surveyed property, as shown.
- 2) Dirt stock pile is located on and northwesterly of the surveyed property, as shown.

## CERTIFICATION:

To: Kwik Trip, Inc., a Wisconsin Corporation; First American Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11(c), 11(d), 14, 17, 18, and 20 of Table A thereof. The field work was completed on March 15, 2021.

Date of Plat or Map: April 13, 2021

Signed: Carlson McCain, Inc.

By: Thomas R. Balluff, L.S.

Minnesota License No. 40361  
tballuff@carlsonmccain.com



## ALTA/NSPS LAND TITLE SURVEY

## PROPOSED KWIK TRIP 1187 SITE

Dayton, Minnesota

## KWIK TRIP, INC.

P.O. BOX 2107  
1626 Oak Street  
Lacrosse, WI 54602

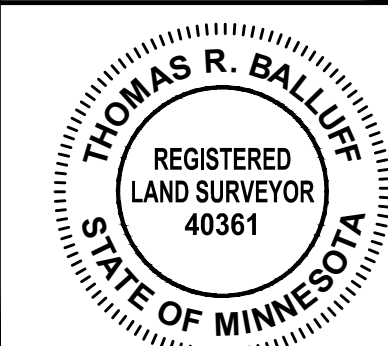
## REVISIONS

NO.	DATE	DESCRIPTION
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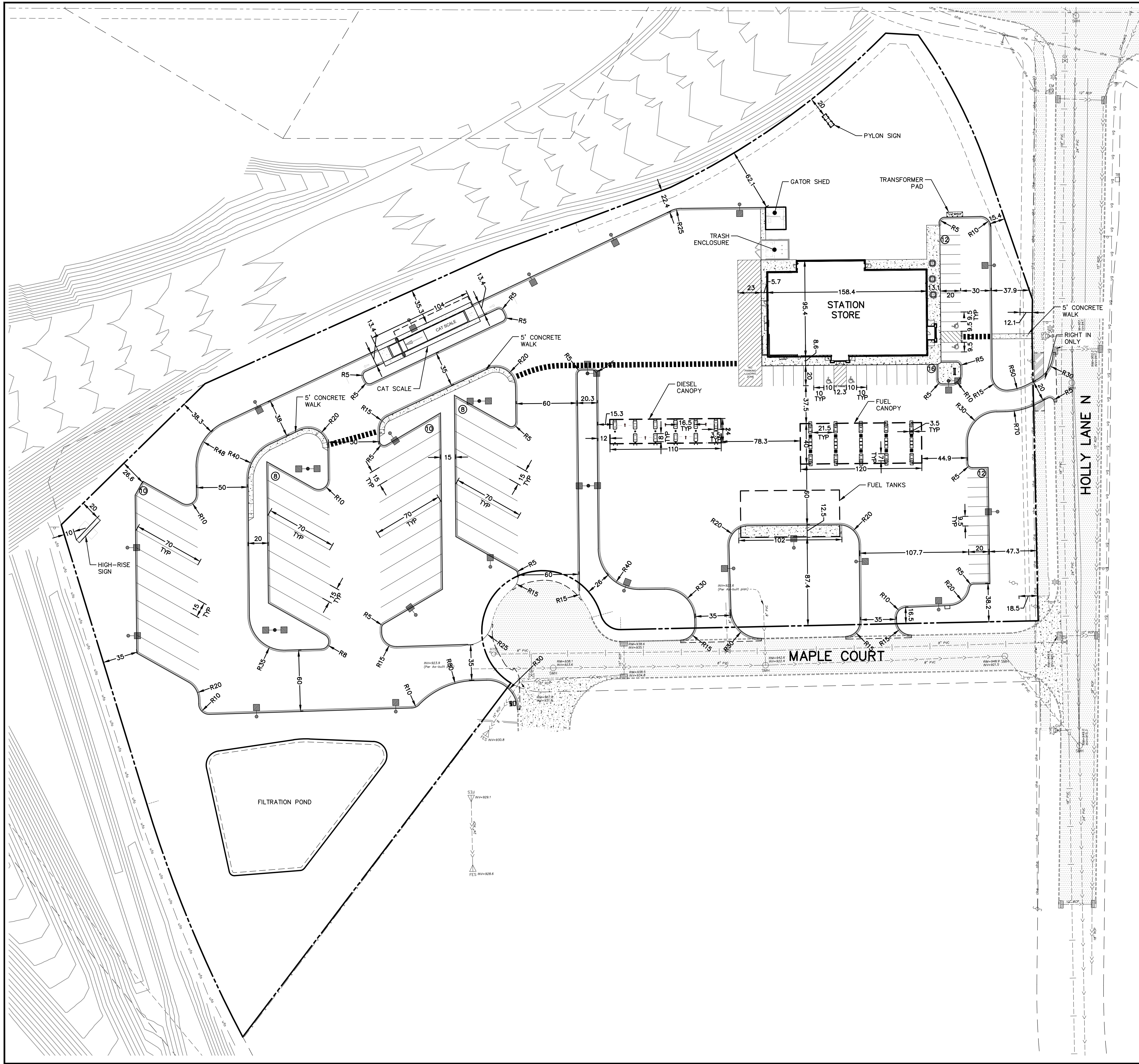
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ISSUE DATE: 4/13/21

FILE NO: 2259







PLAN LEGEND	
EXISTING	PROPOSED
CURB	
BITUMINOUS	
CONCRETE PAVEMENT	
CONCRETE WALK	
PROPERTY LINE	
EASEMENT LINE	
STORM SEWER	
SANITARY SEWER	
WATER MAIN	
UNDERGROUND GAS	
UNDERGROUND FIBER OPTIC	
OVERHEAD ELECTRIC	
FENCE	
SIGN	
POWER POLE	
SANITARY MANHOLE	
LIGHT POLE	
MAILBOX	
TELEPHONE BOX	
TELEVISION BOX	
GATE VALVE	
GUY WIRE	
HYDRANT	
HAND HOLE	
ELECTRIC METER	

SITE PLAN NOTES

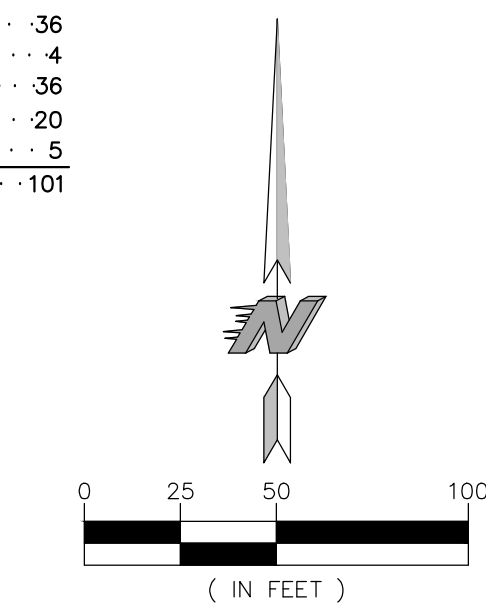
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- CONCRETE CURB AND GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES PRIOR TO THE START OF SITE WORK. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF DISCREPANCIES OR VARIATIONS FROM THE PLAN.
- UNLESS OTHERWISE SHOWN ON THIS DRAWING, CONTRACTOR SHALL PROVIDE CONTROL JOINTS, CONSTRUCTION JOINT AND EXPANSION JOINTS IN SLAB ON GRADE, SIDEWALKS AND DRIVES PER THE FOLLOWING REQUIREMENTS:  
CONTROL JOINT MAX. SPACING: WALKS-8" O.C.  
ALL OTHERS-10" O.C.  
SAW CUT CONTROL JOINTS MINIMUM 1/4 CONCRETE THICKNESS.  
EXPANSION JOINT MAX. SPACING: WALKS-24" O.C.  
\*ALL OTHERS-40" O.C.  
\*ALL POINTS WHERE A CHANGE IN PAVEMENT THICKNESS OCCURS SHALL HAVE AN EXPANSION JOINT.  
DOWELL ALL EXPANSION JOINTS: 24" O.C. MAX.  
CONCRETE SEALER SHALL BE TK-26UV.

SITE DATA

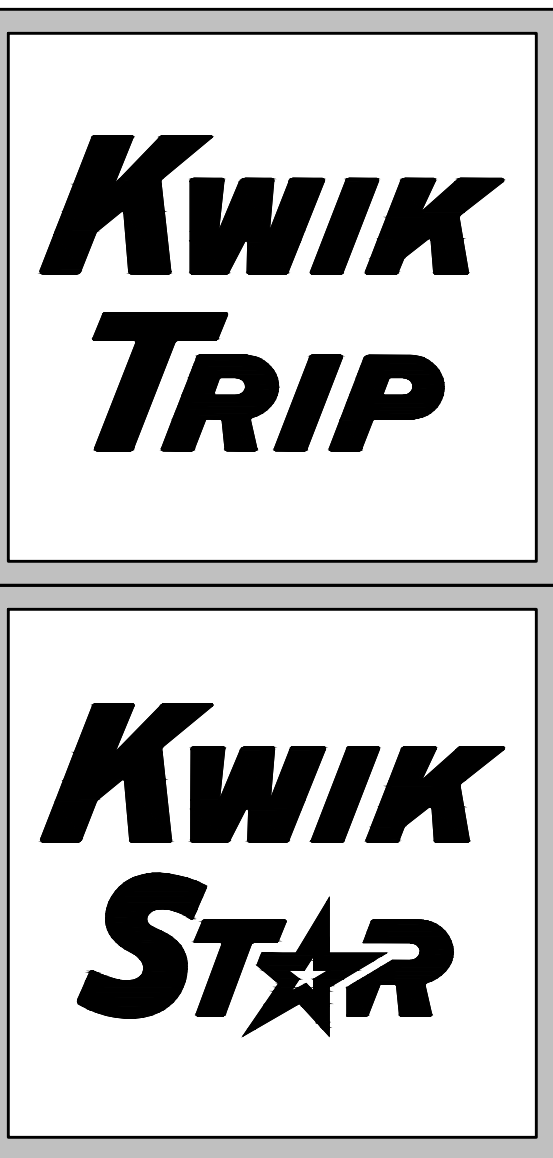
ZONING:	BP-BUSINESS PARK
PARCEL AREA:	447,509 SF
HARD SURFACE AREA:	
STATION STORE:	14,423 SF 3%
PAVEMENT:	233,959 SF 52%
TOTAL:	248,382 SF 55%
PERVIOUS SURFACE AREA:	199,127 SF 45%
BUILDING HEIGHTS:	
STATION STORE:	24.0 FT
FUEL CANOPIES:	15.5 FT

PARKING SUMMARY

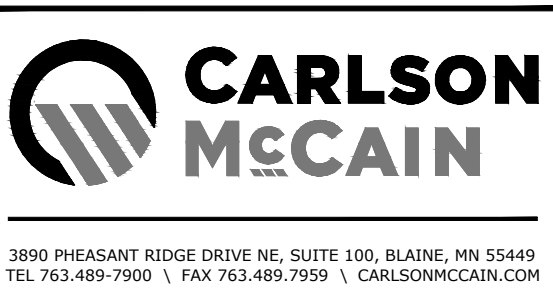
STANDARD STALLS	36
HANDICAP STALLS	4
TRUCK STALLS	36
FUEL CANOPY STALLS	20
DIESEL CANOPY STALLS	5
TOTAL STALLS	101



BENCHMARKS	
1. MINNESOTA DEPARTMENT OF TRANSPORTATION GSID STATION #11201 (NAME: BRENNA MNDT RM 2) ELEVATION = 950.22 FT. (NAVD 88)	



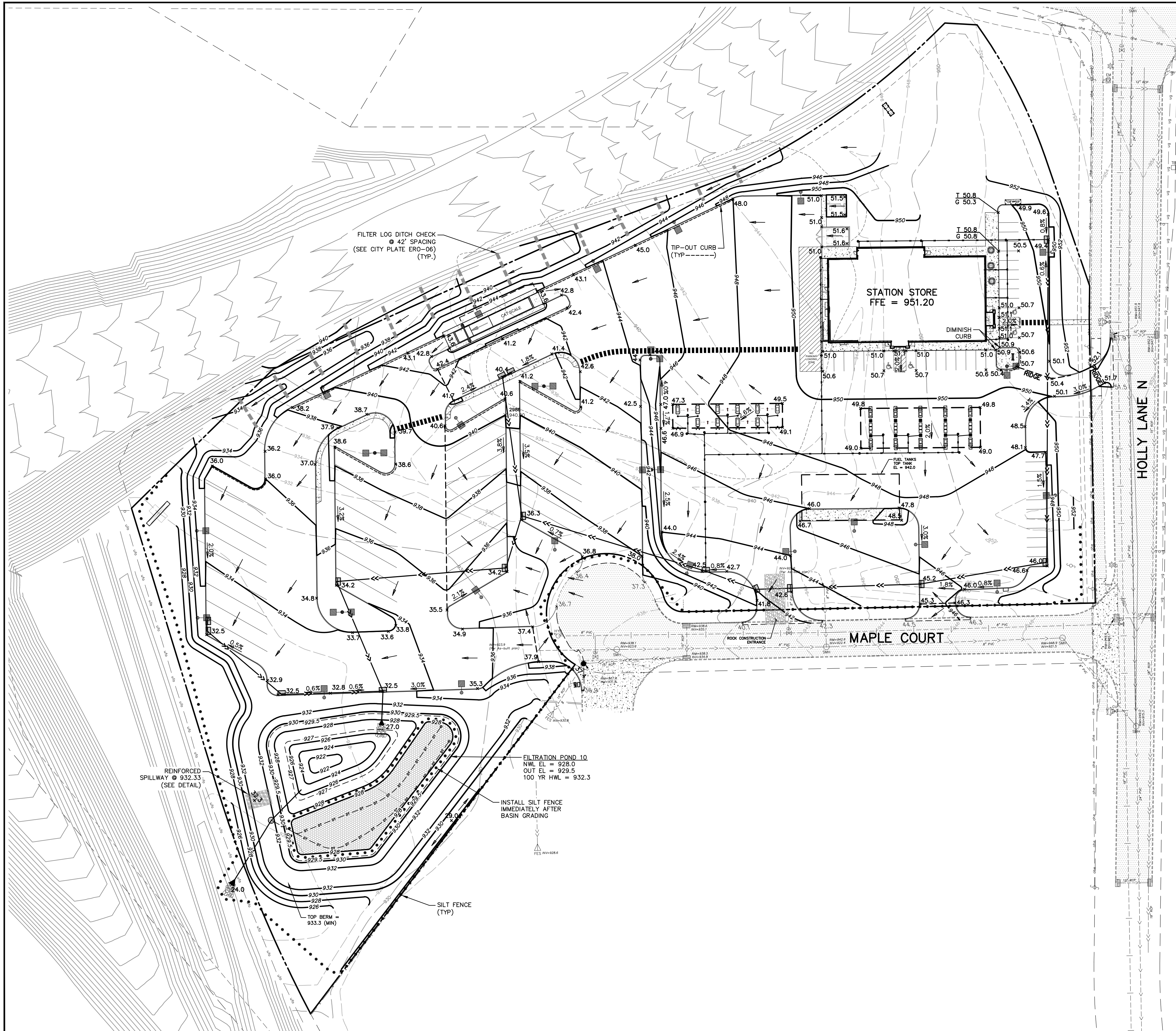
KWIK TRIP, Inc.  
P.O. BOX 2107  
1626 OAK STREET  
LA CROSSE, WI 54602-2107  
PH. (608) 781-8988  
FAX (608) 781-8960



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 Professional Engineer under the laws of the State of Minnesota.  
Name: Joseph T. Radach, P.E.  
Signature: [Signature]  
Date: 08/18/21 License #: 45889

SITE PLAN (LAYOUT)	
CONVENIENCE STORE #11187 WITH SIDE DIESEL	
MAPLE COURT & HOLLY LANE N DAYTON, MINNESOTA	
#	DATE DESCRIPTION
1	10/25/21 Per City Comments
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DRAWN BY	JTR
SCALE	GRAPHIC
PROJ. NO.	9354-00
DATE	2021-08-18
SHEET	1187 SP2

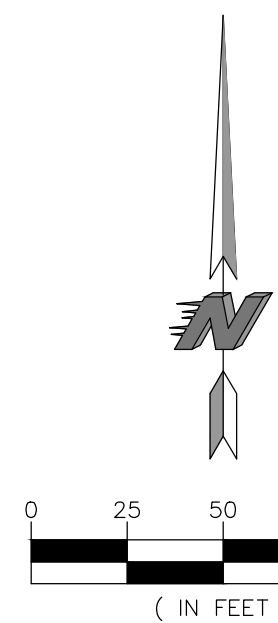




PLAN LEGEND	
EXISTING	PROPOSED
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BITUMINOUS	
CONCRETE PAVEMENT	
CONCRETE WALK	
GRAVEL	
PROPERTY LINE	
EASEMENT LINE	
STORM SEWER	
SANITARY SEWER	
WATER MAIN	
UNDERGROUND GAS	
UNDERGROUND FIBER OPTIC	
OVERHEAD ELECTRIC	
FENCE	
COMMUNICATIONS BOX	
POWER POLE	
SANITARY MANHOLE	
LIGHT POLE	
SIGN	
TRANSMISSION TOWER	
GAS VALVE	
WATER VALVE	
GUY WIRE	
HYDRANT	
5' CONTOUR	
1' CONTOUR	
SPOT ELEVATION (CURB ELEVATIONS ARE TO GUTTER LINE)	
SILT FENCE	
DITCH CHECK	

- GOVERNING SPECIFICATIONS**
- THE LATEST EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION".
  - THE LATEST EDITION OF THE CITY OF DAYTON STANDARD DETAILS AND SPECIFICATIONS.
  - THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD).
  - THE LATEST EDITION OF THE CITY ENGINEERS' ASSOCIATION OF MINNESOTA (CEAM) STANDARD SPECIFICATIONS.

- GRADING NOTES**
- SILT FENCE AND EXISTING CATCH BASIN INLET PROTECTION SHALL BE INSTALLED PRIOR TO GRADING CONSTRUCTION, AND SHALL BE MAINTAINED UNTIL SITE HAS BEEN STABILIZED.
  - CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND PAVEMENTS PRIOR TO THE START OF GRADING CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF DISCREPANCIES OR VARIATIONS FROM THE PLAN.
  - CONTRACTOR SHALL STRIP, STOCKPILE AND RESPREAD SUFFICIENT TOPSOIL TO PROVIDE A MINIMUM OF 4" OF TOPSOIL OVER ALL DISTURBED AREAS THAT WILL BE SODDED, SEEDDED OR LANDSCAPED.



BENCHMARKS	
1. MINNESOTA DEPARTMENT OF TRANSPORTATION GSID STATION #11201 (NAME: BRENNIA MNDT RM 2) ELEVATION = 950.22 FT. (NAVD 88)	



**Kwik  
TRIP**

**Kwik  
Star**

KWIK TRIP, Inc.  
P.O. BOX 2107  
1626 OAK STREET  
LA CROSSE, WI 54602-2107  
PH. (608) 781-8988  
FAX (608) 781-8960

**CARLSON  
McCain**

3890 PHEASANT RIDGE DRIVE NE, SUITE 100, BLAINE, MN 55449  
TEL 763.489.7900 \ FAX 763.489.7959 \ CARLSONMCCAIN.COM

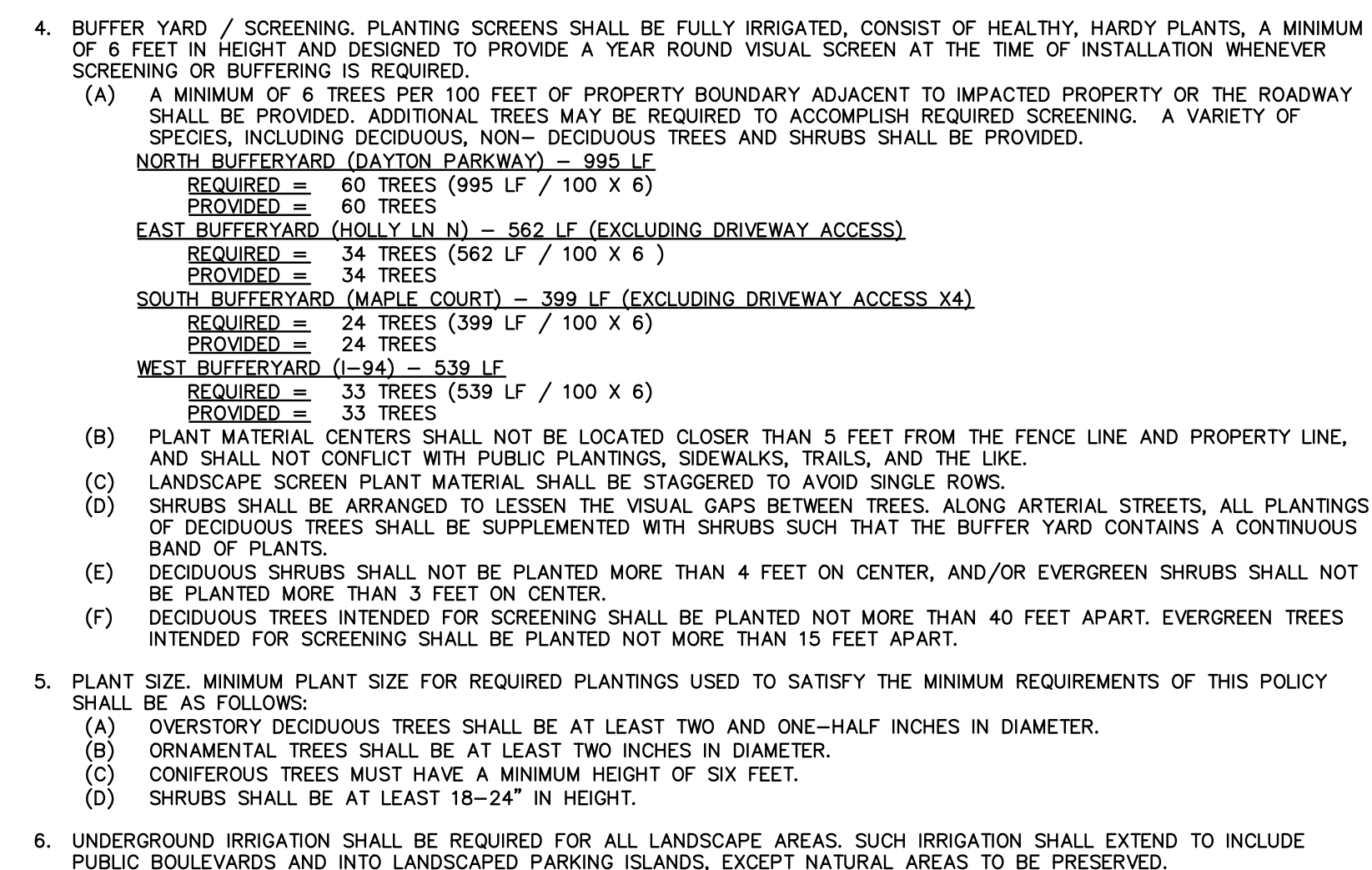
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Name: Joseph T. Radach, P.E.  
Signature: *Joseph T. Radach*  
Date: 08/18/21 License #: 45889

GRADING & EROSION  
CONTROL PLAN  
CONVENIENCE STORE #1187  
WITH SIDE DIESEL  
MAPLE COURT & HOLLY LANE N  
DAYTON, MINNESOTA

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1. MINIMUM REQUIRED PLANTING: THE LANDSCAPE PLAN DESIGN SHALL, AT A MINIMUM, PROVIDE AT LEAST 3 OF THE FOLLOWING REQUIRED NUMBERS OF TREES AND SHRUBS IN ADDITION TO ANY TREES AND SHRUBS REQUIRED FOR SCREENING:

(A) ONE OVER-STORY TREE PER 3,000 SQUARE FEET OF OPEN AREA.  
REQUIRED = 57 TREES (170,400 SF OPEN AREA / 3,000)  
PROVIDED = 57 TREES

(B) ONE ORNAMENTAL TREE PER 1,500 SQUARE FEET OF OPEN SPACE.  
REQUIRED = 114 TREES (170,400 SF OPEN AREA / 1,500)  
PROVIDED = 114 TREES

(C) ONE EVERGREEN TREE PER 3,000 SQUARE FEET OF OPEN AREA.  
REQUIRED = 57 TREES (170,400 SF OPEN AREA / 3,000)  
PROVIDED = 57 TREES

(D) ONE DECIDUOUS OR EVERGREEN SHRUB PER 100 SQUARE FEET OF OPEN AREA.  
REQUIRED = 1704 SHRUBS (170,400 SF OPEN AREA / 100)  
PROVIDED = 557 SHRUBS

2. HEAT ISLAND REDUCTION: AT LEAST 1 OVER-STORY TREE SHALL BE PLANTED FOR EVERY 10 PARKING STALLS ON SITE. TO SATISFY THIS REQUIREMENT, THE TREE MUST BE LOCATED AT LEAST 4 FEET AND WITHIN 10 FEET OF A CURB ADJACENT TO ANY INTERNAL PARKING OR DRIVE AREA. THE TREES SHALL COUNT TOWARD MEETING THE OVERALL SITE GREEN SPACE AND LANDSCAPING REQUIREMENTS.

REQUIRED = 8 TREES (76 STALLS / 10)  
PROVIDED = 8 TREES

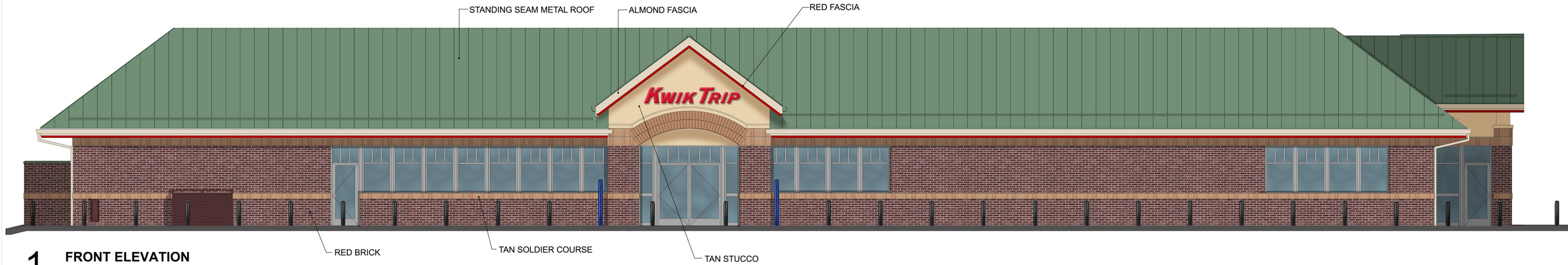
3. LANDSCAPE REQUIREMENTS SPECIFIC TO B-3/B-4 GENERAL BUSINESS DISTRICT:

(A) AT LEAST 25% OF THE LAND AREA SHALL BE SOODED AND LANDSCAPED WITH APPROVED GROUND COVER, SHRUBBERY AND TREES.  
AREA REQUIRED = 111,878 SF (447,509 SF LOT 1 AREA \* .25)  
AREA PROVIDED = 170,400 SF (38%)

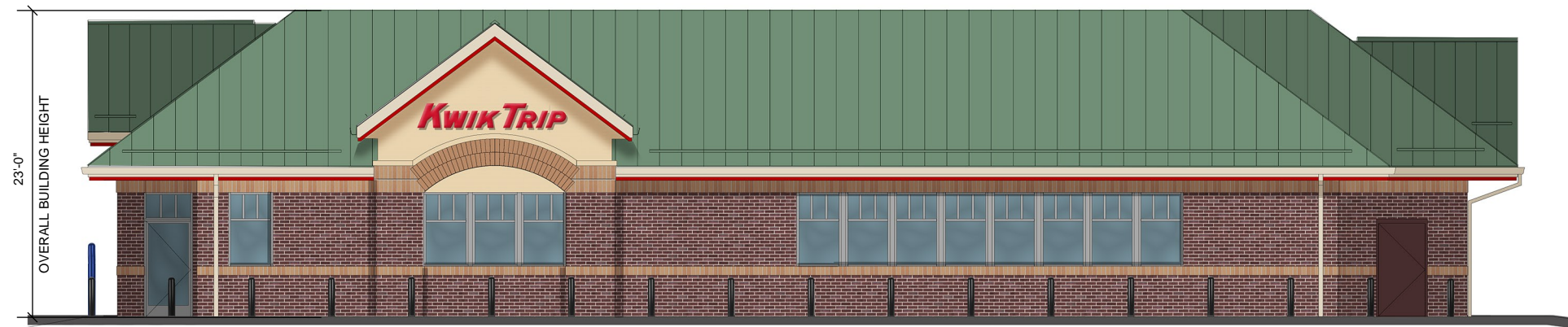
(B) AT LEAST 3% OF THE INTERNAL PARKING AREA SHALL BE LANDSCAPED. THIS AREA IS COUNTED AS PART OF THE OVERALL REQUIRED LANDSCAPE AREA.  
AREA REQUIRED = 7,077 SF (235,906 SF PARKING AREA \* .03)  
AREA PROVIDED = 41,506 SF (17.7%)

[illegible]

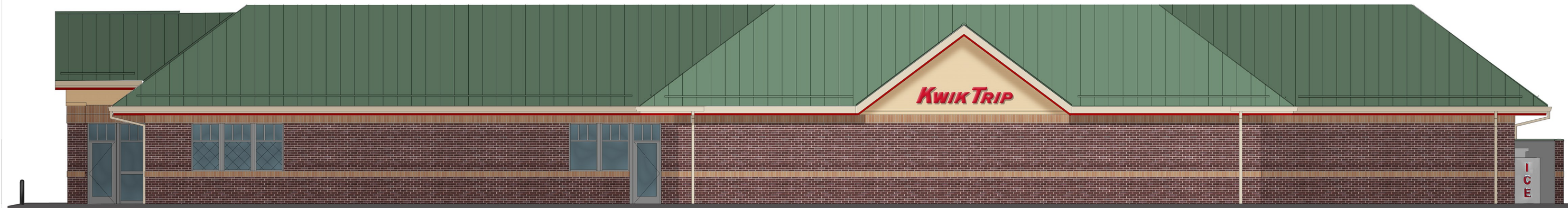




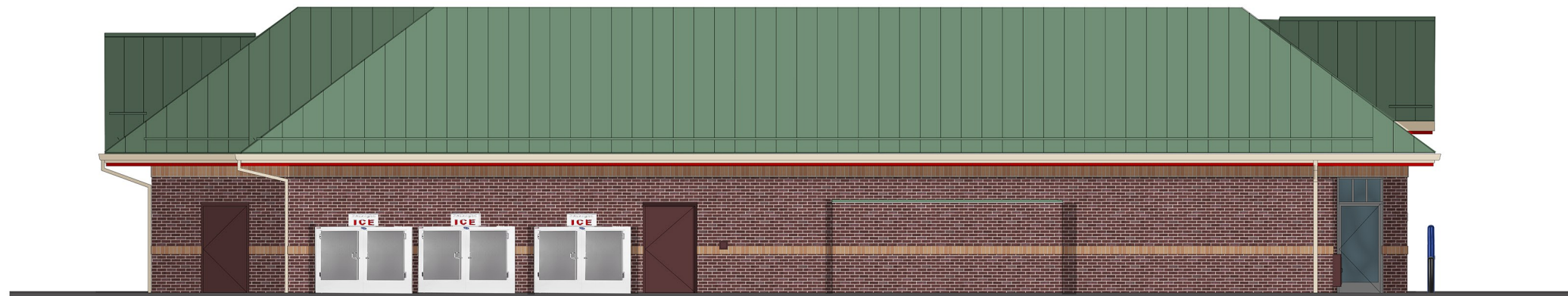
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



KWIK TRIP, Inc.  
P.O. BOX 2107  
1626 OAK STREET  
LA CROSSE, WI 54602-2107  
PH. (608) 781-8988  
FAX (608) 781-8960





FRONT RIGHT VIEW



REAR RIGHT VIEW



FRONT LEFT VIEW



REAR LEFT VIEW



FRONT ELEVATION

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**Kwik  
STAR**

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EXTERIOR ELEVATIONS  
GEN 3 LARGE TRAVEL CENTER





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DIESEL