

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, February 22, 2006**

**1. Call Meeting to Order**

The meeting was called to order at 6:31 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Pat Remfert, Bob Gilman, Michael LaDuke, Grant Gengel, and alternate Jim Kratochvil. Absent was Kay Wilcox.

City Staff Present: Renee Christianson - City Planner and Ken Ondich – City Planner.

**2. Approval of January 25, 2006 Meeting Minutes**

It was moved by Remfert, seconded by Gilman to accept the January 25, 2006 meeting minutes as submitted. Motion carried (5-0).

**3. Concept Plan – Amendment to CUP #C5-2003**  
**Chad Pavek, applicant**

Planner Christianson presented the staff report. She stated that the original conditional use permit for the site was approved in 2003 to construct the convenience store, gas station, car wash and restaurant. She stated that the applicant is requesting to amend the site plan to add an outside trash enclosure and to use the former interior trash area for a large walk in cooler or freezer. She stated that the trash enclosure would be constructed of concrete block faced with brick to match the exterior of the building, would be 10' deep by 12' wide and two wooden doors would face to the west as proposed. She reviewed the site plan and building elevations, and also pictures of the existing building. She noted that the original conditional use permit was for a specific site plan and that changes would require an amendment.

Commissioner Gengel asked the applicant, Chad Pavek, to clarify the need for the trash enclosure and the reason for the proposed location.

Chad Pavek, applicant, stated that the need for the outdoor trash enclosure is because of the need for more indoor cooler and freezer space which logically would go in the current indoor trash area. He stated that the location of the outdoor trash enclosure on the north side of the building was presented because it is good for both tenants to access.

Commissioner Gengel stated that he thought the location on the north side of the building was the least desirable location. He stated that he would prefer a less visible location on the site.

Commissioner Remfert asked if they have to currently go outside to dispose of trash bags today.

Mr. Pavek stated that currently they do not.

Commissioner Gilman stated that he didn't think there was any other place to put the garbage enclosure on the site because of the pond on the west, the outdoor seating on the south side of the building and not to take up an existing parking spot.

Commissioner Remfert agreed with Commissioner Gengel that the proposed location on the north side of the building was not a good spot for the trash enclosure, but did not know where else to put it. He asked Mr. Pavek how much garbage is generated from each tenant.

Mr. Pavek stated that probably 75% of the garbage is from McDonalds and 25% from the Market Place.

Commissioner Remfert asked when the trash pickup days were and if having more frequent pickup days with smaller dumpsters inside would give room inside for the additional cooler and freezer space.

Mr. Pavek stated that he thought they were Monday, Wednesday, Thursday and Friday. He stated that he has three dumpsters now and that smaller ones wouldn't provide enough room for the trash because one has to be for cardboard.

Commissioner Kratochvil stated that he also did not think the proposed location was the best location for the enclosure but did not know where else to put it.

Commissioner Gilman asked if a cover could be put on top of the enclosure to keep trash from blowing out.

Commissioner LaDuke agreed that he would like some kind of cover on the enclosure because trash blowing would be his biggest issue. He asked Mr. Pavek the height of the dumpsters.

Mr. Pavek stated that the wall of the enclosure would be 7' tall and that the dumpsters are about 4.5' tall. He stated that he had thought about putting the enclosure in the NW corner of the lot but didn't think that would be the most desirable location. He added that he didn't want to compromise the parking situation by putting the enclosure in one of the spots either.

Commissioner Remfert stated that appearance of the gates on the front of the trash enclosure would be his concern and that often times on such enclosures they hang open and don't close correctly.

Commissioner Gengel stated that the proposed location may lead to an aromatic situation at the drive through line in the summer time.

Mr. Pavek stated that the garbage is all bagged and sealed, and with the frequency of the garbage pickup he did not feel that smell and flies would not be a big problem.

Planner Christianson stated that placing the trash enclosure in the northwest corner of the lot would require a variance for the setback because it would be considered a structure.

Commissioner Gilman stated that adding a roof to the enclosure on the proposed location would allow the addition of the regular garage door to the structure to match what is already on the

building. He stated that it would then look like two garage doors on the building next to each other.

Commissioner Gengel stated that he can't support the proposed location of the trash enclosure on the north side of the building. He asked if the enclosure could be located below ground with a lid that could be lifted to dispose of the trash.

Mr. Pavek stated that he could possibly add it by the propane area, but that putting it there would lose a parking spot. He stated that he has striped and will stripe more parking spots along the north side of the parking area and also along the east side of the car wash building.

Planner Christianson stated that the parking spaces would need to be counted and reviewed.

Commissioner Remfert stated once again that he does not want to see unattractive doors that don't close correctly on the enclosure.

Planner Christianson stated that the zoning ordinance requires that the access doors to trash enclosures have a latching mechanism to keep it closed and locked when not in use.

Commissioner Gengel stated that he would like to see the trash enclosure somewhere on the southern edge of the property.

The Planning Commission directed Mr. Pavek to work with staff on alternate locations in the southern portion of the lot.

#### **4. Concept Plan – Sheds (for sale) in B-1 District Rod Tietz, applicant**

Planner Christianson presented the staff report. She stated that the applicant, Rod Tietz, was requesting to place some custom sheds on his Main Street property for the purposes of selling and marketing them. She stated that the sheds were from Bob Pexa, owner of Sheds Plus and that the sheds would be placed on the east side of the lot. She presented pictures of some of the custom sheds and the site. She stated that staff believes the sheds would constitute exterior storage as defined in the zoning ordinance which may require a conditional use permit.

Rod Tietz, applicant, stated that he is looking for some extra revenue from his unusually large Main Street lot, and that Mr. Pexa had asked him about marketing the playhouses on his lot. He added that he wouldn't want to put many of the sheds there, but just a shed and a for sale sign.

Commissioner Gengel stated that he would be concerned about the way they would be displayed. He gave examples of if other downtown merchants started selling merchandise in front of their stores.

Commissioner LaDuke stated that allowing the sheds could set precedence.

Commissioner Remfert stated that the site was the wrong place to display the sheds for sale.

Commissioner Kratochvil asked how many sheds he would place on the site.

Mr. Tietz stated that all he really would like to put on the lot is one shed.

Commissioner Kratochvil stated that he would be fine with one shed there.

Mr. Tietz stated that he did not want to distract from his business.

Commissioner Gilman stated that one shed would be fine.

Planner Christianson stated that the zoning ordinance says that a conditional use permit may be required for all exterior storage if warranted.

Commissioner Gengel and Commissioner LaDuke both stated that the request requires a conditional use permit and the Planning Commission agreed.

## **5. Review Draft Zoning Ordinance Amendment Outdoor Wood-Fired Boilers**

Planner Ondich presented the staff report. He provided background information on Outdoor Wood-Fired Boilers, how other cities regulate or don't regulate Outdoor Wood-Fired Boilers, what the MPCA and EPA have for regulations on Outdoor Wood-Fired Boilers, and finally presented draft ordinance language to either regulate Outdoor Wood-Fired Boilers or to ban them entirely within the City of New Prague. He added that the previous vote was two commissioners for a complete ban and two for regulating the units.

Commissioner Gengel stated that since last month's meeting he had spoken with someone in California with experience being downwind from an outdoor wood boiler and dealing with smoke day after day. He stated that the smoke is a nuisance for an urban area. He stated that he is now supportive of a ban on the outdoor wood-fired boilers.

Commissioner LaDuke stated that he was recently in Brainerd and saw some of the units. He said that because of the low stack height the smoke stays low to the ground. He stated that he is in support of a ban.

Commissioner Kratochvil stated that he was not sure if a total ban is the right thing to do. He stated that he is not in support of a total ban. He stated that for fireplaces the building code does not require the chimney height to be over the peak of the roof. He noted that there is one outdoor wood-fired boiler unit within the city already.

Commissioner Remfert stated that he is still supportive of a ban on the units.

Commissioner Gilman stated that he was supported of a ban.

With four commissioners supportive of banning outdoor wood boilers, the amendment to ban outdoor wood-fired boiler units will be scheduled for a public hearing at the March 22 Planning Commission meeting.

## **6. Review of Draft Zoning Ordinance Amendment Allow Essential Services in the I-1 District**

Planner Ondich presented the staff report. He noted that staff recently noticed in conjunction with the construction of the new water tower that essential services are not listed as a permitted use in the I-1 Industrial District but are a permitted use in every other zoning district within the City. He noted that the industrial district is actually the most desirable location for essential services because of their compatibility. He read the definition of essential services and noted that the only change to the ordinance was to add essential services as a permitted use.

The Planning Commission did not have any comments or changes to make to the ordinance amendment.

The amendment to add essential services as a permitted use to the I-1 Light Industrial Zoning District will be scheduled for a public hearing at the March 22 Planning Commission meeting.

## **7. Review of Draft Zoning Ordinance Amendment Non-conforming Structures – to be consistent with State Statutes**

Planner Ondich presented the staff report. He stated that state law regarding nonconformities had changed since 2004 which invalidated local zoning ordinances and limited cities ability to regulate nonconformities. He stated that current law requires that nonconformities be allowed to continue through repair, replacement, restoration, maintenance, or improvement but not including expansion unless the use is discontinued for a period of more than 1 year or is destroyed by 50% or more of market value and no permit is applied for within 180 days. He noted areas where the city's current ordinance conflicts with state law and noted the suggested changes.

Commissioner Gengel asked if the changes proposed were only to bring the ordinance into conformance with state law.

Planner Ondich stated that one change regarding expansion of building which are nonconforming only by reason of not meeting a setback was the only change not related to conformance with state law.

Planner Christianson provided an example of where a home is 10' closer to a property line than required today is considered a nonconforming structure and wouldn't be allowed to even add a deck under the current regulations so that the change would allow additions to a nonconforming structure as long as the addition meets all setbacks.

Commissioner Kratochvil stated that he doesn't like the changes and that he doesn't agree with the state law.

The rest of the Planning Commission indicated they were in support of the changes as proposed.

The amendment to the section of the zoning ordinance for nonconforming uses and structures to be in conformance with state law will be scheduled for a public hearing at the March 22 Planning Commission meeting.

## **8. Open Meeting Law – Review of**

Planner Christianson presented the research information regarding Minnesota Statute Chapter 13D which is known more commonly as Minnesota's Open Meeting Law. Information presented was from the Minnesota House of Representative's Research Department, the League of Minnesota Cities Handbook, and Minnesota Statute Chapter 13D.

## **9. Miscellaneous**

Planner Ondich provided an update on the Alco Store discussion at last month's meeting. He stated that the developers have indicated that they were looking at sites just outside of City Limits.

Commissioner Remfert asked if anyone had heard the news story that Kare-11 News did about a City that regulated where sex offenders could live.

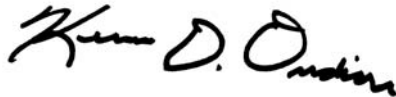
Commissioner Remfert indicated that at a future meeting he would like to take a look at a past project and review what went right or wrong by making a site visit.

Planner Christianson stated she met with Mn/DOT and discussed the downtown traffic issue and that Mark Scheidel would be attending the March meeting to present the results of the recent MnDOT TH 19 study.

## **10. Adjournment**

A motion was made to adjourn the meeting at 8:15 p.m. by Commissioner Gengel, seconded by Commissioner Remfert, which passed unanimously (5-0).

Respectfully submitted,



Kenneth D. Ondich  
City Planner