

Meeting Minutes
New Prague Planning Commission
Wednesday, April 23, 2008

1. Call Meeting to Order

The meeting was called to order at 6:34 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Grant Gengel, Bob Gilman, Kay Wilcox and Jim Kratochvil. Absent was Pat Remfert.

City Staff Present: Ken Ondich – Acting Planning Director, Ryan Streff – Planning Intern

2. Approval of February 27, 2008 Regular Meeting Minutes

It was moved by Wilcox, seconded by Gilman to approve the March 26, 2008 regular meeting minutes as submitted. Motion carried (4-0, Remfert Absent).

3. Request for Preliminary and Final Plat Approval – Knights of Columbus Addition - applicant

Planning Intern Streff presented the staff report. He stated the Knights of Columbus have submitted an application for Preliminary and Final Plats. He stated that the property is located at 411 4th Avenue SW with a proposed plat legal description of Lot 1, Block 1 Knights of Columbus Addition. He stated that currently the property is not platted and has only a metes and bounds legal description. He stated the Knights of Columbus facility is located in the city's B-3 Highway Commercial District. He stated they are platting this property to formally plot the lot lines so that a building permit can be obtained for an addition. He stated the City Zoning Ordinance requires land to be platted before a building permit can be issued and this land is not previously platted. He stated the Knights of Columbus facility is located between commercial uses to the north and west and adjacent to two residential homes on the south, with both of these homes located within the B-3 Highway Commercial District. He stated there are also residential homes across the rail-road tracks to the east of the facility. He stated this report is based on a review of the preliminary plat drawing consisting of 1 sheet and dated 3/28/08, and the final plat drawing consisting of 1 sheet which is dated 3/28/08. He stated that the City Attorney shall review the title opinion, final plat and legal description after they are received. He stated the minimum lot size in the B-3 Highway Commercial District is 20,000 square feet. He stated the proposed Lot 1, Block 1 is 57,277 sq. ft square feet, or 1.31 acres, thereby meeting the minimum lot size requirement. He stated the minimum lot width for the B-3 Highway Commercial District is 80' at the building setback line. He stated the proposed Lot 1, Block 1 has a lot width of approximately 98' which exceeds the minimum ordinance requirement. He stated the property has no known existing easements, which was determined by the title opinion. He stated the proposed final plat needs to show a 5' drainage and utility easement along the south property line, 10' drainage and utility easement along west line (already shown), 10' drainage and utility easement along east line and 5' drainage and utility easement along the northern most line. He stated the required building setbacks in the B-3 Highway Commercial District are 40' in front, 10' in rear, and 10' on sides. He stated the preliminary plat drawing shows the required building

setbacks. He stated that staff would like to note that the existing building encroaches into the required front setback by 18' 4". He stated the access to the site is currently from 4th Avenue SW (Hwy 13 & 21), via two curb cuts. He stated that they are not proposing any changes to the curb cuts or accesses at this time, however, MN DOT would support the closing of the North access curb cut. He stated that there is currently a sidewalk along 4th Avenue SW (Hwy 13 & 21) which is located on west side of the front entrance to the building. He stated there are no existing trails. He stated the site is entirely covered by impermeable surfaces and drains into the city's storm sewer system. He stated that the property is shown on the FEMA Flood Insurance Rate Map NO. 27079C0087D, Effective Date July 21, 1999; in the Zone X: Areas Determined to be outside 500 Year Floodplain. He stated Staff notes that upon reviewing the National Wetland Inventory and performing a site inspection, there is no reason to believe that wetlands exist on the property and therefore a wetland delineation has not been required because the lot is entirely paved. He stated that there are no DNR protected waters or wetlands on or adjacent to the site. He stated the Subdivision Ordinance requires that 10% of the gross area of all property being subdivided shall be dedicated for parks, playgrounds, greenway trail, recreational areas, or public open space. He stated that because this is a plat of existing developed land within the City limits, staff does not recommend any park land dedication. He stated that MnDOT District 7 stated that they did not have any comment regarding the plat, other than that they would support the closing of the northern curb cut which leads to the parking directly in front of the building. He stated that if the access will be closed that the applicant would have to obtain a permit from MnDOT. He stated that Staff feels the Planning Commission should recommend approval of the preliminary and final plats.

The public hearing was opened at 6:42 P.M.

Joe Pexa, 440 West 280th Street, New Prague, stated he is part of the Board of Directors. He stated they are platting this property so that an addition can be built. He stated they will be moving the A.C. units from the south side to the north side. He stated that they do not plan on removing the north curb cut. He stated that DQ is further out then they currently are.

Tom Simek, 504 3rd Street NW, New Prague, stated he is part of the Board of Directors. He stated that a lot of people come to this facility and the first thing they see is a metal building. He stated that they want to make building more attractive to people when they come to the facility. He stated that in the winter the north wind blows through the current doors so they want to make some improvements so this does not happen. He stated this is to make the building handicap accessible and to provide energy savings.

The public hearing was closed at 6:46 P.M.

Commissioner Gilman asked staff about easements on the property.

It was moved by Gilman, seconded by Wilcox to recommend approval of the preliminary and final plat of Knights of Columbus Addition, consisting of 1 lot on approximately 1.31 acres in the B-3 Community Commercial Zoning District with the following findings:

1. The Preliminary and Final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.

2. The plat conforms to the requirements of the B-3 Community Commercial Zoning District in which it is located.

And with the following conditions:

1. The City Attorney shall review the final plat and title opinion before City Council approval.
2. Approval is subject to all recommendations of the Public Works Director.
3. The preliminary and final plat drawing must be amended to show all existing drainage and utility easements if any.
4. The final plat must be recorded within 90 days of the date of the City Council granting approval.
5. The proposed final plat needs to show a 5' drainage and utility easement along the south property line, 10' drainage and utility easement along west line (already shown), 10' drainage and utility easement along east line and a 5' drainage and utility easement along the northern most line.

And noting the following variance:

1. This is a plat of existing developed land within the City limits, no park land dedication is necessary.

Motion carried: Ayes 4 Nays 0

4. Request for Conditional Use Permit #C2-2008 – B-1 2nd Floor Apartment Expansion, Charles Svoboda, applicant

Planning Intern Streff presented the staff report. Streff stated that Charles Svoboda is applying for a conditional use permit to allow for an expansion of his 2nd floor Apartment. He stated that the apartment is located 105 ½ Main Street West, New Prague, MN. He stated that Charles Svoboda is both the owner of the building and occupant of the apartment. He stated there is currently only one apartment that is above this commercial establishment. He stated the owner is applying for this conditional use permit to expand his apartment on the 2nd floor to the north approximately 8 feet. He stated the establishments on the 1st floor are leased by Charles Svoboda to Ron Schoenecker Insurance and American Academy of TAE KWON DO. He stated that there have been other conditional use permits issued for Main Street upstairs apartments located within the B-1 Central Business District. He stated the others were required to provide two off street parking units for each apartment unit, identify a garbage dumpster location, and security lighting off the back of the apartments as part of the conditional use permit approval. He stated that the conditional use permit requires that the building be brought up to all City Zoning Ordinances and Minnesota Fire Codes. He stated the expansion must meet all Minnesota Fire Codes, which includes the use fire retardant materials. He stated these materials must be used between floors of the building and between building structures. He stated the property is zoned B-1, Central Business District. He stated that residential uses are allowed to locate above the main floor commercial establishments with an approved conditional use permit. He stated the apartment is a legal non-conforming use today without a CUP and that the expansion triggers the need for a CUP. He stated that two parking spaces are required for each apartment unit in the B-1 Central Business District, which must be provided on the site. He stated the property consists of one

parking space in the garage which is located and accessed through the back of the building. He stated the second parking space is located within the city parking lot which has been granted to the Svoboda's by a verbal agreement when the land was sold from Charles's father to the city. He stated that this parking variance will be noted. He stated the following information is based on Chad Lunder's building code review. He stated the design should be from a registered design professional. He stated the design will require separation of the businesses below and the Residence above. He stated this separation will need to not only include the new addition, but also bring the existing non-complying area up to code. He stated the existing siding on the building (vinyl siding) will need to be removed and replaced with a product similar to the existing building. He stated the new product will need to meet the flame requirements of NFPA 268. He stated that a stucco style exterior such as the one that is on the remainder of the building will meet this requirement. He stated the window that Svoboda is intending to install on the wall facing the property line will need to meet the requirements of Chapt.7 of the IBC. He stated this requirement states that it needs to be a ¾ hour rating. He stated the glass in this rated area must also meet NFPA 257 and NFPA 80. He stated that Svoboda must have the design professional provide the specifications for the product that will be installed showing it meets these requirements. He stated that the commercial building design for the B-1 Zoning District includes the following standards; predominant exterior building materials must be brick to complement historical downtown building materials (The addition will use stucco style to match the existing building), at least forty (40) percent of the first floor façade area must be window area (not applicable), and awnings shall be of cloth material and no plastic awnings are allowed (not applicable). He stated that staff feels the Planning Commission should recommend approval of the 2nd Floor Apartment and Expansion.

The public hearing was opened at 7:02 P.M.

Charles Svoboda, 105 ½ W Main, stated that he is the owner of the building. He stated that he is building the addition so that he can move his daughter's bedroom to the back of the apartment unit. He stated that he is doing this because of the bar noise, smoking and drinking that is going on after 10:00 pm in front of his property. He stated that moving the bedroom will also allow it better fire access.

Commissioner Wilcox asked Svoboda where the access for the apartment unit was.

Svoboda stated that the apartment is accessed through the door located on the west side of the building in the front.

Commissioner Gengel stated that no vinyl siding should be used.

Svoboda stated that he met with Gary Staber first and then met with Chad Lunder. He stated that he and Chad Lunder went over the 1 hour fire rating. He stated that he would like to use a flame retardant material that can be sprayed onto the structure. He stated that he wants to use metal siding on the exterior. He stated that nothing was said about the use of stucco for the exterior.

Commissioner Wilcox stated that she agrees that no vinyl siding should be used on the building. She stated that the B1 Design Standards should be followed.

Commissioner Gengel stated the design standards to Svoboda. He stated that he wants the building to match the existing structure.

The public hearing was closed at 7:14 P.M.

It was moved by Wilcox, seconded by Gilman to recommend approval of the 2nd Floor Apartment Expansion with an exterior of either stucco or brick, located at 105 ½ Main Street, in the B1 Central Business with the following findings:

1. The use complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The use conforms to the requirements of the B1 Central Business Zoning District in which it is located.

And with the following conditions:

1. Approval is granted in accordance with the applicant's submittal information dated 4/23/08, on file with the New Prague Planning Department.
2. The Conditional Use Permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission or the City Council unless work commences within one (1) year of the date of granting the Conditional Use Permit.
3. Two parking spaces for the apartment unit must be provided on the site. (Noting one in the garage and second in City Parking Lot.)
4. The expansion must meet all Minnesota Fire Codes and building design standards. This includes the use fire retardant materials. These materials must be used between floors of the building and between building structures.
5. The design should be from a registered design professional. The design will require separation of the Businesses below and the Residence above. This separation will need to not only include the new addition, but also bring the existing non-complying area up to code. The design professional shall provide the specifications for the product that will be installed showing it meets these requirements.
6. Security lighting is required on the rear of the building.
7. An approved building permit is required prior to expansion.
8. The exterior of the addition and existing area with white vinyl siding shall be either stucco or brick upon completion.

And Noting the Following Variances:

1. The second parking space that is required for apartment units in the B-1 Central Business District is located within the city parking lot which has been granted to the Svoboda's by a verbal agreement when the land was sold from Charles's father to the city.

Motion carried: Ayes 4 Nays 0

5. Request for Variance #V1-2008 – Building Addition Setback, Knights Columbus Building Commission, applicant.

Planner Ondich presented the staff report. He stated the Knights of Columbus have submitted an application for an addition of a front vestibule to the existing Knights of Columbus Hall at 411 4th Ave. SW. He stated the front vestibule would be 8' x 12' in size and would cover the main front (west) entrance to the building. He stated the applicants have noted that the northwest wind that hits the front door has been hard on the front door. He stated they feel that this vestibule addition would solve that problem by relocating the door to a south facing position off the vestibule. He stated staff notes that the existing building is already encroaching into the required 40' front setback by 18.4' and that this addition would further make the building encroach into the required front setback. He stated the addition would be only 13.6' from the front property line. He stated the Knights of Columbus are also planning, along with the vestibule addition to re-side the entire building with a "stucco look" wall panel that would have the similar appearance to the panels used on the front of the Ace Hardware building. He stated this would replace the existing steel siding on the building today. He stated the property is zoned B-3 Highway Commercial. He stated the required building setbacks are 40' to the front property line, 10' to the side property lines and 10' to the rear property line. He stated that staff would like to point out that the front vestibule addition will line up (generally) with the front (west) edge of the Dairy Queen to the north at about 13.6' from the front property line. He stated staff would like to note, however, that having the two buildings line up within the required front setback area is not a good reason to allow the expansion of an already non-conforming structure due to the setback not being met. He stated the ideal situation with nonconforming structures is to eventually have them come into compliance with the zoning ordinance, rather than to allow them to become further out of compliance with the zoning ordinance. He stated the Planning Commission should ask itself if the variance for the front vestibule setback is reasonable. He stated staff does not believe that the variance is reasonable based on the fact that the structure is already nonconforming due to the front setback encroachment and the fact that the addition will only make the structure even more out of conformance with the ordinance. He stated staff would also like to point out that there is ample room on the lot for additional building space to be added that would meet the setback requirements. He stated that staff recommends denial of the variance to allow front vestibule addition to be 13.6' from the front property line instead of the ordinance requirement of 40' from a front property line in the B-3 Highway Commercial Zoning District, with the findings listed in the staff report.

Commissioner Gengel stated that there are various problems with the variance. He stated that the B-3 District is a mess and needs improvement. He stated that he wants the facility to be viable and used. He stated that he is more inclined to support the variance now than he had been in the past.

Commissioner Kratochvil stated that handicap codes would be maintained with the variance. He stated that the improvements will be good for the area and will look much better than the existing structure. He stated that he is O.K. with the variance. He stated that the building will still line up with the other properties adjacent to the facility.

Commissioner Wilcox stated if they were to get creative could they make a vestibule access through the south side. She stated that granting this variance for the Knights of Columbus could be depriving others under the same conditions. She questioned if this was variance was granting a special privilege.

Commissioner Gilman stated that Dairy Queen is closer to the road then the KC Hall. He stated that the KC Hall needs to be handicap accessible. He stated that this is a hardship.

Commissioner Wilcox stated that she would like to see more green space and a couple of ornamental trees.

Mr. Joe Pexa stated that they would do extra landscaping.

A motion was made by Kratochvil, seconded by Gilman to recommend approval of Variance #V1-2008, with the following findings:

1. The building addition as approved by the variance will allow the building to maintain ADA Compliance which it does not have today.
2. The building addition as approved by the variance will enhance energy conservation within the larger structure by facing the doors to a south facing orientation.
3. The building addition as approved by the variance will make the building more financially feasible by making it more attractive to potential users.
4. The building addition as approved by the variance will improve the aesthetics of the neighborhood.

And with the following condition:

1. Green space must be established on both sides of the vestibule which will include an ornamental tree on each side of the vestibule.

Motion carried: Ayes 4 Nays 0

6. Street Name Establishment, New State Bank of New Prague, State Bank of New Prague, applicant

Planner Ondich presented the staff report. He stated that the State Bank of New Prague was previously approved for a Conditional Use Permit to construct a new bank building at the SE corner of TH 19 and 10th Ave. SE. He stated as part of this approval process the City and State Bank discussed a dedicated road easement for a public road continuation of 1st Street SE east through the property which would wind it's way down to the previously platted right of way for 1st Street SE on the very south edge of the Holy Trinity Church Property plat known as "Church Addition". He stated the State Bank of New Prague subsequently constructed a portion of the extension of 1st Street SE built to City standard for a roadway with the intention of dedicating it to the City upon acceptance of the construction. He stated the road is not currently platted road right of way and because the road easement has not been given to the City at this point, the State Bank is asking that the segment of the public road on their property be established as "State Bank Street". He stated they have submitted a letter outlining their request. He stated the City's

Subdivision Ordinance has a Street Naming Policy which outlines the process for naming streets. He stated that an established numbering and naming system does exist with the numbered “streets” running east/west and with numbered “avenues” running north/south. He stated that streets/avenues are broken into 4 quadrants which are NW, SW, NE, SE based on their relationship with Main Street and Central Avenue as the dividing roads. He stated in the case of the segment of public roadway to be dedicated on the south side of the new State Bank of New Prague, the roadway is in direct alignment with the existing 1st Street SE which lies to the west of and intersects with 10th Ave. SE. Furthermore, in the adjacent “Church Addition” to the east, a portion of “1st Street SE” has already been dedicated as 50’ of right of way to continue the roadway through their property. He stated the goal of the City is to have this roadway continue all the way from 10th Ave. SE east to Chalupsky Ave. SE. He stated that considering the alignment of this roadway with 1st Street SE and the portion already platted and named as such, Planning Staff cannot support the segment on the State Bank property to be named as “State Bank Street”. He stated the segment of the roadway to be dedicated and named does not change direction by more than 90 degrees, therefore a single name would be warranted for this section of road. He stated the City’s emergency responders provided input on street names to identify any potential concerns.

Planner Ondich stated the following statement from Vosejпка. Police Chief Mark Vosejпка stated in an e-mail dated 4/14/08 “I would not support this request. The street, hopefully, will go through to Chalupsky in the future, and part of the street is already platted 1st St SE. I would rather not have a street name change for such a short distance. I think it could be confusing for the public to try to find the other part of 1st St SE when the intersection of 10th Ave SE would be signed State Bank Street. Allowing this could also be problematic in the future with other street extensions. My opinion.”

Planner Ondich stated that Fire Chief Jim Becker verbally noted to City Staff on April 16th that they and the Ambulance Department would support the name as 1st Street SE and could also consider “State Bank Street” as long as the entire segment was one single name, rather than a section with one name and another segment with a different name.

Planner Ondich stated that staff believes that the street name should be established as 1st Street SE. He stated that staff believes the Planning Commission should not recommend approval of the establishment of the street name as State Bank Street. He stated the City’s Subdivision Ordinance Section 151.063 is Titled “Street Names” and governs the naming policy for streets. He stated an established numbering and naming system exists with the numbered “streets” running east/west and with numbered “avenues” running north/south. Streets/Avenues are broken into 4 quadrants which are NW, SW, NE, SE based on their relationship with Main Street and Central Avenue as the dividing roads. He stated the roadway is in direct alignment with the existing 1st Street SE which lies to the west of and intersects with 10th Ave. SE. He stated the adjacent “Church Addition” plat has already dedicated a segment of 50’ wide right of way as “1st Street SE” which will continue the segment on the State Bank property east towards Chalupsky Ave. SE. He stated that it would be in the best public interest to have the entire roadway between 10th Ave. SE and Chalupsky Ave. SE with a single name that matches with the existing street pattern to avoid confusion. He stated that by allowing this segment of roadway to have a new name, when it is in alignment with an existing and established named street, would set precedence for future street naming requests.

Commissioner Wilcox abstained from discussion.

Bruce Wolf (State Bank) stated that they are neither the subdivider nor the developer. He stated that the State Bank did not ask for public road access. He stated that the State Bank funded the project. He stated that Holy Trinity Lutheran Church lines up closer to 2nd Street SE. He stated that he does not think there will be confusion with the name. He stated that he does not know of a situation where a street name does not change when the road changes by 90 degrees.

Ed Hrabe (Ambulance and State Bank employee) stated that 'State Bank Street' would be a good point of reference for anyone trying to find this street. He stated that New Prague State Bank is an icon for the city.

Commissioner Gilman stated that 1st street is already in place and you could miss the street if it was not in line. He stated that this can result in too many street signs if the street changes at this point.

Commissioner Gengel stated that there is no issue with this request as long as it has the same name from 10th Avenue to Chalupsky.

Commissioner Gilman stated that he does not like the fact of changing the name of a street at an intersection where naming already is in place.

Commissioner Kratochvil stated that the street name from 10th Avenue to Chalupsky should be the same.

Wolf stated that we they did not have to connect their street with 1st street. He stated that they could have gone further down and designed it differently.

Planning Commission members stated that this will be passed along to the City Council.

7. Miscellaneous

A. Wal-Mart

Staff stated that the information added to the packet was from the City Council meeting on Monday, April 21, 2008.

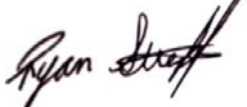
B. CAPX

Commissioner Gengel asked staff to explain CAPX. He stated that there have been studies done that show impacts of large over head power lines and their link to health problems like cancer.

8. Adjournment

The meeting was adjourned at 8:20 PM by order of Chair Gengel.

Respectfully submitted,



Ryan Streff
Planning Intern