

Meeting Minutes
New Prague Planning Commission
Wednesday, September 20, 2006

1. Call Meeting to Order

The meeting was called to order at 6:36 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Kay Wilcox, Bob Gilman, Michael LaDuke, Grant Gengel and Pat Remfert (arrived late). No members were absent.

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

2. Approval of August 23, 2006 Meeting Minutes

It was moved by Wilcox to delay the approval of the August 23, 2006 meeting minutes until the Planning Commission has time to review them.

**3. Request to Reopen Conditional Use Permit #C3-2006 – Amend Building Elevations
Al Jensen, applicant**

Planner Ondich presented the staff report. He stated that the original conditional use permit was previously approved in May of 2006. He stated that building elevations were specifically approved and were dated March 21, 2006. He stated that Mr. Jensen is proposing to modify the appearance of the building elevations by removing all awnings and replacing the awnings with a second horizontal EIFS band and using typical building signs versus having signing on the awnings. He also noted that the tenant space for the hair salon is proposed to have only two window panes instead of the four that were on the original elevation. He noted that Mr. Jensen wanted to change the elevations because Subway wanted a logo on nearly all awnings on the building and that he felt it would be over signing the building. He stated that the facades visible from the street shall look like the front, that high quality materials shall be used and that the mass and scale should be varied with roofline variations, repeating patterns of color, materials and textures, windows and awnings. He presented the previously approved building elevations as well as the proposed building elevations along with example signage. He reviewed the building elevations and noted the specific changes from what was previously approved. He stated that staff supports the changes. He stated that the building has an overall very flat appearance which was also noted in the original staff report. He stated that a roof line variation is just one suggestion to break up building mass and scale, but that other ways were used such as repeating patterns of color, materials and textures and windows. He stated that details of signs had not been submitted and that the building elevations showing the signs were just examples created by staff for discussion purposes. He stated that staff supports the amendment to the conditional use permit to allow the changes in the building elevations with the finding and condition listed in the staff report. He noted that Mr. Jensen brought with color samples to show exactly what colors will be used on the building when it is completed.

The public hearing was opened at 6:42 PM.

Al Jensen, applicant, stated that the reason for changing the building elevations is that he had proposed two awnings on the front of the building and Subway wanted a logo on each awning which he felt would be over signing the building. He noted that the awnings can be a maintenance issue as well because they tend to fade over time. He stated that he would have no signage on the south elevation and only on the east and north elevation. He stated that he added the 2nd horizontal EIFS band 40” below the one he had initially planned on the building which would be above and below the building signage. He stated that the building signs attached directly to the building provide better lighting than lighting the awnings. He stated that the horizontal bands project out from the building for some depth to the appearance of the building and added that they will be Navajo red to help break up the building elevation. He stated that he feels that less signage is more in this case. He described the colors to the Planning Commission and showed them color samples. He stated that the Fantastic Sam’s signage would be red and would not have a tag line below it which would possibly affect neighbors who might have a view of that part of the building. He stated that he is changing the sign in front of the building too by lowering it to 20 feet and adding a Fantastic Sam’s logo in addition to the Subway logo.

Commissioner LaDuke asked why the two windows were being removed from the tenant space.

Mr. Jensen stated that it let in too much light and that in the front area would be an area for a TV and DVD player for kids to watch. He stated that they also didn’t want windows by the styling stations. He stated that it was more important for fewer windows on the inside of the building than on the outside.

Commissioner Gengel stated that he thought the removal of the two windows throws off the balance of the building.

The public hearing was closed at 6:49 PM.

Commissioner Gengel stated that the loss of the green awnings is a major change and that it made the building bland.

Commissioner Wilcox asked if awnings could be installed over the doors and asked if those would have to have signage on them.

Mr. Jensen stated that he could put awnings above the recessed entrance doors on the north elevation but that he would prefer not to. He stated that the bands and columns will be Navajo red with 40” spacing between the horizontal bands for the signs to be placed between them.

Commissioner Wilcox asked if Mr. Jensen has free control over the building colors.

Mr. Jensen stated that he does have control over building colors.

Commissioner Gengel asked who would be running the Fantastic Sam’s.

Mr. Jensen stated that he purchased the franchise himself.

Commissioner Gengel asked about the rear door moving on the west elevation and whether there is a hallway running along the back of the building from Subway so they can exit out the back to throw out their trash.

Mr. Jensen stated that the two spaces are separated and that Subway will have to exit out a service door on the north elevation to get to the trash enclosure.

Commissioner Remfert stated that he liked the awnings that were previously on the building. He also stated that he understands the issue of over-signage on the Subway awnings. He stated that he was not so sure on having awnings over the entrance doors.

Mr. Jensen stated that he would prefer not to have awnings over the doors.

Commissioner Gilman stated that he likes the awnings on the building that were previously approved but that he would not like awnings over just the doors. He stated that he thinks the colors that are proposed for the building will break up the appearance.

Commissioner LaDuke stated that he thinks the building looks fine as proposed and that the colors will give the building some depth.

Commissioner Wilcox stated that she is fine with the building as it is proposed.

It was moved by LaDuke, seconded by Gilman to recommend approval of the amendment to conditional use permit #C3-2006 to allow a change in the approved building elevations to the commercial building in the B-2 Community Commercial Zoning District with the following finding for the building elevation changes in addition to those already listed for the original conditional use permit:

1. The proposed revised façades of the building meets the intention of Section 725 of the New Prague Zoning Ordinance entitled Commercial Building Design / Site Relationship for the B-2 District.

And with the following condition:

1. Conditional Use Permit Amendment is issued in accordance with the applicant's building elevations dated September 7, 2006 on file with the New Prague Planning Department instead of the building elevations dated March 21, 2006.

Motion carried: Ayes 5 Nays 0

4. Request for Conditional Use Permit #C6-2006 – 400 Main Street West Randy Kubes, applicant

Planner Christianson presented the staff report. She provided background information which noted that a conditional use permit was issued for a drycleaner in 1998 and that the building has been vacant since September 2003. She stated that the applicant purchased the building in March 2005. She stated that the property was zoned as B-3 Highway Commercial and that of the uses requested only warehousing specifically appears on the list of uses guided to the B-3 Zoning

District. She noted that the block is similar in character to the B-1 Downtown Commercial Zoning District and added that the Planning Commission has briefly discussed rezoning the block to B-1 in the past. She stated that two other conditional use permits were issued on the block in 2002 and 2003. She stated that parking requirements apply in the B-3 District and that there is a serious lack of parking in the area. She stated that the available parking is deceiving because people currently park on the railroad property while there is really only room for two parking spaces on the Kubes property. She noted that a warehousing use would require 4 parking spaces, an office use would require 13 parking spaces and a retail use would require 15 parking spaces. She stated that staff suggests providing 2 parking spaces on the property and that they be 25% shaded at full tree maturity. She stated that there are no building design requirements in the B-3 District and that the building is an existing pole type building with no changes proposed to the exterior. She stated that there are two existing signs on the front of the building and one on the east side and that there were also two lights on the front of the building and one on the side. She stated that staff suggests adding security lighting by the parking area. She stated that staff supports the re-use of the building for office, retail, service, warehousing and distribution uses with the findings, conditions and variance listed in the staff report. She added that the alley on the side and behind the building is very likely going to be improved in the next few years as it has already been considered a few times for reconstruction in the past.

The public hearing was opened at 7:12 PM.

Steve Tupy, property manager, stated that he was present to answer questions and that they do have a tenant in the building currently.

Planner Christianson stated that the City has issued a transient merchant license to the current tenant of the building which allows them to be there for a couple of weeks. She stated that transient merchant licenses are for those who set up tents such as for the recent hail repair shops and that they can also utilize empty storefronts.

Mr. Tupy stated that the current tenant is just using the front of the building for office space because they were operating out of their home and ran out of space with all the hail damage repair they have been doing lately.

The public hearing was closed at 7:15PM.

Commissioner Gengel stated that it's sad to see the building vacant and that he would like to see the building back in use. He stated that the building projects an image to Main Street and he wouldn't want storage in the front portion of the building.

Mr. Tupy stated that the back half of the building is what they would possibly rent for warehousing and storage. He stated that it's a large building at 4,000 sq. ft. which would be very difficult to rent to just one user. He stated that the back half of the building is sectioned off from the front.

Commissioner LaDuke asked if they are proposing any exterior changes to the building.

Mr. Tupy stated that they are not proposing any exterior changes.

Commissioner Gengel asked if they have any long term interest in the building.

Mr. Tupy stated that they will sign a 6 month lease with the contractor for the offices that are currently in the building but that they do not have a long-term commitment at this point.

Commissioner Gengel asked what the piece of land was located to the south of the building.

Planner Christianson stated that it was an approximately 40'x 60' piece of land that was once owned by the building owner Kratochvil and that he gave it to the City years ago because he didn't need it any longer. She stated that this land could be sold to the building owner, but that the City prefers to wait until after the alley is improved to see what portion of that parcel may be needed for construction of the alley and sell what ever is left over after that project.

Commissioner Gengel asked if the railroad had complained about cars parking on their property in the past.

Planner Christianson stated that the railroad hasn't been complaining, but that the City has a large portion of the alley on the railroad right of way as well.

Commissioner Remfert stated that he doesn't like the idea of warehousing on Main Street but that it would be okay in the back half of the building as long as that would be a condition of the conditional use permit.

Commissioner Wilcox stated that she hopes they are successful and that they have the potential to expand parking in the future if the city sells the lot to the south of the property.

Commissioner Gilman stated that he agrees with everyone's comments.

Commissioner LaDuke stated that he is opposed to the re-use of the building because it is only putting a band-aid on an old building and blighted area. He stated that the approval of the conditional use only extends the use of the building and prevents the further redevelopment of the area.

Commissioner Gengel stated that this building was not in the right area of downtown for a total redevelopment to be successful.

It was moved by Gilman, seconded by Wilcox to recommend approval of conditional use permit #C6-2006 to allow office, retail, service, warehousing and distribution uses to locate at 400 W. Main Street in the B3 Highway Commercial Zoning District with the following findings:

1. The use of the property for office, retail, service, warehousing and distribution uses will not create a burden on existing parks, schools or other public facilities. The stated uses may create a burden on the surrounding public roads created by on-street parking. The property is very small and only two parking spaces can be provided on the site. Denying any use of the building based on the lack of parking would not be reasonable.
2. The property is not located adjacent to any residentially zoned or used land so there is no chance that the proposed retail, office, service, warehousing and distribution uses will

cause depreciation on adjacent residential property values, and the proposed uses have been found to be compatible with surrounding land uses.

3. There are no residentially zoned or used properties adjacent to this site, and therefore the existing structure and site will not have an adverse affect on adjacent residential properties.
4. The City Council has determined that a re-use of the building for retail, office, service, warehousing or distribution uses is in the best interest of the city and the citizens of New Prague and is reasonably related to the overall needs of the City.
5. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The uses are not in conflict with the Comprehensive Plan which guides the area to commercial uses.
7. The use of the property for office, retail, service, warehousing and distribution uses should not cause substantial traffic hazard or congestion. There is a lack of parking on the site and therefore customers will likely utilize on-street parking, which may affect traffic issues at times.
8. Adequate utilities, drainage and necessary facilities have been provided to the site. An access road / gravel alley exists on the south and east side of the property, which may be improved in the future.

And with the following conditions:

1. 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 unless used within one year of the date granting the permit.
2. The Conditional Use Permit is issued in accordance with the applicant's site plan dated 9/1/06 on file with the New Prague Planning Department.
3. Two parking spaces, as identified on the 9/1/06 site plan, shall be improved in accordance with Section 717 of the Zoning Ordinance.
4. The building owner shall inform any tenant proposing to locate within the building of the two available parking spaces on the property by providing them with a copy of the site plan, and also inform any tenant proposing to locate within the building of the possible future alley/road improvement project.
5. Tenants wishing to locate within the building must obtain a 'tenant finish' building permit.
6. There shall be no outside storage allowed on the site.
7. Adequate security lighting must be provided by the parking spaces.
8. All dumpsters, garbage containers or refuse bins that are stored outside shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
9. Any signs proposed shall comply with Section 718 of the Zoning Ordinance.
10. Warehousing will only be allowed in the back one-half of the building away from Main Street.

And noting the following variance:

1. A variance is being granted from Section 717 of the Zoning Ordinance relating to off-street parking. The site and building were developed decades ago and there is no

opportunity to create more than two (2) parking spaces on the property. Denying any use of the building based on the lack of parking would not be reasonable.

Motion carried: Ayes 4 Nays 1 (LaDuke)

5. Zoning Ordinance Amendment – Sign Regulations

Planner Ondich presented the staff report. He noted that the current sign regulations are lacking in several areas including lack of regulation for temporary signs, lack of sign definitions, maximum sign sizes for temporary and non-residential use signage in residential areas, maximum size real estate signage, maximum building face signage percentage, ensuring that the sign code is not violating the 1st Amendment and the need to exempt signage 6 sq. ft. or under from obtaining permits. He stated that relating to the League of Minnesota Cities Sign Code Shakedown Article staff had League Attorney Paul Merwin review our sign code. He suggested adding a statement of purpose, adding a substitution clause that allows commercial and noncommercial speech equally, changing the definition of a sign in the code, and changing “election sign” regulations to include all non-commercial signs. He read through the 15 staff suggested changes to the sign regulations. He stated that he recommended that the Planning Commission discuss the proposed changes and suggest revisions. He stated he would like the City Attorney to review the revised sign regulations with any suggested changes. He stated that a final draft could be considered in October before setting a public hearing for November. He stated that business owners could possibly be invited to the October Meeting to review the proposed sign regulations.

Commissioner Gengel stated that signs and temporary signs in particular have gotten egregious. He asked if the Planning Commission was ready to tackle such an issue and asked if it would be advisable to read through the 15 suggested changes and comment.

The Planning Commission agreed that changes are needed to the sign regulations.

The Planning Commission stated that they were okay with suggested change #1 which would add definitions for portable signs, temporary signs, sandwich board signs, monument signs, and non-commercial speech.

The Planning Commission stated that they were okay with suggested change #2 which would change the current definition of a sign so that it did not limit any first amendment rights.

The Planning Commission stated that they suggested changes for change #3. They stated that they would like to allow temporary signs for 45 days total annually and a maximum of 15 days per signing permit and that it would be up to the property owners to decide how they want to use up the 45 days.

The Planning Commission stated that they had differing opinions about sandwich boards in suggested change #4. Commissioners LaDuke and Wilcox stated that they can be a nuisance when there are too many on a sidewalk. Commissioners Gengel and Gilman stated that they like sandwich boards downtown but that maintaining the walk zone would be important. They decided that they would like input from businesses owners about the issue at the public hearing and wouldn't offer any changes until that time.

The Planning Commission stated that they suggested changes for change #5. They suggested that 32 sq. ft. signage for real estate advertising only be allowed in commercially and industrially zoned property.

The Planning Commission stated that they were okay with suggested change #6 which would exempt signs 6 sq. ft. or under from having to obtain sign permits and also exempting a sign permit requirement when the message of a sign is being changed and not the size or placement of the sign.

The Planning Commission stated that they were okay with suggested change #7 which would allow sign owners to substitute commercial speech on a sign with non-commercial speech so that the sign ordinance is no longer violating 1st amendment rights.

The Planning Commission stated that they questioned the change #8 that would allow non-commercial signs to be allowed in place of election signs and the specific time periods they are allowed. They asked for comment from the City Attorney on this provision.

The Planning Commission stated that they were okay with change #9 that states that sign permits are required for all signs unless otherwise noted in the code.

Planning Commissioners Wilcox, Gengel, Gilman and LaDuke all stated that they support limiting signage on building faces to 15% rather than the currently allowed 25% and recommended that the change be incorporated into the ordinance. They noted that they would suspect that business owners may not agree with this change.

The Planning Commission stated that they were okay with change #11 that would add a purpose and intent section to the sign ordinance.

The Planning Commission stated that they were okay with change #12 that would require signs to be removed after a one year period of a discontinued use instead of the previously noted 6 months so that the regulation complies with state statute for non-conformities.

The Planning Commission stated that they were okay with change #13 that would allow nonresidential uses or conditional uses in residential districts to have 32 sq. ft. of signage versus the 12 sq. ft. of signage that is permitted today and noted this because they have previously given many variances for schools and churches and nursing homes to have signage larger than 12 sq. ft.

The Planning Commission stated that they were okay with change #14 that would provide for a defined way to calculate the area of signs which would not include the base that the signs sit on.

The Planning Commission stated that they were okay with change #15 that would state specifically in the ordinance that where freestanding signs are permitted that monument signs would also be permitted.

Commissioner Gengel suggested that an additional change #16 be that banner signs are only allowed as temporary signage. He stated that he suggests the change because he has seen banner signs used as permanent signage downtown and after a while they end up looking like old rags.

Staff stated that they would incorporate such a change in the revised language.

Commissioner Gengel also stated that he would like the changes advertised or even given to the Chamber of Commerce to put in their newsletter or to discuss at a board meeting. He suggested that the public hearing on the matter be held at the November Planning Commission Meeting.

Planner Christianson noted that the Planning Commission had not commented on if they felt sandwich boards would be allowable in the B-2 or B-3 Zoning Districts.

The Planning Commission indicated that the B-2 and B-3 Districts are not as pedestrian oriented as the B-1 District and that they do not support them in those districts.

Planner Ondich noted that an electronic reader board would soon be installed at East Town Plaza and that the City currently has not prohibition against them.

Commissioner Gengel stated that he strongly opposes electronic reader boards.

The other Planning Commissioners did not state whether they support them or not.

Staff stated that they would look into regulations for them and would set the public hearing on the sign regulations for the November Planning Commission Meeting.

6. Miscellaneous

A. Discuss Rescheduling November and December Planning Commission Meetings-

Staff stated that the November Planning Commission Meeting is currently scheduled for the night before Thanksgiving and suggested that the date change to the 15th of November which is one week earlier than normal. Staff also suggested that the December Planning Commission Meeting could be changed if it worked better for everyone's schedule as the meeting is currently scheduled for the Wednesday after Christmas and before New Years. It was discussed that the meeting could be moved up a week to the 20th of December which is the Wednesday before Christmas.

The Planning Commission stated that they would like the meeting dates changed to November 15 and December 20.

B. TH 19 Open House Comments-

Planner Christianson stated that she had included comments from Dan Gullickson regarding the TH 19 reconstruction project on the west side of town and that other comments were also received from the public. She stated that at the City Council Meeting on Monday October 2, 2006 MnDOT would be making a presentation to the City Council regarding the project.

C. Roundabout Article-

Planner Christianson stated that the article was for informational purposes only.

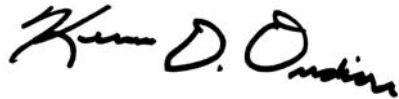
D. Cities Bulletin: Adult Entertainment Law Info-

Planner Christianson stated that the article was about recent changes to the adult entertainment law in Minnesota and that staff will look into how it affects the city's adult use regulations currently in place.

7. Adjournment

The meeting was adjourned at 8:50 PM. by Chairperson Grant Gengel.

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large, stylized "K" and "O".

Kenneth D. Ondich
City Planner