

Meeting Minutes
New Prague Planning Commission
Wednesday, November 15, 2006

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Planning Commission Vice Chairperson Pat Remfert with the following members present: Kay Wilcox, Bob Gilman, Michael LaDuke and Pat Remfert. Grant Gengel arrived during agenda item #3. All members were present with the arrival of Gengel.

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

2. Approval of October 25, 2006 Meeting Minutes

It was moved by Wilcox, seconded by Gilman to approve the October 25, 2006 meeting minutes as submitted. Motion carried (4-0, Gengel not yet present).

**3. Request for Variance #V6-2006 for Attached Garage Rear Setback –
600 Columbus Ave. S.
Deborah and Jerome Tilbury, applicants**

Planner Ondich presented the staff report. He stated that Deborah and Jerome Tilbury own the property at 600 Columbus Ave. S. He stated that they are proposing to construct a 12' x 26' single stall garage addition onto their home on the west side of an existing two stall attached garage. He stated that the existing attached garage is 31' from the rear property line and with the addition it would only be 19' from the rear property line. He stated that this requires an 11' variance from the rear property line. He stated that the lot was platted in 1981 under a subdivision ordinance and the home was built in 1992 under a zoning ordinance. He stated that the home has a Columbus Ave. S. address but that the garage and front door face 5th Street SE. He added that the lot is a corner lot fronting on 5th Street SE and Columbus Ave. S. of a size of 80' wide by 130' deep. He stated that corner lots must have two front yards and that the rear is always opposite the narrowest dimension on a street frontage. He noted that there is a 10' easement along the western rear property line. He stated that the existing home uses up most of the buildable area available on the lot except for a small area between the home and Columbus Ave. S. He stated that the applicants would like the third garage stall in order to put items inside that don't currently fit within the double stall garage. He stated that the addition would use up 11' of their already small backyard area. He stated that had the home been built 30' from Columbus Ave. S. instead of 41' that there would be room for the attached third garage stall without a variance. He stated that the existing structure meets all current setbacks. He stated that homes in the area meet all setbacks. He stated that the shape of the lot places the rear yard on the west property line, but that the lot should have had its narrow dimension along 5th Street SE to match other homes on the block. He stated that the buildable area on the lot is not substandard in size at 43.2' x 70'. He noted that staff believes the applicants have reasonable use of their property with the existing two stall garage as many other homes in the area have only a two stall garage. He read though the criteria and findings used in the granting of variances. He

stated that staff recommends denial of the variance to allow the attached garage addition to be 19' from the rear property line with the findings listed.

Commissioner Remfert stated that he felt the applicants were trying to do the right thing by trying to enclose items inside of the garage with the extra stall, but that he was not in favor of allowing it because it could open the doors for other requests for variances of residents who simply want more garage space but don't have the room to build it.

Commissioner Gilman stated that he does not support the variance request.

Commissioner Gengel asked staff about the determination of the side and rear lot lines. He noted that in the staff report it states that the home fits in more closely with 5th Street SE than Columbus Ave. S. He stated that no neighbor in that area would say that the backyard of the home is on the west side of the lot by looking at the property.

Planner Ondich stated that on corner lots the rear yard is defined by ordinance to be opposite the narrowest road frontage which was opposite Columbus Ave. S. in this case which happens to be what people would consider the side of the home but that it was not the way the ordinance defined it.

Commissioner Gengel asked if the applicants built the home.

Planner Ondich stated that they did not.

Commissioner Wilcox stated that she concurs with staff's determination to deny the variance request.

Commissioner LaDuke stated that allowing the variance would set a precedence to allow more variances like it that don't appear to have a hardship.

Commissioner Gengel addressed the applicants by stating that the City gets lots of variance requests. He added that if the City begins granting requests that get away from the ordinance requirements too far that it opens the City up to legal suits for not following the ordinance that everyone else has to play by.

It was moved by Gilman, seconded by Remfert to recommend denial of Variance #V6-2006 to allow the attached garage addition at 600 Columbus Ave. S. to be 19' from the rear (west) property line in the RL-84 Single Family Residential Zoning District with the following findings:

- A. There are not exceptional or extraordinary circumstances that apply to the property which do not apply generally to other properties in the same zone or vicinity because the lot was platted and the home was constructed with a subdivision ordinance and zoning ordinance in place by the City and because the lot meets all current minimum lot size requirements and the home meets all current setbacks. The lot is not of substandard size and the two stall garage is common to the area and is not of substandard size.

- B. The literal interpretation of the provisions of this Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance because most other homes in the immediate vicinity have only attached two stall garages and the homes that do have three stall garages had ample room to build them within all applicable setbacks.
- C. Special circumstances exist as a result of the actions of the applicants because they have reasonable use of the property with the current two stall garage meeting all setbacks and maintaining a 30' rear yard setback on the property. The special circumstance arises only from the proposed third garage stall addition not meeting the rear setback.
- D. Granting the variance would confer a special privilege that is denied by this ordinance to owners of other properties in the area that have to maintain minimum 30' rear yards and most homes in the area only have two stall garages. Those homes in the area with three stall garages were able to build them within all applicable setbacks unlike the applicant's proposal.
- E. The variance being requested would be materially detrimental to the purpose of this zoning ordinance or other property in the same area because all other homes in the vicinity have a similar sized lot and have maintained a 30' rear yard setback with reasonable use of their property.
- F. The granting of the variance from the required 30' rear yard setback from 30' to 19' would not be reasonable because it would create a situation on the lot where it would no longer have a "backyard" which other lots in the area have.

Motion carried: Ayes 4 Nays 1 (Gengel)

4. Request for CUP #C7-2006 State Bank of New Prague, applicant

Prior to staff's presentation of the agenda item, Commissioner Wilcox identified herself as a Board Member of the State Bank of New Prague and removed herself from the table during discussion.

Planner Christianson presented the staff report. She stated that the property is zoned B-2 Community Commercial and that banks are specifically listed as a conditional use. She stated that the site is bordered on all 4 sides by B-2 zoning which include the New Prague Marketplace, Community Bank, Pizza Ranch, Holy Trinity Church and vacant land to the south. She stated that the proposed bank meets all required setbacks. She stated that the site fronts on TH 19, 10th Avenue SE, and the proposed 1st Street SE and that access is restricted on TH 19 and 10th Ave. She stated that 3 curb cuts are proposed along 1st Street SE with all accesses less than the required 30' width but that a variance could be noted for the width. She stated that a sidewalk exists on the west side of the lot and that a bituminous trail is proposed along the north side of the site and that sidewalks must lead from the building entrances to the sidewalks as shown on

the site plan. She stated that a frontage road is desired through the property and that the Holy Trinity Property to the east has already dedicated a 50' right of way along their south property line for this purpose. She added that the bank is proposing the frontage road to be built by them and dedicated to the City. She stated that the conceptual frontage road would connect between 10th Ave. SE and Chalupsky Ave. SE. She stated that parking for the bank is required at 1 space per 250 square feet and that a portion of the basement would be unfinished and would require 1 space per 1,000 square feet as warehousing/storage. She stated that the site requires 71 spaces with the building as proposed and that the initial site plan was short on parking spaces initially and that a revised layout shows 72 spaces. She stated that no landscaping buffers are required because the adjacent properties are all zoned B-2 Community Commercial. She stated that the landscaping plan for the original parking layout met the ordinance requirements. She stated that the site will drain into the parking lot which connects to the City's storm sewer system. She added that the ponds in Prague Estates have been designed to handle site drainage. She stated that the building was required to be built of high quality materials including brick wood or concrete, that building mass must be controlled through roof line variations and that all facades visible from adjoining properties or street shall feature characteristics similar to a front façade. She stated that the building meets the requirements for building design. She stated that the drive-thru window meets the ordinance requirements by being in a side yard. She stated that the trash receptacle meets the ordinance requirements. She stated that the proposed building signage is 1.25% of the building face and that two monuments signs are proposed on the site. She stated that only one monument sign is currently allowed by ordinance per property and she stated that the photometric lighting plan meets ordinance requirements. She read through the criteria used for granting conditional use permits. She stated that staff requests continuing the request until revised drawings have been submitted and determined to be in compliance with the Zoning Ordinance.

The public hearing was opened at 7:05 PM.

Paul Kraft, 302 Lyndale Ave. N, stated that he was on the Long Range Planning Committee for Holy Trinity Lutheran Church. He stated that they welcome the bank as their new neighbor. He stated that they have concerns about where 1st Street SE will connect to the 50' right of way they previously dedicated on their property. He asked what happens if the road stops short how snow plows and emergency vehicles would turn around on the road. He stated that they have also had drainage problems by their Sunshine Daycare playground area with the previous development to the south of their property. He stated once again that the proposed bank is a beautiful building.

Dan Gullickson, 1859 Rolling Meadows Court, stated that he was also on the Long Range Planning Committee for Holy Trinity Lutheran Church. He stated that they are excited about the development and felt the development would better connect the church to the community by no longer being on an island in the middle of vacant land. He stated that the architecture of the proposed building is impressive. He stated that as shown on the conceptual frontage road layout 1st Street SE would encroach onto a portion of Holy Trinity's property not included in their already dedicated 50' right of way. He stated that the current conceptual layout would require more dedication or a taking of their property into their playground area. He stated that the daycare the church operates is required to be licensed by the state and that the playground area is needed as a state requirement. He stated that he would like to possibly see more of a 90 degree angle to turn onto their right of way. He stated that he would like an engineer to look at the possible need for turn lanes by the connection with 10th Ave. SE. He stated that the berm created

during the grading for Prague Estates 1st Addition blocked drainage from leaving their property and has killed pine trees because the ground was too wet. He stated he would like an engineer to look at grading on the properties.

Commissioner Gengel stated that it was difficult to move the road location because of the existing curb cut off 10th Ave. SE and the dedicated right of way on the south side of the Holy Trinity Property.

Planner Christianson stated that the purpose of the road was to be a frontage road to TH 19 for business access rather than having access to business property directly from TH 19. She stated that the City works with Mn/DOT to control access points onto the highway. She stated that the contract with Holy Trinity is that when the 1st Street SE frontage road becomes available they will close their access to TH 19.

Daryl Bauer, 1094 Maple Circle, stated that he was a member of Holy Trinity Lutheran Church. He asked if there was a current plan to put 1st Street SE all the way through to Chalupsky Ave. SE at this time. He stated that if it doesn't go through all at one time it will be a road to nowhere. He stated that he acknowledged it was a less than perfect situation.

The public hearing was closed at 7:25 PM.

Commissioner Gengel stated that he has mainly technical concerns with the plans for the bank. He asked the applicant why they are proposing two monument signs.

Bruce Wolf, New Prague State Bank, stated that the State Bank of New Prague is the oldest business in the City. He stated that the signage they are proposing fits the look of the building and that the signage on the building face is very little. He stated that it is a large site and the signage is important because they have heavily landscaped the site.

Commissioner Gengel stated that the City has stringent variance requirements that must be followed to allow two monument signs.

Mr. Wolf stated that the driveway width variance was another variance being requested and he stated that he understands staff is recommending the request be continued but that he would rather have the request approved at the meeting tonight with conditions. He stated that he feels staff and the engineers can revise and approve the plans before it is finally adopted by the City Council.

Jill Winkler, HTG Architects, stated that the driveway widths were drawn at less than 30' width because staff felt the proposed width was adequate.

Commissioner LaDuke stated that he would like to see a 30' width requirement because there will possibly be armored trucks and paper shredding trucks that will be accessing the site and that it would be hard for them to get into narrow driveways.

Ms. Winkler stated that there has also been an issue with parking identified by the initial site plan. She stated that she would explain how they arrived at this point in the plan. She stated that the bank thought that there would be too many parking spaces on the site with the 1 per 250 sq.

ft. requirement so they were directed to only include usable space in their parking calculation which excluded areas such as stairwells and utility rooms. She stated that this was not accepted by staff after the plan submission and that is why they were unable to change the utility and grading plans before the meeting. She stated that they would be able to resubmit in about a week and a half with all changes made. She added that they would like to bid the project out in February which is a much less competitive time to put out bids for projects.

Commissioner Gengel asked what the risk of moving ahead now would be.

Planner Christianson stated that there is little risk to staff and that the final approval with the City Council would be held off until all the conditions were met.

Commissioner LaDuke asked if the Public Works Director would be accepting of the proposed boulevard trees.

Planner Christianson stated that they are actually within private property so they technically are not boulevard trees.

Commissioner Gilman stated that on the east side of the site there appears to be a need for a possible retaining wall adjacent to the church property.

Mr. Gullickson stated that they actually did their own retaining wall on their side of the berm and that they would be willing to work with the architect to make the site transition work.

Commissioner LaDuke stated that he would like to see only one monument sign on the property.

Commissioner Gengel read through the proposed criteria for approval of the conditional use permit request. He stated that the request for the variance to have two monuments signs would not get their approval. He stated that concerning the driveway width the reduction of the one-way driveway width from 30' is acceptable, but that he did not feel the other driveway widths were appropriate at less than 30' wide. He stated that 1st Street SE pavement width was proposed at less than is normally required by the City.

Planner Christianson stated that the 28' pavement width is allowed by the City and it better fits the site.

Commissioner Remfert stated that concerning signage that he believed that Parkview Medical Clinic was given a variance for two monument signs on their property a few years ago. He stated that knowing that he still believes the bank would be just fine with one sign on the corner. He stated that signage can be overdone.

Commissioner Gengel stated that he was okay with staff reviewing the revisions and proceeding with final approval at the Council.

Randy Kubes, Kubes Realty, stated that the property the bank is proposed on is already platted and that the bank is not obligated to install the road. He stated that it would be a good gesture to allow the two monument sign variance in acknowledgement of the frontage road they would install.

Mr. Wolf stated that he would like to pull the sign variance request at this time so that it does not get denied. He stated once again that they felt the two signs would be needed because they will have many trees that will cover the site.

It was moved by LaDuke, seconded by Remfert to recommend approval of Conditional Use Permit request #C7-2006 to allow a bank along with associated parking facilities and signage, to locate on Lots 1 and 2, Block 2, Prague Estates First Addition, in the B-2 Community Commercial Zoning District with the following findings:

- A. The proposed bank will not create an excessive burden on public facilities which serve the area. Adequate utilities, streets, parks, and other facilities serve the subject property and the surrounding area.
- B. The proposed bank will not be immediately adjacent to any residentially zoned or used property, and is separated from any existing residential properties by approximately 500'. Because of the separation distance between the residences and the bank, and because the bank has been designed in an attractive manner, the proposed bank will not create any negative impacts on adjacent residential properties or adjacent undeveloped land.
- C. The proposed structure and site have been designed in an attractive manner, using high quality materials, and therefore not have an adverse impact on the development of adjacent residential property.
- D. The proposed bank is reasonably related to the overall needs of the City.
- E. The proposed bank is consistent with the zoning ordinance because banks are specifically listed as a conditional use within the B2 zoning district, and the proposed site plan conforms to performance standards identified in the zoning ordinance.
- F. The use is not in conflict with the comprehensive plan because banks are specifically listed as a conditional use within the B2 zoning district, the land use which the property is guided to in the Comprehensive Plan.
- G. The proposed bank will not result in an unreasonable increase in traffic in the surrounding area, and will not create unreasonable traffic hazard or congestion.
- H. Adequate municipal utilities, streets, parks, and other facilities have been or will be provided to the site.

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 granted in accordance with the 13 page plan set dated 10/24/06, which includes a grading and erosion control plan, a site plan, a photometric plan, a landscaping plan, building elevations and floor plans, and sign plans, all on file with the New Prague Planning Department.
- 3. The survey submitted with the plan set, dated December, 2002, must be updated to show Mn/DOT Right-of-Way Plat No. 40-20.
- 4. All plan sheets must be amended to show the current property lines as shown on the Mn/DOT Right-of-Way Plat No. 40-20.

5. Approval is subject to the vacation of the drainage and utility easement located on the common lot line of Lots 1 and 2 Block 2 Prague Estates First Addition.
6. Lots 1 and 2 Block 2 Prague Estates First Addition must be combined into one tax parcel identification number.
7. All grading, drainage and erosion control plans must be approved by the City Engineer and Public Works Director.
8. The sanitary sewer and water utilities currently stubbed into Lot 2 Block 2 Prague Estates First Addition must be abandoned and capped at the mains.
9. Two fire hydrants must be provided along the south side of the property, as required by the New Prague Fire Department.
10. The site plan must be revised to show the minimum required number of parking spaces as stated in Section 717 of the Zoning Ordinance.
11. Sidewalks, leading from the perimeter sidewalks/trails to the building entrance, must be incorporated into the site plan as required in Section 725 of the Zoning Ordinance.
12. All parking stalls shall be striped with white or yellow painted lines not less than 4” wide providing for spaces at a size of 9’ x 20’.
13. The photometric plan should be amended to show the foot candle meter reading generated by the proposed monument and LED signage, and any proposed building lights.
14. Coordination with Mn/DOT TH 19 construction project shall be required.
15. The two entrance/exit curb cuts to the site shall be installed at 30’ in width.

And noting the following variance:

1. A variance is being granted from Section 723(5) of the Zoning Ordinance, allowing a driveway width in a commercial area to be less than 30’ in width. The variance is being granted for the proposed one-way access because the reduced width reduces confusion of drivers who might travel the wrong direction on the one way access.

Motion carried: Ayes 4 Nays 0 (Wilcox removed herself from the table during discussion and identified herself as a Board Member of the State Bank of New Prague).

5. Zoning Ordinance Amendment for Sign Regulations – 1st Reading

Planner Ondich presented the staff report. He stated that staff began researching changes to the sign ordinance to better address temporary and portable signs. He stated that an article from the League of Minnesota Cities titled “Sign Code Shakedown” prompted further changes out of legal necessity. He noted that with the proposed changes, existing legal signs are grandfathered in and can exist as they always have unless they are enlarged or changed. He stated that the Sign Code Shakedown article alerted the City to lawsuits filed against cities all over the country for sign ordinances that violate first amendment rights. He stated that once they are invalidated the company files permits for very large billboards which cannot be stopped without a sign ordinance in place. He stated that the current ordinance didn’t have a statement of purpose for the sign regulations, didn’t allow commercial and non-commercial speech equally and also inappropriately defined signs in the ordinance. He stated that the general premise of the changes related to the first amendment is that signs cannot be regulated based on what the sign says, but rather how the sign looks such as for size, height and the number allowed on a lot. He stated that a city cannot specifically regulate certain signs such as real estate signs or election signs because

it would not be a content neutral regulation. He added that the constitution gives a lesser protection to commercial speech than to other speech. He stated that staff is suggesting 22 changes be made to the sign ordinance and read through the proposed 22 changes.

The public hearing was opened at 8:14 PM.

Marla Mayer, 405 Heritage Trail, stated that she was representing Queen of Peace Hospital. She stated that Queen of Peace Hospital uses sandwich board signs many times during the year for directional signage. She stated that as she reads the proposed changes that sandwich board signs are only allowed in the B-1 Central Business District. She stated that the hospital is located in a residential area and asked if there could be an exception made for them.

Commissioner Wilcox asked if the sandwich boards were for civic events.

Commissioner Gilman asked if the restriction would also apply to schools and churches as well.

Planner Ondich stated that staff will look for a way to make language that could include facilities outside of the B-1 District to have sandwich boards.

Marlene Mushitz, 3575 West 280th Street, stated that directional arrow signage controls are needed. She stated that directional arrows are aesthetically unpleasing.

Commissioner LaDuke stated that a lot of directional arrow signs are located within public right of way and are illegal.

Kathy Hansen, 3545 West 280th Street, stated that she has had a problem with directional signs on their property by the Raven Stream Village Development and that they've had to remove them in the past because the people putting up the signs never asked for permission. She also stated that the brightness of the monument sign at Raven Stream Village Elementary is a problem.

Planner Ondich stated that staff is aware of the Raven Stream Village Elementary sign lighting issue and will have a device shortly that can be used to measure its brightness.

Roger Hansen, 3545 West 280th Street, asked about allowed square footage size of sandwich boards and asked if they were allowed to be 8 square feet total or 8 square feet per side.

Planner Ondich stated that the suggestion to make it clear that signage totals were per side was noted and would be incorporated into the changes.

Randy Kubes, Kubes Realty, stated that small directional signs are a problem and they should not be allowed. He asked if there would be a way in the current ordinance to allow permitted permanent directional signage for residential developments such as for his Tikalsky Acres Development that is a distance off the main highway.

Planner Ondich stated that it's hard to make an exemption for one type of off-premise advertising sign over another without violating someone's first amendment rights. He stated that

it would be hard to allow a developer to put up a sign, but not someone like McDonalds directing traffic to their property.

Mr. Kubes stated that signage is the #1 reason that people buy property. He stated that he would also like to see the current ordinance standard of 25% of the building face being allowed as signage instead of the proposed 15%. He stated his reason for this is that people can't read buildings with 15% signage on them such as the strip mall.

Commissioner Gengel stated that when the City revised the comprehensive plan most recently it was the consensus of the community that they like the small town feel and that he felt that sign aesthetics counted a lot towards that feeling to differential New Prague from the larger cities.

Mr. Kubes stated that the message allowing less signage given to local businesses is that the city wants to shut them down. He stated that reducing the building signage from 25% to 15% will adversely affect the businesses in town.

Commissioner Gengel stated that it's all about balance and subjectivity with the sign regulations.

Commissioner Gilman stated that most businesses are probably at 15% signage currently.

Commissioner Wilcox stated that she would suggest that the B-1 Central Business District have 15% building signage while the B-2, B-3 and I-1 District be allowed to have 25% building signage. She concurred that the strip mall building signage is difficult to see from the road.

Commissioner Gengel stated that he felt that 15% signage was enough. He added that if it works for McDonalds it should work for other businesses.

Mr. Kubes stated that the Coffee Corner is not a nationally known business or known logo so 15% signage is awfully small and not noticeable to those driving past. He stated that the small signage could contribute to small businesses shutting down.

Commissioner Gengel stated that the City is not nor does it want to shut anyone down.

Commissioner Gilman stated that colors and lettering counts for a lot when creating signs and that size isn't the only thing that matters.

Mr. Kubes stated that he also thought the distance between billboards of 500 feet was too restrictive as it currently is written in the sign ordinance. He asked how the monument sign calculation was defined.

Planner Ondich stated that the monument signage was calculated for the sign face only and excludes the base or supporting structure of the sign.

Mr. Kubes stated once again that he would support 25% building signage in areas outside the B-1 Central Business District.

The public hearing was closed at 8:39 PM.

Commissioner Gengel stated that the big question is whether 25% building signage should be allowed versus 15% building signage.

Commissioner LaDuke stated that too many signs can distract drivers but that he thinks that monument signs out front make it easy to identify what's in strip malls.

Commissioner Remfert stated that he does not look at monument signage. He stated that he looks at building signs when driving by. He stated that he believes that familiar logo signs are easier to recognize such as Caribou Coffee. He stated that if someone can't see the signage on the building they aren't going to stop there.

Commissioner Wilcox stated that she would be okay with two monument signs being allowed for properties that have two street frontages such as what other cities allow. She stated that it is something to think about.

Commissioner Gengel stated that he would be okay to delay a decision on the sign ordinance revisions for another month.

Commissioner Wilcox also asked staff to look into whether civic event sandwich board signs could be allowed in residential areas. She stated that she has seen other cities have online graphic representations for sign examples to show what is meant by ordinance definitions. She stated that this could be done for the New Prague sign ordinance as well.

A motion was made by LaDuke, seconded by Wilcox to continue the Sign Ordinance Amendment discussion to the December 20th, 2006 Planning Commission meeting.

Motion carried: Ayes 5 Nays 0

6. Request for Preliminary and Final Plat Approval – Turek Estates Dennis and Janet Turek, applicants

Planner Christianson presented the staff report. She stated that the property is located in Section 4 of Lanesburgh Township. She stated that the City extended it's subdivision review into rural areas to control growth and that the Comprehensive Plan shows the property as part of the Growth Area which allows one home per 40 acres or one home per 10 acres if clustered together. She stated that this entire property was 83.80 acres and that the applicant is proposing to cluster the lots. She stated that the applicant applied for nearly the same request in 2005. She stated that Title issues prevented the applicant from filing the plat within the required six months of approval. She stated that the land is zoned by LeSueur County as R1 Residential and AR Agricultural Residential. She noted that the City's comprehensive plan guides the area to single family residential. She stated that the proposed lots are approximately 287' by 320' which meet LeSueur County minimum requirements. She stated that the ghost plat shows possible City re-subdivision of the entire property. She stated that the lots will be served by on-site septic systems. She stated that the northern portion of the site drains to the north and that the City engineer is being consulted regarding the drainage. She stated that County staff sent an e-mail stating that the plat looked okay and that drain field sites need to be verified by a licensed contractor/installer and that a contractor had sent a letter approving the layout. She stated that the property is outside the 500 year flood plain and that there are two wetlands on the property.

She stated that the full 10% park land dedication be obtained at the time the remainder of the property is developed. She stated that current written comments from Lanesburgh Township had not been received since they last commented on the plat in 2005. She stated that staff recommends approval of the preliminary plat with the findings, conditions, and variances listed in the staff report.

The public hearing was opened at 9:05 PM.

Joe Lambrecht, 436 Maplewood Circle SW, stated that he was a representative of Lanesburgh Township. He stated that many residents were not notified of the last public hearing for the plat. He asked if they had all been given notice this time.

Planner Christianson stated that a new list of names was obtained from the County and that many more notices were sent out for this hearing than the last one.

The public hearing was closed at 9:07 PM.

Commissioner Gengel asked why a community sanitary sewer system was not being installed for the lots.

Rory Jensen, Bolton and Menk, stated that it was possible that all four lots may not be built on which would be a waste of money for empty lots.

Commissioner LaDuke asked of the proposed half street platting of North Street includes an agreement from the property owner to the north to dedicate the other half of the street right of way.

Planner Christianson stated that there was not an agreement with the property owner to the north, but that the north half of the right of way would be obtained when the property is developed. She stated this half street is typically prohibited by the City's subdivision ordinance, but that the half right of way was already dedicated with the development to the east. She noted that the proposed 265th Street right of way was proposed at a full right of way width because it was previously proposed at a half right of way width which the Planning Commission did not agree with.

It was moved by Remfert, seconded by LaDuke to recommend approval of the preliminary plat of Turek Estates for the following reasons:

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

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing and preliminary site plan, all dated 10/23/06 and on file with the New Prague Planning Department.
2. The Preliminary Plat is issued for a period of six months, and shall become null and void without further action from the Planning Commission or the City Council unless

- the final plat is filed within six (6) months of the date of the City Council granting Preliminary Plat approval.
3. Dennis and Janice Turek must enter into a Developer's Agreement with the City of New Prague and Lanesburgh Township, and the agreement must be approved by the City Council and Township prior to final plat approval.
 4. Preliminary approval is subject to all recommendations of the City Engineer and Public Works Director.
 5. Grading and construction plans must be approved by the City Engineer, City Planner and Public Works Director prior to final plat approval.
 6. Drainage and utility easements must be dedicated at the time of final plat.
 7. The delineated wetlands, along with a surrounding 40' drainage and utility easement, must be shown on the final plat.
 8. No lots shall have driveway access onto the identified collector road known as Country Side Drive or 11th Avenue SW in the plat and must access off the local roads only.
 9. Building pads must be set back a minimum of 50' from the delineated wetlands.
 10. Until municipal services become available, the five proposed lots must be serviced though private on-site septic systems and wells which will need to be approved by LeSueur County.
 11. Park land dedication for the entire 83.80 acres must be dedicated at the time of development of Outlots A and B.
 12. A certificate of no loss or exemption must be filed for the project because no impacts are proposed to the wetlands.
 13. 265th Street NE should be changed to another street name or number that fits into the City's addressing grid, and the street type should be changed to an Avenue rather than a Street.

And noting the following variance:

1. North Street is being allowed as a ½ street because it has been platted as a ½ street in the adjacent development and is therefore a continuation of an existing platted roadway.

And noting the following:

1. Valley Drive, North Street, 265th Street NE and Countryside Drive lying west of Turek Drive will not be constructed at this time as they will not service any lots.
2. Approval of the plat of Turek Estates in no way represents the City's approval or conceptual approval of the ghost plat as depicted on proposed Outlots A and B on the preliminary plat drawings dated 10/23/06.

Motion carried: Ayes 5 Nays 0

7. Follow-up on Small Cities Grant for Home Rehabilitation

Planner Christianson presented information about the Small Cities Grant as was requested at last months meeting. She stated that the Small Cities grant program provided for home improvement loans that are forgiven if the resident stays in the home for at least 10 years. She stated that if the

home is sold before 10 years that the money reverts back to the City which can be used for other home improvement projects. She stated that the City Administrator stated that there is roughly \$30,000 remaining in the fund. She stated that it is hard to find residents who qualify to use the funding.

8. Miscellaneous

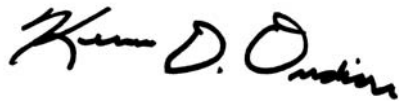
A. Growth Projections Statistics-

Planner Christianson included the year to date growth statistics for the City in the packet.

9. Adjournment

A motion to adjourn the meeting was made by Commissioner Remfert which was unanimously seconded by the Commission. The meeting was adjourned at 9:21 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 initial "K" and "O".

Kenneth D. Ondich
City Planner