

Meeting Minutes
New Prague Planning Commission
Wednesday, November 17, 2004

1. Call Meeting to Order

The meeting was called to order at 6:32 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Kay Wilcox, Bob Gilman, Jim Kratochvil, Pat Remfert and Grant Gengel.

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

2. Approval of October 27, 2004 Meeting Minutes

It was moved by Wilcox, seconded by Remfert to accept the October 27, 2004 Planning Commission minutes as submitted. Motion carried.

Ken Ondich was introduced as a new City Planner on staff.

3. Comprehensive Land Use Plan Update
Implementation Chapter
Joanne Foust, Municipal Development Group

The first item on the agenda was the review of the Implementation Chapter of the Comprehensive Plan, the final chapter of the plan. Joanne Foust with Municipal Development Group presented a power point presentation outlining the Implementation Chapter. Possible changes to make to the Zoning Ordinance and Subdivision Ordinance were presented. A Capital Improvement Program was suggested to be implemented by the City. Annexation issues and orderly annexation agreements were presented to the Commission. Updated population projections were presented. It was suggested to review population estimates each year in January.

Planner Christianson presented possible dates for the final steps for adoption of the Comprehensive Plan.

A tour of the Walerius and Ruehling properties was set for Tuesday, November 23, 2004 @ 4:00 PM.

The open house was set for the Comprehensive Plan on Thursday, December 9, 2004 from 4:30 PM to 7:00 PM with short presentations during the open house to be presented.

The public hearing for the adoption of the plan was set for Wednesday, January 5, 2005 at 6:30 PM.

The official adoption of the Comprehensive Plan by the City Council was set for January 18th, 2005.

Grant Gengel asked for a schedule of implementation process to be brought to the Planning Commission in January or February.

4. Continued Request for Preliminary Plat Approval – Heritage Estates Subdivision No. 11 Witt Development, LLC (Jason Witt), applicant

The Heritage Estates Subdivision No. 11 preliminary plat consists of 71 lots and 2 outlots on 49 acres in the RL90 and RH Zoning Districts, as proposed by Witt Development, LLC.

A concept plan had been developed for the Heritage Estates subdivisions several years ago. Small phases of the development were approved and constructed by (previous) developer Tom Topka throughout the late 1980's and 1990's. Witt Development had taken over the small phases of the subdivision in approximately 2000, and now has decided to complete the Heritage Estates Subdivisions in one final phase.

The developer submitted a revised concept plan (August, 2004) and the plan was reviewed by the Planning Commission at the August 25th Planning Commission meeting. The concept plan showed Lexington Avenue as a continuous roadway, as requested by staff.

The initial public hearing for the preliminary plat was held on September 22, 2004, where the Planning Commission received significant opposition to the future extension of Lexington Avenue North. It appeared that many of the residents were not aware of the 1997 plan to extend Lexington Avenue north to Heritage Trail. These residents thought that Lexington Avenue would stop at its current location at "Heritage Park". In fact, the roadway has been platted through the park for nearly seven (7) years. The Planning Commission continued the request of a variety of reasons.

On October 27, 2004, the Planning Commission re-opened the public hearing to receive additional input regarding the plat, and extension of Lexington Avenue. The revised plan showed design changes to Lexington Avenue, including the addition of "chokers" and stop signs at the intersections of Lexington Avenue & Heritage Trail, and Lexington Avenue & Bohemia Street. The Planning Commissioners seemed to be in disagreement regarding the Lexington Avenue extension. Staff's observation was that three (3) Planning Commissioners felt that Lexington Avenue should "T" at Heritage Trail, and that two (2) Planning Commissioners felt the Lexington Avenue should extend as a continuous roadway from CSAH 37 to 12th Street NE.

At the October 27, 2004 Planning Commission meeting the developer was given direction to submit a preliminary plat application which showed Lexington Avenue "T-ing" at Heritage Trail.

All roads within the development are proposed at 32' wide within a 60' right of way, except for the unnamed stub street which will be constructed to the Bisek property line. This stub is proposed at 36' wide within a 60' right of way. The reason that the stub street is proposed to be wider is because it is shown in the draft Transportation Plan as a minor collector. The 36' width will allow 2 10' driving lanes and 2 8' parking lanes.

Two connections are proposed to the adjacent Bisek property, and two connections are proposed to 12th Street NE / CSAH 15. Two temporary cul-de-sacs should be constructed at the easterly end of 11th Street NE and the unnamed stub street.

11th Street Court appears to be approximately 500' in length, however, the City Engineer should review this to ensure consistency with past interpretations of the 500' length requirement.

12th Street NE adjacent to the proposed plat will be converted from a rural to an urban design. The roadway is designated as a B minor arterial in the draft transportation plan. 60' of right of way (south of the section line) is proposed to be dedicated in the plat, which is consistent with staff's recommendations.

The developer was asked to align Heritage Lane with the entrance to the wastewater treatment plant. The developer is choosing to relocate the entrance to the wastewater treatment plant instead.

Staff has contacted the Scott County Highway Department regarding the possibility of changing the speed limit of 12th Street NE from (the current) 55 mph to 40 mph. Scott County has indicated that they could do a speed study on the roadway after the development is constructed, and then determine if a 40 mph speed is appropriate. This is ultimately Scott County's decision.

The Subdivision Ordinance states...“All street shall join each other so that for a distance of at least 100' the street is approximately at right angles to the street it joins.” The proposed intersection of Lexington Avenue North and Heritage Trail NE does not meet this requirement.

A sidewalk is planned for the east side of Lexington Avenue. A bituminous trail is planned for the south side of 12th Street NE, and also from Heritage Trail to 12th Street NE along the east side of Columbus Ave.

A landscaping plan has been submitted which shows 76 black hills spruce trees planted in a single row along the northerly property line. The trees are proposed at a 25' spacing and 4' in height. The trees will provide screening along the north side of the development (north side of Blocks 1, 2 & 3) to screen the wastewater treatment plant from the development. The plantings should be located outside of the drainage and utility easement.

It was moved by Wilcox, seconded by Remfert to re-open the public hearing for the Preliminary Plat at 7:18 PM. Motion carried.

Fritz Sticha, 1004 Lexington Avenue North, stated that the purpose of Heritage Trail was to get residents out of the development north to 12th Street NE. He stated that Philipp Parkway provides residents the ability to go north through the development and questioned why Lexington Avenue NE would have to provide this access as well.

Mr. Gengel stated that the residents did not voice objections to Lexington Avenue going north at the last meeting with the stop and “T” at Heritage Trail.

Mr. Sticha asked again why Lexington Avenue would have to go through, pointing out that Alton Avenue will be reconstructed as a north and south route in the future. He also felt that because the “T” did not fit with the subdivision regulations and needed a variance that the plan would ultimately get approved to go “straight through”.

Pat Hogan, 1009 Lexington Avenue N., stated that he is still opposed to having Lexington Avenue go through the park.

Dan Carlson, 1005 Lexington Avenue N., stated that speed on Lexington Avenue will be an issue, noting that he had been a police officer for twenty-five years. He also stated that people travel through the path of least resistance, which is what Lexington Avenue will provide. He stated that cars already do not yield to stop signs in the area and felt that they wouldn't in the future either. He suggested that a little jog in Lexington Avenue at the park be designed to shift the road over to the west, slowing them down in the process, which could then go through lot 2 of Block Block on Heritage Estates 11th.

Planner Christianson noted that street jogs need to have centerline offsets of at least 150' as required by the subdivision ordinance, noting that such a design would not meet that requirement.

Jason Witt, Witt Development, stated that a few other designs had been played around with to best meet the residents needs, but those designs were further in violation of the subdivision ordinance than the proposed plan. He also noted that he felt the residents and Commission's concerns were addressed by accomplishing a stop and a "T" at the intersection of Lexington Avenue N. and Heritage Trail.

Ron Shuck, 907 Lexington Avenue N., stated that he liked the offset design suggested earlier by Mr. Carlson, but noted that he appreciates Witt Development's efforts to remedy the residents concerns.

Dan Wormer, 903 Lexington Avenue N., asked if a house would be constructed on the currently existing Outlot B on the west side of the Lexington Avenue extension, also asking if that were to happen if a lot from the proposed development would be swapped with the City for the potential lot on Outlot B.

Planner Christianson stated that there was not a house shown on Outlot B in the most recent drawing, noting that the Park Board discussed the possibility that Witt Development would voluntarily swap land on the east side of Lexington for land on the west side.

Mr. Shuck asked if Lexington Avenue could go through Lot 2, Block 5 of Heritage Estates 11th addition.

It was moved by Wilcox, seconded by Remfert to close the public hearing at 7:37 PM. Motion carried.

Commissioner Gengel stated that the plan is not perfect, but meets the residents concerns and meets the City's needs.

Commissioner Wilcox stated that she would like a speed hump across where the path would cross Lexington Avenue.

Planner Christianson stated that it had been discussed to have the trail cross at the Bohemia Intersection with Lexington Avenue to have the crossing at a controlled intersection.

Commissioner Wilcox stated that she would like to get an appraisal done of the lots that could be swapped and the park board could pay the difference in value between the lots for the swap. She added that she would like to see a sidewalk on the south side of 11th Street NE from the start of the cul-de-sac east towards the east property line and also on Heritage Lane north to 12th St. NE.

Commissioner Gilman asked about the radius of the curve at the corner of Heritage Trail and Lexington Ave. NE, specifically asking if it was a 275' radius curve in order to make the turn easily at 30 mph.

Lynn Bruns, I&S Engineers on behalf of Witt Development, stated that the radius was more like 150'.

Commissioner Gilman stated that the outside lane of the curve may have to be raised up like a racetrack to meet the 30 mph design speed.

Commissioner Remfert stated that he thought the plan accomplished meeting the residents concerns. He also added that he would like the Outlot B issue solved for the park so that the Outlot B park land could be swapped with parts of lots 4 and 5 on Block 6 of Heritage Estates 11th.

Commissioner Kratochvil stated that he had received a letter before the meeting from a Lexington Avenue resident and also stated that he thinks the proposal shown tonight is a good compromise.

It was moved by Kratochvil, seconded by Remfert to recommend approval of the request for the preliminary plat with the following conditions:

1. The preliminary plat is issued in accordance with the preliminary plat drawing dated 10/11/04, and the preliminary engineering information dated 11/9/04.
2. The developer must enter into a Developer's Agreement with the City of New Prague prior to final plat approval.
3. The developer shall convert 12th Street NE from its current rural design to an urban design, and the design must be reviewed and approved by the Scott County Highway Department prior to construction.
4. The developer must comply with all recommendations of the Scott County Highway Department.
5. The developer must comply with all recommendations of the City Engineer and Public Works Director.
6. The developer shall relocate the entrance to New Prague's wastewater treatment facility, as shown in the preliminary engineering information. All work must be coordinated with the Public Works Director.
7. Street signs must be installed at the easterly end of 11th Street NE and the unnamed stub street, indicating a planned future roadway extension.
8. Temporary cul-de-sacs shall be constructed at the easterly end of 11th Street NE and the unnamed stub street.
9. The driveways for Lot 4 Block 6 and Lot 3 Block 5 must access off of Lexington Avenue rather than Heritage Trail.

10. A sidewalk should be constructed along the south side of the unnamed stub street.
11. The proposed plantings along the northerly plat boundary must be located outside of the drainage and utility easement.
12. That a portion of Outlot B on the west side of Lexington Avenue be swapped with a portion of Lots 4 and 5 of Block 6, Heritage Estates 11th and that an appraisal of the lots be completed to determine the difference in value.
13. A sidewalk shall be installed on the south side of 11th Street NE from the start of the cul-de-sac east to the eastern property line of the development and also that a sidewalk be installed on Heritage Lane between 11th St. NE and 12th NE.
14. A speed hump shall be installed on Lexington Avenue where the Greenway Trail crosses Lexington Avenue.
15. That Heritage Trail is designed to meet a 30 mph design speed at the curve that intersects with Lexington Avenue.

And noting that:

1. The three (3) cul-de-sacs approved within the plat meet the criteria established in the City's cul-de-sac policy.
2. There is currently a 30' wide utility easement along the easterly property line of the proposed plat. The applicant is working with the New Prague Utility Commission and the City of New Prague to reduce the easement from 30' to 15', or to vacate the easement altogether. If not vacated prior to the final plat, the 30' easement and associated document number, must be shown on the final plat.
3. The developer is working with the New Prague Utilities Commission to relocate the overhead electric lines currently located along the easterly property line from overhead to underground.
4. The Planning Commission is granting a variance from Section 7.1(3) (b), allowing an intersection in which the street centerlines do not meet at right angles for a distance of 100'.

Motion carried: Ayes 5 Nays 0

5. Review of Concept Plan – Prague Estates Eleventh Addition Brian Trnka, Geiger Land Development, Inc., applicant

The concept plan for Prague Estates Eleventh Addition consists of 12 lots, one outlot, and a walkway on 15.24 acres in the RM Zoning District, as proposed by Geiger Land Development, Inc.

Staff noted that concept plan had been developed for the Prague Estates Eleventh Addition within the past year. Geiger Development had previously included this area in a concept plan which showed 43 housing units on the property with both four and six unit buildings. The Planning Commission did not support the proposed layout for 43 units. The total site is 15.24 acres in size with only 6.27 acres being disturbed.

All lots in the proposed development meet the minimum lot size requirements. Block 3, Lot 1 is an unusual situation where it was the land left over on the east side of the proposed Ninth Court S.E. This lot has a maximum building area depth of 65' and is not an ideal lot because of its

semi-circular shape. All lots show the correct setback lines. It was noted that there is a wetland buffer setback of 40' and a 10' rear yard from buffer setback which has provided for large rear yard setback requirements for most of the lots in the development.

The road within the development is proposed at 28' wide within a 50' right of way. The road will access onto Tenth Avenue S.E. directly across from the current point Ninth Street S.E. accesses Tenth Avenue S.E.

The Subdivision Ordinance Section 7.2 Subd. 6 states that cul-de-sacs shall be no longer than 500' in length. This addition is located entirely on a cul-de-sac which is approximately 670' in length, thereby exceeding the city policy maximum length by 170'.

The Subdivision Ordinance Section 7.1 Subd. 3b also states that "All streets shall join each other so that for a distance of at least one hundred feet the street is approximately at right angles to the street it joins". This concept plan does not meet that requirement. The proposed Ninth Court S.E. begins immediately to curve to the north at its connection with 10th Ave. S.E.

The proposed location of the cul-de-sac right-of-way is directly adjacent to the right-of-way for Tenth Avenue S.E. This leaves an approximately 10' strip of land between the Tenth Avenue S.E. sidewalk and the cul-de-sac pavement which is part of the dedicated right-of-way that will need to be maintained or possibly planted with low shrubs or other landscaping unless the design is reconfigured. Some sort of screening would be needed to reduce the headlight confusion of cars driving towards the end of the cul-de-sac shining onto Tenth Ave. S.E. The Public Works Director does not support trees or shrubs within rights of ways.

A 6' wide sidewalk is planned for the west side of Ninth Court S.E. leading to the proposed walkway connection that runs between Block 1 and Block 2 and through the center of the Outlot A wetland. This sidewalk will connect to the 8' wide bituminous sidewalk that runs on the west side of Tenth Avenue S.E. The trail running through Outlot A is currently unpaved.

Water to the addition is proposed to be connected from the 10" water main in Tenth Avenue S.E. at the intersection with the existing Ninth Street S.E. The 6" line will be looped back to the Tenth Avenue S.E. line towards the end of the line by the cul-de-sac. This provides better fire flows by maintaining better water pressure.

Much of the drainage from the proposed plat and previous plats will be directed into a regional ponding area that was created during earlier phases of the Prague Estates development. The rest of the drainage will be directly into the wetland located on Outlot A.

As noted on the concept plan in Detail A, a notice of the Wetland Conservation Act Decision has been received by I&S Engineers that per Application Number 641-04-000, exemption has been approved for Prague Estates 11th Addition. Detail A shows the land that is being exempted.

It is in the City Engineer's opinion that the City should take ownership of the wetland on Outlot A through plat dedication. The reason for this opinion is that the City will ultimately be responsible for maintaining the wetland/Outlot area whether the City owns the land or has an easement over it.

Commissioner Gengel asked what maintenance could be required on the Outlot A wetland.

Planner Christianson stated that Willows and other such growth could occur in the wetland and possibly need to be removed.

Brian Trnka, representing Geiger Development, stated that even though the requirement was not met to be at a 90 degree angle for 100' to 10th Avenue SE it still allowed at least three cars to stack. He also noted that the 500' cul-de-sac requirement was an inefficient use of land. He noted that Prague 7th and Prague 9th used a 50' right-of-way as proposed for this development.

Commissioner Gengel asked why a horseshoe design or a "T" design with two bulbs was not tried.

Staff noted that the number of access points was a concern on 10th Avenue SE as a major collector and that having the "T" access would not be as efficient as the current four way intersection proposed.

Commissioner Gilman asked if the "reverse curve" could be taken out of the design near the cul-de-sac.

Lynn Bruns, I&S Engineers representing Geiger Development, stated that he did not think the extra cul-de-sac length was a problem because there were only lots on one side and because the watermain was being looped back onto 10th Avenue SE near the cul-de-sac bulb.

Mr. Trnka stated that the road would not be desirable next to the wetland for various reasons.

Commissioner Gengel stated that the design was tough to do in a small area and that he was okay with the longer cul-de-sac, adding that he would like to see it further from 10th Avenue SE.

Commissioner Remfert asked if it would be a public street.

Mr. Trnka stated that it would be a public street.

Commissioner Wilcox asked if the Public Works Director was ok with the longer cul-de-sac length.

Planner Christianson stated that because the maximum length requirement was part of the Subdivision Ordinance, it would be difficult for the Engineer, Public Works Director, or City Staff to vary from the length requirement.

Commissioner Gengel stated that he likes consistency but noted unusual circumstances here. He asked that a concept plan be submitted again with both a longer than 500' length and a 500' length alternative design on the cul-de-sac, both showing the cul-de-sac further separated from 10th Avenue SE.

Mr. Trnka stated that he would bring another concept plan after meeting with City staff again.

The Commission briefly discussed the naming of streets in new developments and stated no objections to using the numbering system currently used.

**6. Review of Concept Plan – Prague Estates Sixth Addition – Proposed Replat
Brian Trnka, Geiger Land Development, Inc., applicant**

The concept plan consists of 42 housing units on Block 1 and Block 2 of Prague Estates Sixth Addition in the RM and RH Zoning Districts, and an amendment to the Conditional Use Permit for the Planned Unit Development for Prague Estates Sixth Addition, as proposed by Geiger Land Development, Inc.

Staff reviewed a history of the property dating back to October 2002 when Dan O’Neill requested preliminary and final plat approval of a re-plat of blocks 2 and 3 in Prague Estates Fifth Addition. This became the current Prague Estates Sixth Addition. The area proposed for re-platting currently contains 22 lots. These two blocks were part of an approved Planned Unit Development (C.U.P. file C7-2002) because the lot sizes did not meet the minimum requirements and the lots are served by a private road. The building sites were proposed at 20’ from the (private) road right of way in the initial PUD for single family homes, and 20’ for multi-family buildings.

The current configuration of lots has not been desirable to purchasers. For this reason the re-plat is being requested to provide a more marketable layout for townhome units.

The majority of the property being considered in the re-plat is zoned RH, high density residential, with a minimum lot area of 2,000 square feet per dwelling unit. A portion of the property, best described as lots 15 and 16 of Block 1 (the two most southern lots in Block 1), are zoned RM, medium density residential.

The concept plan does not show any proposed lot lines and simply shows buildings and units. The 36 proposed units located in the RH district of the re-plat will need 72,000 square feet of lot area. It appears that there will be enough area to meet the density requirement. The four unit building located within the RM district of the re-plat requires a minimum lot area of 12,000 square feet of lot area. It appears that there will be enough area to meet the density requirement.

The plan submitted shows the buildings set back 30’ from 10th Ave S.E. and Third Street S.E. The plan shows the buildings set back less than 20’ from the existing private road curb, and about 10’ from the right of way line for the private road.

Access to the proposed units would primarily be from 20’ wide private access drives that would connect to the existing private street known as Village Street S.E. This private street is 24’ wide, is one way only from Doherty Ave. SE. to Tenth Avenue S.E., and only has parking allowed on the south/east side of the road. One of the proposed access drives is connected directly onto Doherty Avenue S.E. 31’ south of intersection of Doherty Ave. S.E. and Third St. S.E.

Required parking for each home (2 spaces) is proposed in front of each townhouse unit. The Zoning Ordinance specifies the minimum parking space to be 9’ by 20’. The proposed spaces meet the minimum square foot requirement, but the size requirement is not being met by the proposed plan.

The developer is proposing extra parking spaces at the end of some of the access drives, thereby providing for extra parking.

It was noted that some of the parking spaces and patios are located within existing easements. It is City policy that parking and patio areas not be built over any easement.

The existing water lines under the private street will be used for the reconfigured layout. New 6" water services are proposed to be stubbed to each building. The existing 4" sanitary sewer services will be utilized for the buildings. The remaining water and sanitary sewer services will need to be removed.

The developer is requesting that the City take an easement over the private street for the underground utilities, however the Public Works Director opposes such an easement.

Brian Trnka, representing Geiger Development, noted that this proposal was a complex issue while also noting that only two of the 24 total lots in the development had been developed on. He also noted that the twelve villa style townhomes would be like the D.R. Horton units to the north, all with two car garages because the demand for those types of units is high.

Commissioner Gengel asked what makes the current layout and configuration unattractive.

Mr. Trnka stated that the narrow lot width and association maintained yards were two possible reasons.

Commissioner Gilman asked how the two people who own the single family homes feel about the development and also asked if they would be a member of the same association with the townhomes.

Mr. Trnka stated that the potential property owner to the east has seen the plan and is aware of what could happen and also stated that they have not spoken with the property owner to the south. He added that they would try to get the south parcel tied in with the association of triplexes on the south end of the development. He then stated that the proposed plan shows the two existing homes getting extra land added to their lots, adding that they would work with the two residents to mitigate their concerns. He also stated that the development was well short of the density maximums. He stated that he would like the private street to have public an easement for the utilities to be public under the roadway. He addressed concerns with the patios in the easements, stated they could reduce the patio sizes and possibly reduce the easement size from 10' to 5' or move the utilities to the sides of the development abutting 3rd Street SE and Tenth Avenue SE, noting that the entire area needs to be re-graded. He also noted that the McDevitt townhomes were located 11' behind the back of the curb, noting that their proposal at 18' behind the back of the curb would be 7' more, further noting that a 20' setback from the property line kills the development. He finally noted that the drives to the buildings are proposed at 20' because they are only serving four and six unit buildings. Mr. Trnka asked for feedback on the setback requirement from Village Street SE.

Commissioner Remfert stated that the 20' setback from the front property line was a big issue.

Commissioner Kratochvil stated that he would not go back on the previous decision to allow no less than a 20' setback from the front property line for the buildings.

Commissioner Remfert stated that he would also not vary from the earlier decision.

Commissioner Gilman agreed with Commissioners Remfert and Kratochvil.

Commissioner Gengel stated that the hardship seemed self created and that the Planning Commission shouldn't contort standards to fit the developer.

Mr. Trnka asked if it would change the Commission's opinion if there were not six plexes shown on the south side of the road next to the single family units.

The Commission stated that it did not change their opinion of the setback requirement.

Mr. Trnka asked the Commission what they would like to see for future townhome developments regarding landscaping and other such requirements because he felt that such developments would be around for a long time in New Prague. He added that he would like to tour townhome developments in other cities with City Staff or Commissioners in the future.

7. Miscellaneous

Planner Christianson presented a request from a Real Estate Agent to ask the Commission what they felt would be acceptable Conditional Uses for a property zoned B-2, south of McDonald's and the Shell gas station.

The Commission noted that professional office or low impact retail development would be acceptable for Conditional Uses on the property, due to its proximity to the adjacent residential zoning district.

8. Adjourn

It was moved by Remfert to adjourn at 9:40 p.m.

Respectfully submitted,

Kenneth D. Ondich
City Planner