

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, August 23, 2006**

**1. Call Meeting to Order**

The meeting was called to order at 7:30 p.m. by Planning Commission Vice Chairperson Pat Remfert with the following members present: Kay Wilcox, Bob Gilman, Pat Remfert, and Michael LaDuke. Absent was Grant Gengel.

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

**2. Approval of July 26, 2006 Meeting Minutes**

It was moved by Wilcox, seconded by Gilman to accept the July 26, 2006 meeting minutes as submitted. Motion carried (4-0).

**3. Preliminary and Final Plat – Chart Inc. Addition  
Chart Industries, Inc., applicant**

Planner Christianson presented the staff report. She noted that because the property is not platted the city would not issue a building permit until the time that it becomes platted. She stated that the office building is an allowed use in the I-1 Industrial Zoning District. She stated that the lot meets the minimum size requirements for the district. She noted that two outlots are also proposed in the plat and that the proposed outlot B nobody knew ever previously existed because it is located on the south side of County Road 37. She noted that drainage and utility easements are acceptable as shown on the plat. She stated that future access to TH 21 should be restricted through this platting process and it should be a condition of the plat approval and that the width of the CSAH 37 access to the property should be reduced in size as well. She noted that the intersection of CSAH 37 and TH 21 is scheduled for reconstruction in 2007 with a possible future traffic signal. She noted the present day traffic volumes. She stated that there are no trails or sidewalks adjacent to the property, but that the subdivision ordinance requires them along all collector and arterial streets in the city and asked the Planning Commission if one should be required adjacent to the property being platted. She stated that there is no floodplain and no wetlands on the property and that a wetland delineation was not done because the entire site is currently paved over. She stated that since the property has been developed and used for offices that staff does not recommend requiring park land dedication for the plat. She noted that the County Highway department would like to obtain an additional 10' of right of way on the north side of County Road 37 to accommodate a trail and additional turn lane in the future. She noted that Mn/DOT has not officially commented but noted verbally that they would like 100' from the center line of TH 21 dedicated for right of way. She noted that the location of an existing fence will end up in county right of way after the platting process and that staff supports requiring the fence to be removed or relocated during the platting process. She stated that staff recommends approval of the preliminary and final plat with the findings and conditions and variance listed in the staff report. She noted that condition #12 should be removed because it is not necessary as well as condition #2 because the applicants had corrected the utility locations shown on the preliminary plat.

The public hearing was opened at 7:49 PM.

Dick Lucas, owner of Scott Equipment at 605 4<sup>th</sup> Ave. NW, stated that he had a plot drawing of his property dated May 31, 1995 that showed a difference in the lot line along County Road 37 versus the Chart Inc. plat. He presented the plot drawing to the Planning Commission, Staff, and representatives from Chart.

The public hearing was closed at 7:52 PM.

Steve Thoresen, Chart Industries representative, stated that they would construct a new 30,000 sq. ft. office building to replace the trailer offices that have been there for 10 years. He stated that the office building would be the corporate offices for their distribution and storage division. He stated that they would be closing down their Burnsville office and some home offices and moving those workers to the New Prague office. He stated that they need the chain link fence around the property for security reasons.

Planner Christianson stated that she had inquired about the need for the fence around the office building but that Chart stated that they have mandates for security for their type of facility.

Commissioner Wilcox stated that she does not see the need for a sidewalk on the south side of the platted property along County Road 37 because it would go nowhere. She stated that she would rather have a sidewalk along TH 21 along the platted property either now or in the future.

Commissioner Gilman asked if Mn/DOT asked for 100' of right of way from the centerline of TH 21 to be obtained with the plat.

Planner Christianson stated that they needed the 100' of right of way for a possible future signal at the new intersection of 6<sup>th</sup> Street NW and County Road 37.

Commissioner Wilcox stated that her vision is a sidewalk from 5<sup>th</sup> Street SW. north up to 12<sup>th</sup> Ave. NW and that this section of sidewalk would help to complete that.

Commissioner Gilman stated that with 100' of right of way on TH 21 it would require the fence to be moved. He stated that it would also require the sidewalk to be placed in the right of way. He stated that he felt a Mn/DOT reconstruction project of TH 21 would drive a trail project along that side of the property and that Mn/DOT could pay for it.

It was moved by Wilcox, seconded by Gilman to recommend approval of the Preliminary and Final Plat of Chart Inc. Addition to with the following findings:

1. The preliminary plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirement of the I-1 Zoning District in which it is located.
3. Approving the plat will allow the construction of a new office building on the site.

And with the following conditions:

1. Approval is granted in accordance with the preliminary and final plat drawings dated 8/18/06 on file with the New Prague Planning Department.
2. An additional 10' of right-of-way shall be dedicated along CSAH 37, as requested by Scott County Public Works.
3. The applicant must comply with the recommendations of the Scott County Public Works Department.
4. The width of the access to CSAH 37 must be reduced to 45' or less in width.
5. An additional \_\_\_' of right-of-way shall be dedicated along TH 21, as requested by the Minnesota Department of Transportation.
6. There shall be no direct access allowed onto Trunk Highway 21 from Lot 1 Block 1, Outlot A, or Outlot B of Chart Inc. Addition.
7. Approval is subject to all recommendations of the Public Works Director.
8. 10' drainage and utility easements must be dedicated along the west, south, and east property lines. A 7' drainage and utility easement must be dedicated along the north property line.
9. The applicant must remove any chain link fence that exists within a proposed road right-of-way.
10. The final plat and title opinion must be approved by the City Attorney before final plat approval.
11. The final plat must be recorded within 90 days of the date of the City Council granting approval.
12. Outlot B shall be combined with the property to the north, and for tax purposes they shall have the same parcel identification number.

And noting the following variance:

1. Park land dedication is not being required because the site is already developed with an office building and the property is being platted simply as a lot line re-arrangement and to allow for the replacement of the existing office building.

Motion carried: Ayes 4 Nays 0

#### **4. Scott Equipment "Rear Yard" Interpretation**

Planner Ondich presented the staff report. He stated that Dick Lucas, owner of Scott Equipment located at 605 4<sup>th</sup> Ave. NW has been looking at options to either add onto his existing main building or build another accessory structure. He currently is exploring the idea of adding onto his existing building and get as close to the property lines as he possibly can. He stated that the I-1 Industrial Zoning District has a front setback of 40', side setback of 15' and rear setback of 40'. He noted that because the lot is a corner lot, there is always a question of where the rear yard is and which staff consistently determines to be the side of the lot opposite the narrowest frontage. In the case of this lot it is the part of the lot along the rail road right of way. He stated that Mr. Lucas does not agree with this determination because his building is setback 40' from the side (south) property line and feels that the yard by the rail road should be a side setback. He pointed out on the aerial photo where the side and rear property lines would be with different determinations. He also noted that he found a City Council resolution regarding the determination that the north property line along County Road 37 is an interior side lot line

because the property was not a corner lot before the county road was constructed. He noted that this resolution supports staffs decision about the rear yard determination.

David Lucas stated that they owned a parcel to the south of the main building they work from and that when adding that property it would make their lot longer along 4<sup>th</sup> Ave. NW and not County Road 37.

Dick Lucas stated that the railroad has a large right of way and that there is no building adjacent to the rear yard because of that to stay away from so he didn't see why it would be a problem to have that be called the side yard. He also noted the lot they had purchased to the south as making their property dimensions longer than it was noted in the staff report.

Commissioner Wilcox stated that the 1996 resolution establishing the north property line along County Road 37 gave the site more building room. She stated that without that resolution the front setback would be 40' instead of the 15' they are allowed currently.

Dick Lucas stated that he did not remember asking for the side yard to be along the north property line.

Commissioner Gilman stated that he sees 4<sup>th</sup> Street NW as the front because the address is there as well as the sign on the building.

Planner Ondich stated that with the current configuration of the lots, they could not consider the lot to the south in the equation of determining the front and rear yards because it was a separate parcel of land. He stated that they could plat the property into one parcel that would change the side setback to along the railroad right of way.

David Lucas stated that they would work with City staff to plat the property.

## **5. Temporary Fireworks Stands**

Planner Christianson presented the staff report. She stated that this past summer a temporary fireworks sales display was set up in a building in the B-3 Commercial Zoning District and later in the Holiday Station Store parking lot. She noted that staff struggled with how to deal with the request to locate temporary fireworks stands would like to be more prepared in the future. She stated that the zoning ordinance does not address fireworks sales or displays in any fashion. She noted that the City Code regulates peddlers, solicitors and transient merchants. She noted that the fireworks stand would be a transient merchant as defined by the code. She noted that she included a memo from the League of Minnesota Cities titled "Regulation of legal fireworks: What can cities do?" She stated it states that the statute is to prohibit cities from exclusively banning sales of fireworks. She noted that of 9 cities that responded to the survey, only two had regulations specific to fireworks sales and they were the cities of Hutchinson and Eagan. She stated that staff does not recommend changing to zoning ordinance to address temporary fireworks sales/stands, but to treat them as a transient merchant, but does recommend a separate ordinance pertaining to fireworks sales, which could be added to the City Code. She stated that a draft ordinance for fireworks regulations was attached to the staff report.

Commissioner Remfert stated that Eagan has very restrictive rules because of the safety issues related to fireworks. He stated that he supports the restrictive rules because he has seen many kids get hurt with fireworks. He asked how it would be ensured that kids under the age of 18 aren't purchasing the fireworks.

Commissioner Wilcox stated that a fee should be charged for a fireworks selling permit because of more extensive staff time that would go into the review of the permit.

Commissioner Gilman stated that he has a hard time with Econofoods and gas stations in town selling fireworks because they are dangerous and are easily stolen by kids under 18 because they are out in the open of the store. He also stated that he believes all sellers should get a permit to sell fireworks in the City.

Commissioner Wilcox stated that she would like comments from the police and fire chiefs about requirements for selling fireworks in town. She stated that she is in favor of at least some regulation.

## **6. Miscellaneous**

### **A. Zoning Ordinance Amendments – Sign Regulations- (included for informational purposes only this month)**

Planner Ondich stated that the information was included for sign regulation amendments this month as information only until Commissioner Gengel is in attendance. He asked that the Planning Commission read through the proposed regulations and bring ideas and comments for the discussion in September.

Commissioner Wilcox asked that staff provide a way to visualize the sign size changes that are proposed or to have pictures to help visualize changes.

### **B. Discuss Rescheduling September Planning Commission Meeting to September 20, 2006-**

The Planning Commission approved changing the meeting date to September 20, 2006 at 6:30 PM from the originally scheduled September 27, 2006 meeting because the annual Planning Conference is held during the 4<sup>th</sup> week in September.

### **C. Historic Preservation Conference-**

Planner Christianson stated that there is a historic preservation conference at the end of September that interested individuals can attend.

Kay Wilcox and Pat Remfert both indicated that they would be interested in attending.

### **D. StarTribune Article: Chaska Association might turn over duties to city-**

This article was provided for information purposes only.

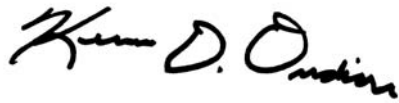
### **E. San Francisco Chronicle Article: The high price of land-use planning-**

This article was provided for information purposes only and was provided by Council member Rob Babione.

## **7. Adjournment**

A motion was made to adjourn the meeting at 9:05 PM. by Wilcox, seconded by LaDuke, which passed unanimously (4-0).

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