

Meeting Minutes
New Prague Planning Commission
Wednesday, October 27, 2004

The meeting was called to order at 6:30 p.m. with the following members present: Kay Wilcox, Bob Gilman, Jim Kratochvil, Pat Remfert and Grant Gengel.

City Staff Present: Renee Christianson, City Planner.

It was moved by Wilcox, seconded by Kratochvil to accept the September 22, 2004 Planning Commission minutes as submitted. Motion carried.

The first item on the agenda was the review of the **Community Facilities Chapter of the Draft Comprehensive Land Use Plan**. Joanne Foust with Municipal Development Group presented a power point presentation outlining the Utilities Chapter, which included a review of existing utilities within the City. Proposed objectives and policies were also reviewed.

Next on the agenda was the request for **Conditional Use Permit #C13-2004** to allow a pump sales and service business to be located at 201 4th Avenue SW (Lot 1 Block 1 Kratochvil Lumberyard Addition) in the B3 Zoning District as proposed by **Braun Pump**. The request also includes a setback variance to be able to replace a portion of a building in its existing location.

Craig Sindelar was representing Braun Pump in the request. Mr. Sindelar stated that Braun Pump would like to relocate from their current location, outside the City limits, to the property at 201 4th Avenue SW. Their business consists of selling and repairing/rebuilding pumps. He also explained that Braun Pump would like remove the southerly portion of the building and replace it with a more permanent structure. The existing building is closer to the property line than allowed by current Ordinance. The building setback varies along the property line, but is 1.3' at its closest point.

The public hearing was opened. LeRoy Kohn, son of Clara Kohn who lives at 207 4th Avenue SW, questioned the location of the proposed business. He stated that his mother has experienced a lot of irritation as a result of the result of the aggregate business behind her home. He wanted to make sure this was not associated with the aggregate business. It was explained to Mr. Kohn that the subject property was north of his mother's home, not behind (east) of it, and that this request was not associated with Aggregate Industries. The public hearing was closed.

Commissioner Remfert asked if there would be garbage or scraps stored outside of the buildings. Mr. Sindelar said that everything would be stored within the building.

It was moved by Remfert, seconded by Kratochvil to recommend approval of the conditional use permit to operate a pump sales and service business, and approval of the variance request to replace the southerly portion of the building in its existing location, with the following condition:

1. No outside storage of any products, scraps, or refuse shall be allowed on the site.

The next item on the agenda was the request for **Conditional Use Permit #C12-2004** to allow outdoor storage in conjunction with a contractor equipment rental store, as proposed by **Neil Dornbusch**, at 510 6th Street NW, in the I1 Zoning District.

Neil Dornbusch has a purchase agreement on Lot 2 New Prague Business Park 8th Addition. Mr. Dornbusch is proposing to locate a contractor equipment rental store on the property. His intention is to construct a building that is approximately 60' x 100', with 900 square feet of office area and 6,100 square feet of cold storage area for rental equipment.

A conditional use permit is required only because some of the large rental equipment will be stored outside. Outside storage in the Industrial district is allowed only by approved conditional use permit. The outdoor storage area has been clearly labeled on the site plan. Various types of equipment, including compaction equipment, excavators, forklifts, generators, light towers, loaders and trucks will be stored within this area. A 6' high chain link screening fence is proposed around the outdoor storage area.

Lot 2 is 40,005 square feet, and meets the minimum size and width requirements. The proposed building is +/- 60 from both the front and rear property line, and is more than 50' from each side property line, meeting the minimum requirements.

The site would be accessed through two 30' wide curb cuts, both from 6th Street NW. After entering the site, a customer could park along the north property line, in the spaces provided, or proceed to the southern end of the site to pick up rented equipment. The site plan allows customers to drive around the entire building in a U-shaped movement.

The City Engineer has noted that 6th Street NW is identified as a major collector in the draft Transportation Plan, and has suggested that access to 6th Street be limited. With the site design and the proposed use of the site (trucks/trailers/etc.), it is more convenient for Mr. Dornbusch to maintain two curb cuts into the property. An alternative is to restrict the proposed accesses into the Volvo Rental property into an "entrance only" and "exit only", thereby eliminating the two "full movement" intersections.

The front parking area is proposed as bituminous with curbing. The outdoor storage area and driveway through the storage area are proposed as gravel. Eight parking spaces are required for the building, all of which are being proposed in front of the building.

The applicant is proposing to capture drainage from the site in four inlet / catch basins which would be diverted directly into the storm sewer system (temporarily). The entire site would drain towards the north. The EDA has hired an engineer to design a pond that would capture drainage from a portion of the industrial park before discharging it into Philipp Creek. The long term solution for the subject property would be to divert the drainage into this (future) regional pond.

The property is surrounded by industrial zoning and uses on all four sides. The use being proposed meets the intention of the I1 zoning district.

The public hearing was opened, and with no comments received, it was closed.

Commissioner Wilcox asked about the gravel parking surface and requested to there be some type of dust control applied to the lot.

Commissioner Gengel asked what the maximum height of the outdoor equipment would be, and stated concern over the high visibility of this site from Trunk Highway 21. Mr. Dornbusch estimated that the tallest equipment would be 18' high. The ceiling height in the rear portion of the building would also be approximately 18' high. Commissioner Gengel suggested that the taller equipment be stored behind (south of) the building.

Commissioner Remfert asked what kind of repair work would be done on the site. Mr. Dornbusch indicated that most repair work would not be done on the site, unless it was very minor.

Commissioner Gilman asked what types of fuels would be stored on the site. Mr. Dornbusch stated that small amounts of oil would be stored on site, but no gas or diesel fuel.

It was moved by Wilcox, seconded by Kratochvil to recommend approval of the request for the following reasons:

1. The request meets the requirements of the New Prague Zoning Ordinance.
2. The proposed use is compatible with the I-1 Zoning District.

And with the following conditions:

1. Approval is granted in accordance with the site plan dated 10/4/04 and on file with the New Prague Planning Department.
2. The applicant must comply with all recommendations of the City Engineer and Public Works Director.
3. A 6' high screening fence shall be installed around the proposed outdoor storage area.
4. The two curb cuts as shown on the site plan dated 10/4/04 shall be limited to "entrance only" and "exit only" and shall be signed accordingly. Enter and exit signs must be installed along 6th Street NW, directing the one way traffic through the parking lot/site.
5. The owner must apply dust control to the gravel parking area.
6. All proposed improvements within the private Xcel Energy easement (Scott County document #661604) are subject to a private approval process between the developer and Xcel Energy, as required by the easement. If Xcel Energy denies the proposed improvements within their easement, the City of New Prague must review a revised site plan to determine that City zoning requirements are being met.

Motion carried: Ayes 5 Nays 0

The next item on the agenda was the request for **Variance #V6-2004 of Jeff Barney** from the required 30' front yard setback to 15' to construct a detached garage at 305 Central Avenue North in the RL84 Zoning District.

Mr. Barney would like to build a 16' x 24' detached garage along 2nd Street NE and would like to access the garage from Central Avenue North. The proposed garage can meet the 30' setback requirement from Central Avenue and the required 6' setback to the easterly property line. The garage cannot, however, be constructed to meet setback requirements from 2nd Street NE. Staff has met with Mr. Barney in an effort to minimize the requested variance. The property is very small, measuring 66' x 82.5'.

Mr. Barney was present at the meeting and explained that he has met with his two neighbors and they have no objections to the request.

It was moved by Gilman, seconded by Remfert to recommend approval of the variance for the following reasons:

1. The variance requested is the minimum variance which would alleviate the hardship.
2. The applicant is experiencing a hardship in that there is currently no garage located on the property.

Motion carried: Ayes 5 Nays 0

The next items on the agenda were the continued request for **Conditional Use Permit #C10-2004 to allow a Planned Unit Development** consisting of 16 attached housing units on 3.6 acres in the RM Zoning District, and the request for **Preliminary Plat Approval of Bohemia Acres Subdivision #3**, consisting of 16 lots on 3.6 acres in the RM Zoning District, as proposed by MKM Properties, LLC.

The Planning Commission heard the requests at the August 25, 2004 Planning Commission meeting. The Planning Commission elected to continue the request in order for the developer to address the following items:

1. Correction of retention pond.
2. Address any drainage concerns to the adjacent Bisek property.
3. Address the drainage concerns of the property owners along the north side of Terrance Circle.
4. Explore the connection of Bohemia Street to Wencel Avenue within the development.
5. Revise the preliminary plat drawing to show existing contours as required.

Revised plans, dated 10/4/04, have been submitted which address the above mentioned items, except for item #1. The developer has agreed, however, to comply with the City Engineer's recommendations regarding the pond corrections.

In regards to the possible connection of Bohemia Street to Wencel Avenue, the City Engineer feels that because of the (low) topography on the adjacent Bisek property, a street connection to the west is probably not a good idea. He had identified the adjacent area as a future retention pond in the draft Surface Water Management Plan.

In an effort to reduce the neighboring property owner's drainage concerns, a catch basin has been added to the plan set.

It was moved by Wilcox, seconded by Gilman to recommend approval of the request for planned unit development and preliminary plat with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated August 6, 2004 and preliminary construction plans dated 10/4/04, 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. MKM Properties LLC must enter into a Developer's Agreement with the City of New Prague, and the agreement must be approved by the City Council prior to final plat approval.
4. Grading and construction plans must be approved by the City Engineer, City Planner and Public Works Director prior to final plat approval.
5. The preliminary plat approval is subject to the utility extension permits from the Pollution Control Agency and the Department of Health.
6. Drainage and utility easements must be dedicated at the time of final plat.
7. The developer must provide additional storage area in the retention pond, as required by the City Engineer.

Motion carried: Ayes 5 Nays 0

The next item on the agenda was the **Request for Preliminary Plat Approval of Heritage Estates Subdivision No. 11** consisting of 72 lots and 2 outlots on 49.12 acres in the RL90 and RH Zoning Districts, as proposed by Witt Development, LLC.

Staff reviewed a history of the Heritage Estates Subdivisions which dated back to the late 1980's. In the mid 1990's, a concept plan was developed which showed a conceptual development for the entire property. In September of 2004 the City received application for preliminary plat approval of Heritage Estates Subdivision No. 11 which included some adjustments to the original concept plan. The public hearing for the preliminary plat had been held at the September 22, 2004 Planning Commission meeting, where several neighborhood residents voiced opposition to the proposed extension of Lexington Avenue. For a variety of reasons, the request was continued at the September meeting. The developer was directed to create a plan that incorporated traffic calming measures into the Lexington Avenue design.

Jason Witt was present representing Witt Development. Mr. Witt submitted a revised preliminary plat drawing which showed the addition of chokers, a traffic calming measure, at the

intersections of Lexington Avenue and Bohemia Street, and Lexington Avenue and Heritage Trail.

Staff reviewed traffic calming measures and noted that two measures that have statistically proven to reduce speeds and volumes are chokers and speed humps. Also reviewed was statistical information regarding Columbus Avenue, including current traffic counts and projections, and basic information regarding minor collector streets.

The Commission decided to reopen the public hearing to received additional input regarding the new plan.

Fritz Sticha, 1004 Lexington Avenue North, stated opposition to the 'straight through' design of Lexington Avenue, and feared that there would cut-through traffic on the roadway.

Pam O'Brien, 805 Lexington Avenue North, asked for a commitment from the City to improve capacity on Columbus Avenue North, and asked for a time line for the improvement of Ladyslipper Avenue and Alton Avenue.

Steve Simon, 1003 Lexington Avenue North, suggested improving Alton Avenue to help alleviate traffic on Columbus. He also felt that if parking is restricted on Columbus Avenue to improve the capacity of the roadway.

John Gliori, 1006 Lexington Avenue North, reviewed the purpose of the Zoning Ordinance, to protect the public health and safety, and stated his opposition to the road extension, citing such reasons as safety of children, increased noise, and smell, due to increased traffic.

Mark Steele, 1007 Lexington Avenue, stated he was disappointed that the new plan seems the same as the plan set presented at the September meeting.

Patti Bell, 1003 Lexington Avenue North, felt the Commission should stick with the 1998 concept plan, as it was not a straight shot from CSAH 37 to 12th St. NE.

Bob Barth of Bonestroo Rosene Anderlik, consulting City Engineer, stated that there is little evidence that the suggested "T" will reduce speeds or traffic volumes.

The public hearing was closed.

In response to Pam O'Brien's question, Commissioner Gengel stated that the City or the Commission does not have the ability to say when other roadways will be improved. This is a decision of the property owners, and when they choose to develop the land adjacent to or surrounding the roadway.

Commissioner Remfert agreed with Lexington Avenue T-ing at Heritage Trail.

Commissioner Kratochvil supported the 1996 concept plan which showed Lexington Avenue T-ing at Heritage Trail, with a street to the east (Bisek property).

Commissioner Wilcox said she felt that Lexington Avenue should go straight through to the north, and that Heritage Trail should be a continuous road to the east, as shown in the current preliminary plat drawings. She was concerned that Heritage Trail continue east to Alton Avenue.

Commissioner Gilman stated that he also liked the straight through design for Lexington Avenue.

Commissioner Gengel stated that he doesn't see the necessity for a straight through design of Lexington Avenue and feels that the objective is being met even if Lexington Avenue T's at Heritage Trail.

After discussion it was moved by Kratochvil, seconded by Remfert to continue the request for preliminary plat approval. As there were three commissioner opposed to the straight through design of Lexington Avenue, the developer was directed to prepare a plan that showed Lexington Avenue in some other fashion.

It was moved by Remfert to adjourn at 9:45 p.m.

Respectfully Submitted,

Renee L. Christianson
City Planner