

Meeting Minutes
New Prague Planning Commission
Wednesday, March 25, 2009

1. Call Meeting to Order

The meeting was called to order at 6:33 p.m. by Planning Commission Chair Grant Gengel with the following members present: Kay Wilcox and Pat Remfert. Bob Gilman arrived during the 4th agenda item. Absent was Tony DeLuca.

City Staff Present: Ken Ondich –Planning Director.

2. Approval of January 28, 2009 Regular Meeting Minutes

It was moved by Wilcox, seconded by Gilman to approve the February 25, 2009 regular meeting minutes as submitted. Motion carried (3-0, DeLuca and Gilman absent).

3. Old Business - None

4. Concept Review of Rezoning – Former Creamery Site and Surrounding Area

Planner Ondich presented the staff report. He stated that at the February 25th, 2009 Planning Commission meeting staff was directed to begin the process of rezoning all the property east of the railroad, west of 2nd Ave. NW, South of 2nd Street NW and North of W. Main. He stated that the 2005 Comprehensive Plan has this area re-guided from I-1 Light Industrial Zoning to RM Medium Density Residential Zoning on the north half and B-1 Central Business District Zoning on the south half. He stated that property owners in the rezoning area were notified of the meeting and that he wanted the meeting to open the dialog about the rezoning. He stated that the I-1 Light Industrial District is noted in the Zoning Ordinance to not be well suited to areas adjacent to residential or business districts which is what exists in the vicinity. He stated that in the Light Industrial District the uses permitted include manufacturing, warehousing, outdoor storage, mini-storage and billboards. He stated that the south half of the property guided as B-1 Central Business would extend the downtown district to the west and would include permitted uses such as retail, service, restaurants and bars – similar to what exists there today. He stated that the north half of the property guided as RM Medium Density Residential would allow single family through 8 unit buildings and additionally could include schools, churches, hospitals, nursing homes/assisted living as conditional uses. He stated that Chapter 5 of the Comprehensive Plan discusses “redevelopment/infill potential and that Map 5-3 provides the specific rezoning recommendations. He stated that a large majority of the north half of the site is now vacant with the creamery building being demolished in early 2008. He stated that the storage building at 206 3rd Ave. NW is currently non-conforming due to setbacks, but the use would also be non-conforming in the RM District. He stated that Strike Force Bowl, Joe’s Shoe Repair and Flipside Pub and Grill are all currently nonconforming uses in the I-1 Light Industrial Zoning District and would become conforming uses in the B-1 Central Business District. He stated that truck staging could continue as a nonconforming use. He stated that staff supports rezoning the north half of the property from I-1 Light Industrial Zoning to RM Medium Density

Residential Zoning and the south half of the property to B-1 Central Business District Zoning which would match the 2005 Comprehensive Plan.

Kim Coonan, 508 Liberty Lane, she stated that she and her husband own the storage building located at 206 3rd Ave. NW. She read a letter to the Commission which stated: Willis and Kim Coonan recommend that our property at 206 3rd Ave. NW be considered B-1 Central Business District Zoning if the zoning has to be changed from I-1 Industrial. There are several reasons for this recommendation. For tax purposes, this property is grandfathered as commercial property by both the County and the City, and as such, should remain zoned for business. This property is utilized as commercial rental property, rented to the middle business class in the city. We rent four units in this facility and the property does not generate enough income to pay large assessment for development of the area. The value of the facility to the renters depends on the ability for semis, freight haulers, UPS, and FedEx to deliver to the facility on a regular weekly basis. Further development, including paving the existing roads, will not allow for large semi and freight deliveries to continue. This facility is also used for storage of products to be used by our own small businesses operated here in New Prague. The building itself may not look like much on the outside, but it is sound, strong and insurable to be used as commercial property. This building and property is covered under the zoning ordinance of Section 403 which basically states that it is a non-conforming structure. As commercial property owners, this has meant that the City will not allow us to do any major upgrades or renovation to increase the value of the property. If the area is developed and we are assessed for improvements to the street, curb and utilities, it would be difficult for the property value to not increase, breaching this ordinance. In closing, we appreciate you hearing our appeal to zone our property as B-1 instead of Medium Density Residential Zoning if the zoning has to be changed from I-1.

Commissioner Gengel stated that they could continue to use the building as they do today. He also stated that they are not discussing reconstructing the road at this time. He asked what they might do to the property if it were zoned B-1 Central Business District.

Willis Coonan, 508 Liberty Lane, stated that they could see it being retail shops at some point in the future. He stated that he feels it is business property and not residential.

Steve Duban, owner of 329 W. Main known as Flipside Pub and Grill, asked what types of uses could go on the RM zoned property. He stated that he has had sanitary sewer issues and questions that adding many units of residential to the north would make the situation worse. He asked what may be done with the truck staging on the gravel lot if something were constructed on this land.

Planner Ondich stated that the RM zoned property could contain single family through 8 unit buildings or as conditional uses could include assisted living, hospitals and churches.

John Bodger, owner of the REGDOB parcels, PO Box 1776 Burnsville, MN, stated that he owns the parcels on the west side of 3rd Ave. NW on the north and south ends. He stated that the bought them as commercial property as an investment.

Commissioner Gengel stated that he does not necessarily see homes being constructed adjacent to the railroad tracks.

Commissioner Wilcox stated that the rezoning was being explored to prevent large industry from building on the site because of the zoning that exists today and the fact that the Comprehensive Plan has it guided differently.

Commissioner Gilman suggested that all the land west of 3rd Ave. NW be B-1 Central Business Zoning. He stated that it might also make sense to have 3rd Ave. NW shifter closer to the railroad tracks to make it easier to develop all the land.

Commissioner Gengel stated that having the south half of the land zoned as B-1 Central Business was common sense since those properties are already used as if they were in that district.

Mr. Duban noted that much of the site was the old Mill Pond that had been filled in.

The Planning Commission was in consensus that the south half of the property be rezoned as B-1 Central Business District.

The Planning Commission was in consensus that the north half of the property on the east side of 3rd Ave. NW be rezoned as RM Medium Density Residential.

Commissioner Remfert suggested that the Coonan and REGDOB properties on the west side of 3rd Ave. NW be rezoned as B-1 Central Business District zoning.

Commissioner Wilcox stated that she would prefer all property on the north half to be in the RM Medium Density Residential District.

Commissioner Gilman asked if the properties west of 3rd Ave. NW would even be buildable within setbacks if included in the RM district.

Planner Ondich noted that with a 30' front and 30' rear setback it would not leave much room to build without a variance.

Mr. Bodger suggested that the zoning be left as I-1 Industrial for the land west of 3rd Ave. NW.

The Planning Commission requested that staff figure out how much land would be left over after setbacks are accounted for on the land west of 3rd Ave. NW for the various zoning districts. They suggested this be reviewed at the April Planning Commission meeting and possibly have a public hearing scheduled for the May 2009 Planning Commission agenda.

5. Miscellaneous

The following miscellaneous items were reviewed:

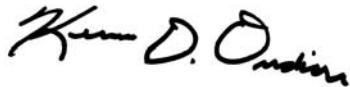
- A. Residential Erosion Control, Turf Establishment and Tree Requirement – Planner Ondich stated that the Council would be holding a second reading on the ordinance following comments being received from some local builders about the top soil specification and the 12 month warranty period. He stated that staff is suggesting a more general topsoil specification be used and reducing the warranty period to 30 days.

- B. Single Family Home Permit: Staff Review Process – Planner Ondich reviewed the process and items reviewed by Planning Staff for a new single family home.
- C. LMNC Article – Land Use: The Neighbor Factor – Planner Ondich noted that this article was included for informational purposes only.

6. Adjournment

The meeting was adjourned at 7:54 PM by order of Chair Gengel.

Respectfully submitted,

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

Kenneth D. Ondich
Planning Director