

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, July 28, 2010**

**1. Call Meeting to Order**

The meeting was called to order at 6:34 p.m. by Planning Commission Vice Chair Bob Gilman with the following members present: Kay Wilcox, Bob Gilman, Ryan Peltier and Jay Nuhring. Absent: Grant Gengel.

City Staff Present: Ken Ondich – Planning Director

**2. Approval of April 28, 2010 Regular Meeting Minutes**

It was moved by Wilcox, seconded by Peltier to approve the April 28, 2010 regular meeting minutes as submitted. Motion carried (4-0, Gengel Absent).

**3. Old Business - None**

**4. New Business**

**A. Zoning Ordinance Amendment – Public Hearing  
New Prague Planning Department, Applicant**

Planning Director Ondich presented the final review of proposed changes to the Zoning Ordinance. He noted that Planning Department staff has been working on the amendments over the past year and a half and the Planning Commission has reviewed various sections of the proposed changes during the process. He explained that this was the final presentation and overview of changes already reviewed and that a public hearing is needed tonight. He reviewed changes to various sections of the Zoning Ordinance as follows:

Section 301 – Rules - Made a clarification to definitions not stated in Zoning Ordinance.

Section 302 – Definitions - Made several changes to the definitions, including additions, changes and deletions. The definitions were compared with all of the uses listed within each zoning district, to make sure that there is a definition for all listed uses.

Section 505 – Conditional Use Permits - Added a purpose and changed the exhibit and submittal requirements. Reworded the provision relating to CUP revocation.

Section 506 – Interim Use Permits - Added provisions for Interim Use Permits, including criteria for granting, conditions, procedures, and termination.

Section 507 – Variances - Changed the exhibit and submittal requirements for variances.

Section 508 - Made reference to Interim Use Permits

Section 601 – Zoning Districts - Added provision for interim zoning designation upon annexation. We encountered an issue with this during the Walmart annexation. The Ordinance did not previously address what a property would be zoning immediately upon annexation. This change was suggested by the City Attorney.

Section 603 to 607- Residential Zoning Districts -Minor wording adjustments

608 – B1 Central Business District - Changes to permitted and conditional uses.

Changed apartments located above the first floor to permitted instead of conditional use (added performance standards for apartments above the first floor).

Added interim uses to this section.

Section 609 – B2 Community Commercial - Significant changes to permitted and conditional uses. Less restrictive, several businesses could locate without needing a conditional use permit now, including office, retail, service, restaurants, clinics, and daycare centers. Added interim uses to this section.

Section 610 – B3 Highway Commercial District - Significant changes to permitted and conditional uses. Less restrictive, several businesses could locate without needing a conditional use permit. Added interim uses to this section.

Section 611 – Light Industrial District - Minor changes to permitted and conditional uses. Added interim uses to this section.

Section 705 - Bulk Storage (Liquid) - Removed the requirement that underground storage tanks require a conditional use permit, as the placement of underground storage tanks are regulated by other government agencies. Also removed the requirement that existing tanks comply by obtaining a conditional use permit, as this conflicts with State law. If a use is predates enactment of a zoning ordinance which may apply to it, Minnesota Statute states that the use has the right to remain

Section 707 – Screening - Changed the screening requirements slightly. This section requires screening between commercial/industrial uses and residential uses. Previously there was a 50% opacity requirement for the plantings, or a fencing requirement in lieu of plantings. This has been changed to require a “greenbelt” a minimum of 20’ in depth, and plantings of ‘sufficient density to provide a visual screen and reasonable buffer’. A fence may also be used for screening but not in lieu of plantings/greenbelt. If a fence is used, the fence must be on the business side of the greenbelt.

Staff has encountered some issues recently where the screening that met our existing requirements seemed inadequate. For example, in the area south of Coborn’s, the required screening was installed, but it just hasn’t been adequate in terms of shielding the residences from noise and lights.

A change has also been suggested requiring the landscaped greenbelt only between business and residentially zoned property, not residentially used property, as was previously required.

Section 708 – Fencing - Added language addressing fencing within drainage and utility easements. It is allowed but the property owner must sign an acknowledgement that the city has the right to access this easement area for their needs. The fence is installed at the risk of the property owner. Also required a 5' setback along road right of ways.

Section 714 - Home Occupations - Staff has made some fairly significant revisions to the performance standards for Home Occupations. Home Occupation regulations are contained in Section 714 and now contain a purpose, general standards applying to home occupations, a list of sample permitted home occupations, and also a sample list of prohibited home occupations.

Section 717 – Parking - Added definitions for streets that match the street definitions in the subdivision ordinance. We added a provision for angled parking and also a minimum drive aisle width and a provision for one-way circulation. We increased the setback requirement for parking lots that abut a street right of way, and restrict parking lots from being within a public easement. We removed the 50% shading requirement for parking lots and simply required a minimum of one tree every 30' around the perimeter (or 40' spacing if along a front). We changed the interior landscape requirements (parking lot islands) so that they only apply to parking lots containing more than 50 spaces, and require a shade tree within each island and added a minimum island size. We added more uses to the list of parking requirements and made the uses listed more consistent with the uses shown within the zoning districts and definitions. We changed that curbing requirement so that curbing is only required if a lot contains more than four parking spaces.

Section 719 – Restaurants - Staff has suggested three (3) separate classifications for Restaurants: Class I being a fast food restaurant, Class II being a sit down restaurant, and Class III being a sit down restaurant that serves alcohol or has entertainment. Additionally, a Drinking Establishment is a business that receives the majority of its gross sales from the sale of alcohol consumed on the site.

Staff has suggested that in the B1 district, Class I, Class II, Class III restaurants, and drinking establishments be permitted uses.

Staff has suggested that in the B2 district, Class I, Class II, and Class III restaurants be permitted uses, and that drinking establishments be conditional use.

Staff has suggested that in the B3 district, Class I, Class II, and Class III restaurants be permitted uses, and that drinking establishments be conditional use.

Performance standards have been added in Section 719. They basically provide setbacks from Class III Restaurants and Drinking Establishments to low density residentially zoned properties. They shall not be located adjacent to low density residential zoned

properties and if within 100' of a residential zoned property the hours shall be limited to 6:00 a.m. to 11:00 p.m.

Section 720 - Drive-Thru Businesses - Changes to the language are suggested so that this section is consistent with the regulations for fast food restaurant order boards. The language is slightly more restrictive by stating microphones and speakers cannot be directed towards residential areas, alleys or streets.

Section 721 - Car Washes - Minor wording changes; this section is now slightly less restrictive than it was.

Section 722 - Convenience Stores - Minor wording amendments are suggested, no substantive changes.

Section 723 - Access Spacing and Driveway Guidelines - Staff has suggested some significant changes to the Access regulations in Section 723. The existing regulations do not make any reference to access spacing based on the various functional classifications of roadways, or type of driveway being requested.

We also suggested removing the minimum driveway width, adding a maximum driveway width, added a maximum driveway grade requirement, requiring driveways to be surfaced with either bituminous or concrete (or equivalent), requiring sight triangles at street intersections, prohibiting access within turn lanes, requiring setback distances from driveway to intersecting streets, prohibiting driveways on arterial roadways, requiring minimum spacing between driveways on collector streets, and restricting access onto major collectors and arterial streets if alternative access is available.

Section 726 - Commercial Building Design for the B-1 District - Added a purpose to this section, and added language which requires the preservation of existing/original building facades, prohibits original brick from being covered by stucco or other finishes, prohibits the filling in of original window sizes, encourages the restoration of facades to meet the original building character, and requires a special review prior to allowing demolition of a building in the B1 district. The section still requires 40% of a first floor area be windows, but only on the more major street side of a corner lot, and it exempts accessory buildings from this provision.

Section 733 - Outdoor Seating for Food Service Businesses and Drinking Establishments - Effectively no change, just slight wording adjustment.

Section 737 - Apartments Located Above the First Floor - Added specific provisions for apartments located above the first floor, requiring parking spaces, security lights, and trash receptacles.

Section 738 - Traffic Impact Studies - Added Section 738 regarding Traffic Impact Studies. The section adopts, by reference, a document outlining when a Traffic Impact Study is required, the required format for the study, and mitigation measures if a development causes an unacceptable level of service on adjacent roadways. These

Guidelines are newly drafted, and not a formal part of the Zoning Ordinance, but a separate document.

The public hearing was opened at 7:05PM.

Planning Director Ondich provided a copy of an e-mail from Charles Svoboda, 105 ½ W. Main Street. The text of the e-mail was as follows:

I attended the 4/28/10 Planning Commission meeting and heard the proposed changes to the downtown zoning amendments. What I understood for this presentation is that these are “suggestions.” If you would like to have the downtown look a certain way then don’t make it a suggestion make it a requirement. I also suggest the city provide help and suggestions when an owner is trying to make changes to their building. For example, when I was adding an awning to my building I asked the city if there are any requirements/guidelines. I was told what not to do, such as covering the glass block. But when I asked for further direction to on how to accomplish this, they were unable to give me any suggestions.

What rules do you have on green roofs?

I feel we still have the issue of wanting the city to be this nice city for people to come to and visit. You seem to want a certain atmosphere. It is funny because the police will pull over cars they think the exhaust is too loud, but the noise level is up to the discretion of the police officer. But yet you allow Miller’s Tap, which has had many citations against them, have their front door opened until 10:00 when they have a band and you hear the noise a couple of blocks down Main Street. They also are allowed to have the side door open all night when they have a band. Even though you heard Dave Larson from Miller’s Tap say in the city council meeting that they would keep the doors closed. I would also like to note that I had to again call the police at 11:20 pm because the Miller’s Tap front door was propped wide open when they had a band on Friday night, May 21st.

I really don’t think that having the noise on Main Street is attracting any more people to town, it is just giving the town a bad atmosphere. You want people to live above the down town buildings but why would they when the atmosphere on a Friday or Saturday night is a party atmosphere? Or even the people staying at the hotels and taking a nice walk downtown. There are still beer bottles left on the street from Friday and Saturday night. Perhaps the reason for this is that customers are not watched when they leave their establishment. I would think this is not the look you want for our city.

The other thing that should be done is the bars should provide a cigarette container for their customers instead of smoking outside the front door and throwing the butts in the street and sidewalk.

My question to you is how do we change this?

Regards  
Charles Svoboda

Planning Director Ondich stated that the design guidelines for the B-1 District will provide direction for staff and property owners which previously was not available. He stated that regarding green roofs that they would simply need to comply with building codes. He stated that regarding noise in the downtown area that such an issue was not to be addressed by the Zoning Ordinance but rather by the City Code. Finally, he stated that regarding cigarettes on the sidewalk downtown that the bar owners should be providing receptacles or cleaning up after their patrons, but that the City does not require a receptacle outside of any business.

The public hearing was closed at 7:08PM.

Commissioner Wilcox stated that she was grateful that City staff was able to write the document rather than a consultant. She stated that all the local New Prague experience is being incorporated into the zoning ordinance amendments so that it fits the City and not the other way around.

It was moved by Nuhring, seconded by Peltier to forward the drafted Zoning Ordinance, along with the Traffic Impact Study Guidelines and the Central Business District Design and Sign Guidelines, to the City Council for review and approval. Motion carried: 4-0.

## 5. Miscellaneous

The following miscellaneous items were reviewed:

- A. Commissioner Wilcox stated that she had recently heard that the City of Jordan is discussing whether to allow crematories within the City. Planning Director Ondich stated that he had experience with the permitting process for a crematory in another city he had worked for and that he had also spoken with the City of Jordan when they first began researching the issue. He stated that he would follow up with Jordan's staff to see how they are approaching the issue.
- B. Commissioner Wilcox provided information about portable alternatives to nursing homes that can be placed in the backyard of a home for care of elderly relatives. She stated that Faribault has looked into the matter recently.
- C. Commissioner Nuhring stated that the Novak Barn Foundation is continuing to seek grant funds to save the barn and renovate it for a new use and purpose.

## 6. Adjournment

It was moved by Wilcox, seconded by Nuhring to adjourn the meeting at 7:28PM. Motion carried: 4-0.

Respectfully submitted,



Kenneth D. Ondich  
Planning Director