

Meeting Minutes
New Prague Planning Commission
Wednesday, April 26, 2006

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Pat Remfert, Bob Gilman, Kay Wilcox, Grant Gengel and Michael LaDuke. All members were present.

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

2. Approval of March 22, 2006 Meeting Minutes

It was moved by Wilcox, seconded by Gilman to accept the March 22, 2006 meeting minutes as submitted. Motion carried (5-0).

**3. Request for Conditional Use Permit #C2-2006 – Expansion to Existing Car Wash
Dick Franek, applicant
(Continuation of Request)**

Planner Ondich presented the staff report. He noted that at last month's meeting the original request was to expand the size of the building by adding a self-serve wash bay, vending and a pet wash, but now they will not be expanding the size of the building at all and will incorporate the pet wash and vending into the existing building and will only be retrofitting the automatic wash bay with a unit that will allow the doors to stay closed during washing and drying. He also noted that two new vacuum islands would be added. He noted that car washes are a conditional use in the B-3 Highway Commercial District. He read through the proposed findings for the additional facilities at the car wash. He read through the performance standards for car washes and noted that the doors will remain closed with a new wash unit and that less than 20% of the site is landscaped. He noted that the lot size does not meet the minimum requirement of 20,000 sq. ft. and that a variance should be noted to allow the use expansion on the lot. He noted that a joint access easement is in place with Casey's to the north for access as well as an easement for storage tanks and venting lines, but none of the easements would be affected with the revised plan. He noted that one space should be required for parking for the pet wash users and that a variance could be noted to exempt the 25% shading requirement since it is only one parking space. He noted that 17.8% of the site is landscaped and not meeting the requirement and that the site is surrounded by Philipps Park which is entirely green space. He noted that staff recommends approval of the request with the findings, conditions, and variances noted in the staff report.

Commissioner Gengel asked why the request was continued.

Planner Ondich stated it was continued because of an issue with keeping the door closed during the washing and drying cycles and also because of an encroachment into the joint access easement.

Commissioner Gengel asked if additional landscaping should be required for the site.

Commissioner Wilcox stated that the stacking lanes adjacent to the property lines make it hard to accommodate additional landscaping.

Commissioner LaDuke stated that additional landscaping was not needed.

Commissioner Wilcox asked how those using the vacuums but not washing their cars would exit the site.

Ron Pexa, Montgomery Car Wash LLC, stated that they could back up or pull through and turn around to drive out they way they came in.

Commissioner Gengel asked how they were notified of maintenance issues at the wash.

Dick Franek, Montgomery Car Wash LLC, stated that they have a pager system if there is a problem.

Commissioner Gengel asked what the price was to wash a pet.

Mr. Franek stated that it was \$5.00.

Commissioner Remfert asked what the sign would look like.

Mr. Franek stated that it would be identical to the sign proposed last month except that it would not say anything about a self serve wash bay.

It was moved by Gilman, seconded by LaDuke to recommend approval of CUP #C2-2006 to allow an addition of a pet wash, vending and two additional vacuum islands in the B-3 Highway Commercial Zoning District with the following findings:

1. The proposed addition of a pet wash, vending and two additional vacuum islands to the car wash will not create an excessive burden on existing parks, schools, streets and other public facilities as it will only result in additional users who would be washing their pets and utilizing the car care vending.
2. The proposed addition of a pet wash, vending and two additional vacuum islands to the car wash is sufficiently separated by distance from adjacent residentially zoned and residentially used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. The closest residentially used property is 200' away and is separated from the car wash by Highway 21.
3. The proposal will improve the appearance of the car wash by adding a permanent sign on the building and the building will otherwise remain unchanged. The appearance will not have an adverse effect upon the residential properties.
4. The proposal is in response to a need identified by the applicants for a pet wash, associated car care vending, and additional vacuums. The proposed use and addition is particularly compatible with the adjacent gas station on the parcel directly north of the site.

5. The proposed addition of a pet wash, vending and two additional vacuum islands to the car wash use on the site is listed as a conditional use in the B-3 Highway Commercial District in which it is located. Car washes are a type of business orientated to the traveling public as is a purpose of the B-3 Highway Commercial Zoning District.
6. The proposal does not conflict with the comprehensive plan of the City as the use is consistent with the B-3 Highway Commercial District.
7. The proposal will not create traffic hazard or congestion as much of the use of the car wash is generated from the adjacent gas station located north of the car wash site and ample stacking spaces are provided.
8. Adequate utilities, access roads, drainage and necessary facilities have been provided on the site when the car wash was initially built. Access to the site is shared with the property to the north through a joint access easement agreement from Highway 21. The site was previously connected to City Water and Sewer and will not require new or increased size service lines.

With the following conditions:

1. The conditional use permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission unless used within one year of the date granting the permit.
2. The Conditional Use Permit is issued in accordance with the "Staff Site Plan" dated 4/12/06 on file with the New Prague Planning Department.
3. Entry and exit doors shall be closed during wash and dry cycles on the automatic car wash bay.
4. The stacking lane for the car wash shall be striped with white or yellow painted lines of not less than 4 inches wide.
5. One Parking space shall be provided and striped with white or yellow painted lines of not less than 4 inches wide at a size of not less than 9' x 20'.
6. All signage must conform to Section 718 of the Zoning Ordinance.
7. All lighting must conform to Section 704 of the Zoning Ordinance.

And acknowledging the following variances:

1. A variance is being granted from the minimum lot size requirement of 20,000 square feet for the B-3 Highway Commercial Zoning District as listed in Section 610 of the Zoning Ordinance because the lot was in existence before the current zoning ordinance was adopted.
2. A variance is being granted from Zoning Ordinance Section 721(F) which states that "No less than twenty percent (20%) of the gross lot area shall be landscaped." because no landscaping is being removed from the site and because the site is surrounded by Philipps Park.
3. A variance is being granted from Section 717 of the Zoning Ordinance that 25% of the parking lot shall be shaded at full tree maturity because only one off-street parking space is being provided.

Motion carried: Ayes 4 Nays 0 Abstain 1 (Remfert)

4. Request for Conditional Use Permit #C3-2006 – Expansion to Subway Al Jensen, applicant

Planner Ondich presented the staff report. He noted that the applicant built the structure in the fall of 1992 and that the existing building is 1,420 sq. ft. now being expanded to 3,555 sq. ft. He noted that 1,261 sq. ft. would be for the rental space and 874 sq. ft. added onto the Subway use for seating and storage space. He noted that the drive thru lane would be removed and a new trash enclosure built behind the building. He noted that the expansion and new retail space requires a conditional use permit to be obtained and that staff recommends that general offices, clinics and healthcare facilities, general retail, general service and fast food and dine-in restaurants be allowed uses on the conditional use permit. He read through the proposed findings for the expansion. He noted that an access easement exists over the NE corner of the property for the Fishtale Grill. He noted that an easement should be noted for the site entrance being less than 20' from the intersection of two streets. He stated that the site has 39 parking spaces shown and that 37 would be required for the expansion to Subway and if an 8 chair hair salon were to move into the rental space. He noted that the north row of parking is substandard in size at 9' by 18' in size instead of 9' by 20'. He stated that this parking has always been like this and that gaining the extra two feet would require a variance to the north property line and removing landscaping or lessening the width of the sidewalk along the building so that staff recommends a variance for the space depth since they are existing like that currently. He stated that staff does not recommend screening along the park and that trees are located within the park. He noted that the existing pine trees along the north edge of the parking lot do not meet the 25% shading requirement and additional deciduous trees would be needed. He noted that the parking islands on the north side of the lot on each end must be landscaped and that a variance is still needed from the 3% landscaping requirement by 54 sq. ft. He noted that the 992' elevation must be maintained for the building floor to stay above the flood plain and that parking is acceptable below the 992' elevation. He presented the proposed building elevations and stated that staff supports the appearance as proposed. He stated that staff recommends approval of the request with the findings, conditions, and variances noted in the staff report.

The public hearing was opened at 7:15 PM.

Greg Hile, 109 Sunrise Ave. N, stated that he is a resident directly west of the site. He asked if the building would be moved further to the west towards the creek and what the distance it would be from the creek.

Al Jensen, applicant, stated that the trash enclosure is 30' to the rear property line and that from the property line it was another 20' to the creek for a total of about 50' distance from the center of the creek.

Mr. Hile stated that the Holiday Station lost a fast food franchise by not having a drive thru lane and asked why the Subway would want to lose its only option to have a drive thru lane by removing it.

Mr. Jensen stated that the drive thru is not needed and that it is faster to go inside and order unlike other fast food restaurants.

The public hearing was closed at 7:17 PM.

Commissioner Gengel asked what tenants were being considered for the rental space.

Mr. Jensen stated that a unisex hairstyling salon franchise was the likely tenant.

Commissioner Gengel asked for clarification on the uses that will be listed as permitted for the site.

Commissioner Wilcox asked about the setback of the buildings to County Road 37 being away from the road so far in a uniform fashion and asked if there was a different requirement years ago.

Mr. Jensen stated that he set it up the way he did for more green space and that the new building addition would be a little closer to the street than the previous building.

Commissioner LaDuke stated that he believes the proposal is a good use of the space and provides more green space than normal on a commercial site.

Commissioner Gilman stated that he doesn't think trees should be placed between the building and the car wash to the south because he doesn't think they will live. He stated that 9' by 18' spaces along the north row are O.K. because cars parking there can overhang the grass whereas on the south they partially overhang the sidewalk instead.

Mr. Jensen stated that he has some concerns with the staff recommendations. He stated that he wants to maintain the 8' wide sidewalk along the building for access and that the city only required 22' drive lanes when he first put in the parking lot and now the requirement is 24' which is why he lost 2' on the north row of parking. He noted that he doesn't want to put a tree in the northwest corner of the parking lot because he will reinstall the path leading to the bridge to the park in that area. He stated that he is O.K. with adding trees along the west side of the parking lot as long as he can set them back to allow for snow removal storage. He noted that he doesn't want a tree in front of the building because it will block his visibility and signage which is very important. He stated that he does not want to install the landscaped island by the entrance to the Fishtale Grill property because it will interfere with snow removal. He stated that the brick on the building would be removed and that rock faced block would be the actual building material on the bottom of the building with stucco above. He stated that the outside patio is being removed because the City requires parking be provided for the patio seating but that he may ask for this patio in the future. He stated that most Subways have 50% buy the food for take out and that most have only 10 parking spaces on their sites.

Commissioner Gengel asked if drainage problems on the west side of the parking lot would be addressed.

Mr. Jensen stated that the entire parking lot will be repaved and a swale located down the drive aisle towards the creek where it would flow over some rock before flowing overland into the creek.

Planner Christianson stated that the amount of impervious surface being added is not enough to trigger stormwater retention requirements.

Commissioner Wilcox asked about the existing trees on the property.

Mr. Jensen stated that there are three trees located on the west side of the site. He noted once again that the drive thru lane would be removed and replaced with grass.

Commissioner Remfert asked if there would be less windows on the front of the building with the new plan and also asked if the signage would change.

Mr. Jensen stated that the sign out front would be replaced with the new Subway logo and lowered to the height now required by the City. He added that the Subway logo would be added to some of the awnings, but that he did not want to over sign it.

It was moved by Remfert, seconded by LaDuke to recommend approval of CUP #C3-2006 for to allow an expansion to the commercial building in the B-2 Community Commercial Zoning District with the following findings:

- A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area because it is only adding 2,135 sq. ft. of commercial space.
- B. The use will be separated by distance from adjacent residentially by about 300 feet and will also be separated by a City Park planted with many trees within this distance.
- C. The site will not have an adverse effect on adjacent residential properties as the site will be updated with an updated building appearance and addition and additional landscaping than currently exists on site today.
- D. The use is specifically listed in the B-2 Community Commercial Zoning District in which it is located and is surrounded by.
- E. The use is in compliance with the comprehensive plan of the study because it is a commercial use located with the B-2 Community Commercial Zoning district.
- F. The use will add one tenant to the site that does not currently exist today and also add some seating capacity to the existing use which will not cause traffic hazard or congestion over what exists today as the parking lot is only being expanded by 2 parking spaces.
- G. Adequate utilities, access roads, drainage and necessary facilities are provided to the site.

With the following conditions:

- 1. The conditional use permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission unless used within one year of the date granting the permit.
- 2. The Conditional Use Permit is issued in accordance with the applicant's site plan dated March 21, 2006 and building elevations dated March 21, 2006, all on file with the New Prague Planning Department.
- 3. The applicant, Al Jensen, must comply with all recommendations of the City Engineer and Public Works Director.
- 4. All signage must conform to Section 718 of the Zoning Ordinance.
- 5. All lighting must conform to Section 704 of the Zoning Ordinance.

6. All parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20' (except the northern row of parking which may be 9' x 18' in size).
7. Three deciduous trees must be added to the site plan and staggered along the west side of the parking lot to meet the ordinance requirement of Section 717.7 that 25% of the parking lot must be shaded at full tree maturity.
8. The trash enclosure must meet zoning ordinance requirements of Section 703.
9. The floor elevation of the building and additions must not be located below the 992 foot elevation at which the current building is located.
10. The following uses will be permitted on the subject property: As listed in the Zoning Ordinance Section 609 for the B-2 Community Commercial District - all permitted and permitted accessory uses as well as the following uses: general offices, clinics and healthcare facilities, general retail establishments, general service establishments, and fast food/dine-in restaurants.
11. The freestanding sign on the property must be lowered to meet the current 20' maximum height requirement.

And acknowledging the following variances:

1. The current site entrance does not meet the requirement of Section 723 of the Zoning Ordinance in that it is less than 20' from a street intersection. This was a pre-existing condition and the Planning Commission finds that moving the access a short distance to the east would serve no additional purpose of the Zoning Ordinance and the general public, and would be burdensome to the applicant.
2. A variance is being granted to allow the north row of parking spaces to be 9' x 18' in size instead of the current requirement of 9' x 20' as they are existing parking spaces and will remain on the site as they currently exist.
3. A variance of 174 sq. ft. is being granted for the requirement that 3% of the gross parking area lying more than 20' from the street right of way shall be improved and maintained with landscaping in accordance with Section 717 (2)(A)(3) because parking on the site is at a premium and losing a parking space to meet this requirement may cause a parking shortage on the site and a parking island adjacent to the entrance to the property to the north would make snow removal difficult.

Motion carried: Ayes 5 Nays 0

5. Request to Reopen Conditional Use Permit – Expansion to High School ISD 721 (Tim Rybak), applicant

Planner Christianson presented the staff report. She stated that a 2005 referendum approved the money for expanding the high school. She stated that 297 additional parking spaces, 500 additional students, and 30 additional staff would be provided with the building addition. She noted that the parking lot must be shaded 25% at full tree maturity and that 3% of the parking area lying more than 20' from the right of way shall be landscaped. She noted that landscaping and screening was required along the proposed southwest parking lot along the west side to screen the residential homes located there. She noted that for this screening a double row of 28 coniferous trees on top of a berm ranging from 5' and 8' in height would be provided. She stated

that the design of the building meets the B-2 commercial design standards even though it is not required to do so and that the addition will match the existing building. She stated that drainage from the new parking areas would go to the existing pond as well as a new pond proposed north of the proposed southwest parking lot and south of the tennis courts. She read through the findings for the school expansion. She stated that staff recommends approval of the request with the listed findings, conditions and variance noted in the staff report.

The public hearing was opened at 8:02 PM.

Tony L. Corrow, 1305 English Ave. N., asked how far the southwest parking lot would be setback from the property line.

Planner Christianson stated that it would be setback 37.18' from the lot line.

Mr. Corrow asked if there would be about 790 parking spaces provided for on the school site. He stated that this is much more than the 600 maximum spaces required by other schools such as Lakeville and Savage.

Planner Christianson stated that the parking requirements are minimums and that the school can always provide for more.

Mr. Corrow asked why they needed 200 more spaces than the minimum that other cities would require.

David Rey, Civil Engineer representing the School District, stated that the southwest parking lot would partially be used for the football field users and to alleviate street parking on 12th Street NE.

Mr. Corrow stated that he did not believe the current parking on the high school site was utilized appropriately. He stated that he believes the southwest parking lot will adversely affect the property value of all homes along that property line. He asked for clarification on the screening distance of the 28 double row staggered coniferous trees.

Mr. Rey stated that they extended approximately 300 feet of length which equated to about 1 tree per 20 feet but that because they are staggered in two rows that they are actually closer.

Mr. Corrow asked who would be parking in the southwest parking lot.

Mr. Rey stated that students would most likely be parking in the southwest parking lot during the day.

Mr. Corrow stated he has an issue with the lighting on the building. He stated that a shop light on the back of the building has been a problem and he questions what lights will be placed there with the addition.

Planner Christianson stated that the lighting plan meets the city's glare standards at the property line, but that if there are concerns with the shop light that they can be relayed to the school.

Rick Eckstein, 1309 English Ave. NW., stated that he was discouraged about the southwest parking lot location. He stated that he previously had looked at a home in Belle Plaine which had a pond located adjacent to it and he did not consider buying it because it would be a safety concern for his children and others in the area. He asked why there was no screening between the tennis court and their residential properties. He stated that he does not believe the school needs the extra parking spaces. He reiterated that the pond near his backyard is a safety concern and that the value of his home would be depreciated by the location of the parking lot.

Commissioner Wilcox asked if during the school day they overflow their parking into other lots.

Tim Rybak, New Prague Area Schools, stated that they have a campus type of feel happening at the site with the future facilities plan a soccer field west of the community center may be added. He stated that since parking will not be possible on the south side of the road that they want to maximize parking on the school site for the other areas such as the football field. He stated that with the increase in students at the school they possibly will add intramural sports and other activities which will require more parking in the future.

Brandon Johnson, 1307 English Ave. NW., asked why there was so much parking proposed. He stated that he doesn't feel the site needs the parking. He stated that it will reduce the value of the residential homes in the area. He stated that there is a future athletic complex south of town that can provide for soccer and other needed facilities that the school may add to the site. He stated that in the two years he has lived in his home he has never seen the parking lot full at any time. He stated that he believes that people will still park in the street even if there is more parking in the lot.

Commissioner Gilman asked if more parking is needed during the school day or for events.

Mr. Rybak stated that they current are overflow during the school day and utilize 55 spaces from the community center and gymnastics center during the day.

Commissioner Remfert stated that by adding 50% more students there should be a proportionate increase in the number of students driving to school. He stated that he believes that number will show the need for the increased parking spaces.

Mr. Rybak stated that kids drive to school and need a place to park even with the 19 double route busses they have. He stated that this could be related to the fact that the district has a large rural population.

Mr. Corrow stated since parking on street is not the issue than the parking lot could be moved north of the bus entrance.

Mr. Rybak stated that there are sport fields located to the north of the bus entrance.

Mr. Johnson asked why the school will not consider a seniority type of parking system where only a certain number of parking passes are given out to the students.

Planner Christianson stated that parking spaces for the sport fields are not taken into consideration for the site, but that 1 space per 3 seats are required by the parking ordinance.

Mr. Eckstein asked again if the parking spaces are really needed and once again asked about safety issues with the pond located near their backyard.

Mr. Rey stated that some schools enclose the ponds with a fence and some feel the fence is actually an attraction. He stated that in his 11 years working on school projects that he has only had one request to install a fence around a school's pond and that was at an elementary school.

Mr. Eckstein asked if ponds are the only way to address runoff from the site.

Mr. Rey stated that the rules have changed in the past few years regarding stormwater retention. He stated that one acre of hard surfacing requires treatment of the water where it used to be something like 10 acres of hard surfacing. He stated that underground storage can be provided, but that only a certain amount of drainage can be treated in the underground system, and that have maxed out on the site for that, and are therefore required to install a pond.

Mr. Remfert asked if they could move the pond by 12th Street and move the parking to the north.

Mr. Rey stated that they could move them, but that the flow of the parking area would be disrupted and more traffic would be intermingled with the loading dock traffic.

Mr. Eckstein asked if the southwest parking lot could be moved north of the bus loop.

The public hearing was closed at 8:46 PM.

Mr. Rybak stated that a 60 acre site is recommended by the state for a high school today and that they are at about 53 acres in size.

Commissioner Remfert asked how many students were at the school today.

Mr. Rybak stated that about 1,050 students are at the high school today.

Commissioner Remfert asked how many possible student drivers there could be.

Mr. Rybak stated that with the addition it would be about 825 possible drivers but not definite drivers. He also noted that in the future on the site they would possibly have 3 to 4 events taking place at one time which would require more parking than they need during the day.

Mr. Corrow asked if a fence could be put up along the property line.

Commissioner Remfert stated that his past experience with berms topped with trees will work for the screening to the parking lot. He suggested that homeowners put up their own fence and that the pond is his main concern.

Commissioner Wilcox stated that she believed a fence around the pond would make it an attraction. She stated that this issue is related to NIMBY (Not in my backyard) and Banana (Build absolutely nothing anywhere near anything) and that it was a difficult issue with

development everywhere in the City where people buy land and expect the neighboring properties to remain exactly the same as the day they bought their property.

Commissioner Gilman asked what the depth of the pond was and asked if trees could be put along the property line by the pond.

Mr. Rybak stated that trees can be done. He stated that moving the parking lot north of the bus area would remove a soccer field and a competitive softball field.

Mr. Rey stated that it doesn't make sense to co-mingle the bus traffic and regular car traffic, and that many school districts are trying to redesign their facilities so that bus traffic does not interfere with vehicles or pedestrians.

Joel Wollin stated that he thought a row of thorny bushes planted around the pond would keep out kids.

It was moved by LaDuke, seconded by Wilcox to recommend approval of the request to expand the New Prague Senior High School with the following findings:

1. The expansion will help to correct an existing burden on the high school and will not create an excessive burden on public facilities which serve the area.
2. Landscape screening will be provided between the proposed southwest parking lot and the existing residential homes to help mitigate any impacts to the residential properties. The building additions are a substantial distance from the residential properties and will not create any additional negative impacts.
3. The structure and site will have a similar appearance to existing high school facility. The existing site condition has not had an adverse impact on the development of adjacent residential property.
4. It has been determined by the New Prague School Board and confirmed by the taxpayers of the New Prague School District that the proposed expansion is a need of the School District, and as such, is supported by the New Prague City Council.
5. The use is consistent with the zoning ordinance because educational facilities are specifically listed as a conditional use within the RL90 district, and the proposed site plan conforms to performance standards identified in the zoning ordinance.
6. The use is not in conflict with the comprehensive plan because educational facilities are specifically listed as a conditional use within the RL90 district, the land use which the property is guided to in the Comprehensive Plan.
7. The expansion and resulting increased student capacity at the high school will result in increased traffic to the area. The traffic is concentrated near the beginning and end of the school day, and does not create a constant hazard or congestion. In the case of any senior high school, there will be periods of congestion that coincide with the beginning and end of the school day. The City finds, for the reasons stated, that the high school expansion will not create unreasonable traffic hazard or congestion.
8. Adequate utilities have been or will be provided.

With the following conditions:

1. The conditional use permit is granted in accordance with the site plan, grading and drainage plan, utility and erosion control plan, site details, and a photometric site plan (all dated 4/5/06), a boundary, location and topographic survey (dated 2/15/06), exterior elevations, and lower, main and upper level floor plans (all undated), all on file with the New Prague Planning Department.
2. All grading, drainage and erosion control plans must be approved by the City Engineer and Public Works Director.
3. The northeast parking lot shall meet the requirement that 3% of the gross parking area be improved with landscaping, as required by Section 717 of the Zoning Ordinance.
4. The landscaping plan shall be amended to meet the requirements of Section 717.7 of the Zoning Ordinance, requiring that 25% of the parking area be shaded at tree maturity.
5. The berm and double row of coniferous trees must be extended to the north side of the pond along the west property line and further suggesting thorny bushes be planted around the pond.

And acknowledging the following variances:

1. A variance is being granted from Section 717 (2)(7)(d) of the Zoning Ordinance, allowing more than 50% of the parking area be located between the building and the street. The variance is being allowed because the original site was developed prior to the regulation being established by the City.

Motion carried: Ayes 5 Nays 0

6. Request for Final Plat Approval – Dohm Subdivision Brian Dohm, applicant

Planner Ondich presented the staff report. He stated that the Preliminary Plat was approved by the Planning Commission on March 22, 2006 and by the City Council on April 3, 2006 and that no changes had been made to the preliminary plat since that time. He stated that the City Attorney had commented on the title opinion and had suggested that some names be changed on the final plat before it is signed. He stated that staff recommends approval of the final plat.

Commissioner Gengel asked why the platting is required for the property.

Planner Ondich stated because the proposed building addition would have crossed a property line and because the permit would not be issued for land described by metes and bounds.

It was moved by Wilcox, seconded by LaDuke to recommend approval of the Final Plat of Dohm Subdivision with the following findings:

1. The final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The final plat conforms to the B-3 Highway Commercial Zoning District in which it is located.
3. Re-arranging the lot lines will allow the existing building on Lot 1, Block 1 to expand without crossing a property line.

Motion carried: Ayes 5 Nays 0

**7. Request to Reopen Conditional Use Permit #C9-2002 - Expansion
Brian Dohm, applicant**

Planner Ondich presented the staff report. He stated that the original conditional use permit was granted as #C9-2002 for an expansion of the building and referenced a specific site plan so now it had to be amended to allow another expansion. He stated that a 3,600 sq. ft. addition on the building was proposed and that no additional employees would be hired because of the additional building space. He read through the findings for the building expansion. He noted that all setbacks are met with the building expansion. He noted a proposed 20' private access easement between the two lots in Dohm Subdivision to provide access to the rear portion of the property and that the City will need proof of this easement being recorded. He also noted a 20' ingress/egress and parking easement with Dairy Queen to the south. He noted that with the expansion 9 parking spaces will be required on the site, but that they applicants have not shown the location of the parking spaces on any site plan. He noted that 5 spaces were required for the last expansion request and that right in front of the building there are likely 4 parking spaces on the paved area. He noted that the applicants will need to screen the residential used property to the north with 50% opaque fencing or landscaping. He noted that 25% shading of the parking lot may or may not be met, but staff has no plan for parking. He stated that the original conditional use permit did not allow storage or garbage on the 4th Ave. SW side of the building and that the condition remains. He noted that the property shares a refuse area with Dairy Queen and that the area must have a door with a latching mechanism on it. He stated that staff recommends approval of the amendment to the conditional use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 9:38 PM.

Joel Wollin, Autowash Systems, Inc. representative, stated that based on the most recent drawing from Morton Buildings that he had received before the meeting they actually have room to make the building 54' by 75' instead of 48' by 75' portion and still retain the 10' rear setback. He stated that screening the property to the north would just be screening a machine shed located there and that the property line is excavated with a drop off. He stated that they have a shared parking agreement with Dairy Queen with 6-7 parking spaces that they just repainted. He also stated that they have three more parking spaces on the south side of the green space island where the two trees are located. He stated that they do light manufacturing and assembly in the building.

The public hearing was closed at 9:45 PM.

Commissioner LaDuke stated that he would like to see a parking plan before approving it.

Commissioner Gilman stated that he would like the applicants to pave up to the lot line for their parking area.

Mr. Wollin stated that they will pave the side and some of the rear portion of the lot in the future so that they can utilize the north side door year round. He said that he can't answer whether the area could be paved right away or not with the building expansion.

Commissioner Gilman stated he thought they could approve the request with a condition that the parking plan be reviewed by staff.

Commissioner Wilcox stated that she would like to see parking defined by staff.

It was moved by Gilman, seconded by Wilcox to recommend approval of the expansion to the existing car wash warehousing and assembly operation located in the B-3 Highway Commercial Zoning District with the following findings:

1. The existing use and proposed building expansion will not create an excessive burden on existing parks, schools, street and other public facilities that serve the area because the expansion will not add any employees to the site.
2. The existing use and proposed building expansion will be separated by distance of approximately 85' from the residentially used land to the north and will be approximately 180' from the residential home to the north.
3. The structure and site will not have an adverse effect upon the adjacent residential property located to the north as the building expansion will match the existing structure.
4. The existing use and proposed building expansion are consistent with the purposes of the zoning ordinance, comprehensive plan, and the purposes of the B-3 Highway Commercial Zoning District in which it is located as the use is listed as a conditional use in that district.
5. The existing use and proposed building expansion will not cause traffic hazard or congestion because the addition is adding only storage space to the existing building and will not require any additional full or part time employees at the site.
6. Adequate utilities, access roads, drainage and necessary facilities have been provided to the site.

With the following conditions:

1. The conditional use permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission unless used within one year of the date granting the permit.
2. The Conditional Use Permit is issued in accordance with the site plan dated 4/10/06, building footprint dated 4/3/06, and north building elevation dated 4/3/06, all on file with the New Prague Planning Department.
3. The applicant, Brian Dohm, must comply with all recommendations of the City Engineer and Public Works Director.
4. There shall be no outside storage or garbage on the 4th Ave. SW side of the building.
5. A 20' private easement access agreement in favor of the use by Lot 1, Block 1 Dohm Subdivision, across the south 20' of Lot 2, Block 1, Dohm Subdivision must be filed with the county and a copy given to the city after it is recorded providing access to the rear portion of the property.

6. The existing garbage enclosure shared with the property owner to the south must have a gate or door installed on the front with a latching mechanism to keep it closed/locked when not in use.
7. A solid fence or landscaping shall be provided along the north property line. The fence would have to be at least 50% opaque and between 5 and 6 feet in height and if landscaping is used it shall be at least 50% opaque with off leaf conditions.
8. The semi truck trailer located on the north side of the building being used as storage must be removed from the site and shall not be allowed for storage space in the future.
9. The nine required parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20' on a concrete or bituminous paved surface with a perimeter curb.
10. A parking layout plan must be submitted with the building permit application providing for 9 paved parking spaces and meeting the requirements of Section 717 of the Zoning Ordinance which shall be approved by staff.

And acknowledging the following variance:

1. Depending on the layout of the parking they may need variances for having more than 50% of the parking in front of building or for not providing 25% shading of the parking area depending on where the remaining 5 parking spaces will be placed.

Motion carried: Ayes 5 Nays 0

**8. Request for Preliminary and Final Plat of Wildlife Haven No. 3 (Re-plat)
Mike Weinandt, applicant**

Planner Christianson presented the staff report. She provided background information on the request. She read through the standards for the Preservation Area in which this property is located. She read the LeSueur County standards for the lots. She reviewed the lot sizes and widths and noted that primary and secondary septic treatment sites were being provided for on the property. She noted that variances will be needed from the park dedication requirement as it can be obtained later when the property is annexed to the city and further developed and that today the City would not allow the private road, commonly called Ruth Ann Lane, but that it can continue as it is a prior existing condition. She noted that the LeSueur County Highway Engineer has requested that 50' of right of way be obtained with the platting process.

The public hearing was opened at 10:05 PM.

With no public comments received, the public hearing was closed at 10:06 PM.

Mike Weinandt, applicant, stated that when he platted the lots five years ago the county required 5 acre lots and now only require 1.5 acre lots. He stated that the smaller 2.6 acre lots are more saleable. He stated that he plans on selling the home he has now and moving into another one on the land.

It was moved by Wilcox, seconded by Gilman to recommend approval of the Preliminary and Final Plat of Wildlife Haven No. 3 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 [LeSueur County] AR Zoning District in which it is located.
3. The plat proposes only to re-arrange the lot lines within the existing plat which will actually preserve more open space for future development; and no additional lots will be created as a result of the plat.

With the following conditions:

1. Approval is granted in accordance with the preliminary and final plat drawings dated 4/4/06 on file with the New Prague Planning Department.
2. 5' drainage and utility easements must be dedicated along side property lines, and 10' drainage and utility easements must be dedicated along the rear property line.
3. The LeSueur County Highway Engineer requires 50' of right of way be dedicated adjacent to County Road 29.
4. A driveway easement and maintenance agreement describing access over and maintenance of proposed Outlot B must be recorded with LeSueur County.
5. A title opinion must be approved by the City Attorney before final plat approval.
6. The final plat must be recorded within 90 days of the date of the City Council granting approval.

And acknowledging the following variances:

1. An existing private drive, located on Outlot B, serves as access to the three existing lots within the current subdivision plat. The existing drive is in good condition and is being allowed to continue as a private drive and not a township road because no additional lots are being created as a result of the plat, and therefore the nonconformity will not be increased over what exists today.
2. Park land dedication is not being required because the lot lines are simply being re-arranged for three existing properties and no additional lots are being created.

Motion carried: Ayes 5 Nays 0

9. Concept Review of Development Plan – Shop/Garage in B3 District (Delrose Tool Site) Greg Sayler, applicant

Planner Ondich presented the staff report. He noted that the applicant purchased the property in April of 2006 and that it was the former site of Delrose Tool. He stated the applicant intends on removing the existing building and construct a 54' by 64' shop/garage for personal and business use. He stated the property is approximately 75' x 107.81' and had a DNR protected water way behind it. He stated the property is zoned B-3 Highway Commercial and a conditional use permit is required for most new uses including the proposed shop and garage to be used for business and partially personal use. He noted that the lot is only 8,085 sq. ft. and didn't meet the minimum 20,000 sq. ft. lot size requirement and that the width of the lot at 75' did not meet the minimum lot width of 80' but that the lot was a lot of record. He stated that the property needs to be platted to allow new development and that variances would be needed on those items. He

stated that three spaces would be required for the building and that two were proposed inside the building and two outside the building. He noted that a flood plain near the property is Zone AE with a base flood elevation of 973'. He stated that during the platting process the elevation must be shown to be above this for the building site. He noted that the proposed building would likely not fit because of a possible wetland buffer but that a 45' x 54' building looked possible. He stated that the items in the staff report should be addressed before the property is platted and a conditional use permit application filed.

Greg Saylor, applicant, stated that he builds a home every year or so and that this proposed building would allow him to store his tools and equipment there. He stated that he is a high school teacher and that at some point in the future he may be looking to start up a business. He stated that the building construction would be a "Morton Building" type construction like the Autowash Systems, Inc. building.

Commissioner Wilcox stated that she has a problem with the personal garage in the B-3 Highway Commercial Zoning District. She stated that if it is a garage it should at least look like a business could be located there.

Mr. Saylor stated that he would like it to look like the Autowash Systems, Inc. building across the street. He stated that he would want to make the building useful for the future and a future buyer of the building. He stated that because the site is so small there just isn't room for parking on the site for any normal retail or commercial type of use. He stated that Bolton & Menk would be on site next week to gather information on the site.

Commissioner LaDuke stated that he would not like to see any outside storage on the site.

The Planning Commission stated that the applicant should make an attempt to have the building appear as much like a typical business as possible and to bring some building appearances to them to review.

10. Miscellaneous

Planner Ondich updated the Planning Commission on the status of the Schumacher Hotel property. He stated that Mr. Schumacher wanted to inform the Planning Commission that his plans had changed and that he would not be building the residential condominiums any longer. He stated that Mr. Schumacher plans on opening a smaller restaurant on the west side of the building and selling the rest of the rooms in the building as office condos.

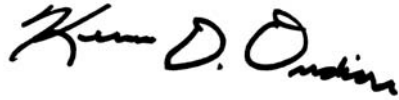
Planner Christianson stated that the City Council had send the Outdoor Wood Fired Boiler ordinance back to the Planning Commission after rejecting an outright ban on the units and also rejecting proposed regulations for the placement of them that the Planning Commission also previously rejected in favor of the ban recommendation.

The Planning Commission stated that they would like the minutes to reflect that the Planning Commission will not support any use of Outdoor Wood-Fired Boilers within the City of New Prague.

11. Adjournment

A motion was made to adjourn the meeting at 10:52 PM. by Remfert, seconded by Gengel, which passed unanimously (5-0).

Respectfully submitted,

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

Kenneth D. Ondich
City Planner