

Meeting Minutes
New Prague Planning Commission
Wednesday, June 23, 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.

The first item on the agenda was the request for **Variance # V3-2004** from the required 30' front setback to 16' to allow construction of a detached garage, and from the maximum allowed detached accessory building size of 1,000 square feet to 1,200 square feet, as proposed by **Terry and Dawn Odenthal** at 306 9th Street SE in the RL90 zoning district.

Mrs. Odenthal explained that they experience water problems in their existing garage due to its elevation and drainage from the adjacent property. They would like to move the garage north, locating it 16' from the north property line. Staff identified the northerly property line as the 'front', although the property doesn't actually have road frontage on any publicly maintained road. The proposal is to relocate the garage access from the (current) north to the west side.

Chairman Gengel asked why they were requesting the size variance. Mrs. Odenthal stated that their home does not have very much storage space and they would like to add space in the garage for this reason. He also asked that the north side of the structure be designed to be aesthetically pleasing.

Commissioner Wilcox stated concern about the site line for the homeowner directly east of the Odenthals, and asked if the variance could be minimized to improve their site line. Because the Odenthals want to access the garage on the west side, the variance can't be reduced due to the location of the home.

Section 506(1), Criteria for Granting Variances, was reviewed. The Commissioners felt that the size variance could not be justified based on these criteria.

After discussion, it was moved by Kratochvil, seconded by Gilman to recommend approval of the request for variance from the required 30' front setback requirement to 16' to allow the construction of a garage. Motion carried. Ayes 4 Nays 1

It was moved by Wilcox, seconded by Kratochvil to recommend denial of the request to allow a 1,200 square foot detached accessory building which is larger than the allowed 1,000 square feet. Motion carried: Ayes 5 Nays 0

The next item on the agenda was the request for **Preliminary Approval of East Gate Plaza 3rd Addition** consisting of two lots on 2.1 acres in the B2 Zoning District, as proposed by Marv Deutsch.

The site is currently platted as one lot, described as the East 130' of Lot 1 Block 2 East Gate Plaza. A hotel is located on the easterly portion of the site. Mr. Deutsch is one of the owners of the hotel. The owners would like to divide the lot in order to create another building site. A concept plan has been created showing how the proposed site may be used. The concept plan shows a 150 seat restaurant, which would require 50 to 60 parking spaces. The concept shows how parking on the hotel site could be expanded upon construction of another building.

Staff noted that there is a shared parking agreement between the Community Security Bank, Pizza Ranch, and hotel properties, allowing shared use of the parking areas. The agreement is recorded with the County Recorder. The bank requires 31 parking spaces and 32 have been provided on site; the restaurant requires 31 parking spaces and 42 have been provided on site; and the hotel requires 53 parking spaces and 88 have been provided on site.

The proposed lots meet the minimum lot size and width requirements.

The public hearing was opened, and with no comments from the public, was closed.

Chairman Gengel asked when the parking area would be expanded. Mr. Deutsch indicated that he could expand the lot whenever the City wished.

Commissioner Gilman felt that by allowing the subdivision the City could be backing itself into a corner. He felt that if the building and parking lot were construction as shown on the concept plan, there may be too much on the site. Commissioner Gilman questioned the required number of parking spaces on each site. He stated concern over truck parking, and said that if the lot was divided as shown there would be no place for semi trucks to park at the hotel site.

Commissioner Kratochvil asked if the shared parking agreement was a legal document. Mr. Deutsch stated that it is a recorded document, recorded on the titles of all the properties.

After discussion, it was moved by Wilcox, seconded by Kratochvil to recommend approval of the preliminary plat with the following condition:

1. Prior to construction on proposed Lot 1, the expanded parking area on the hotel site must be constructed.
2. The concept plan shown on proposed Lot 1 has not been formally approved. Future development on Lot 1 will require approval of a Conditional Use Permit.
3. The applicant must comply with all recommendations of the Public Works Director and City Engineer.

Motion carried: Ayes 5 Nays 0

The next item on the agenda was the **Request for Variance #V4-2004 of Mike Krautkremer** from the required 50' wetland setback to 18.5' to allow a porch and deck addition onto the home located at 301 Chalupsky Avenue NE in the RL90 Zoning District.

The City has a 50' wetland setback requirement for structures; the requirement is in the City's Stormwater Management Plan. Lot 2, Block 2, Highview Tenth Addition was platted in 2000, prior to the city's adoption of the 50' setback requirement. The home on the lot was also

constructed prior to the adoption of the setback requirement. The split entry home was designed to have a porch/deck addition off of the back. A sliding glass door and deck ledger board exist, and were constructed on the back of the home in preparation for the porch/deck.

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

1. The wetland setback/buffer requirement is a newly adopted regulation which was not in place at the time the lot was created.
2. The variance requested is the minimum variance which would alleviate the hardship.
3. The extraordinary circumstance which applies to this lot results from a situation which the owners of the property have had no control.

Motion carried: Ayes 5 Nays 0

The next item on the agenda was the Request for **Conditional Use Permit #C7-2004** to allow a planned unit development consisting of 55 residential housing units in the RM Zoning District as proposed by **Geiger Land Development, Inc.**

The development area consist of 55 residential units, all accessed by 24' wide privately owned streets. The developer is proposing that the utilities within the private streets be publicly owned and maintained.

The public hearing was opened, and with no comments from the public, was closed.

After reviewing the two proposed development areas, the Commission felt there were too many housing units within too little space. The City lacks a policy regarding private streets and maintenance of utilities within the private streets. The streets within the proposed development area were narrow and lacked off street parking. The pedestrian trail was proposed in an unsafe location because it crossed private driveways in a crowded area.

It was moved by Wilcox, seconded by Remfert to continue the request so that the developer could redesign the development. Motion carried Ayes 5 Nays 0

The next item on the agenda was the **Request for Preliminary Plat Approval of Prague Estates Ninth Addition**, consisting of 73 lots and 8 outlots in the RM Zoning District, as proposed by Geiger Land Development, Inc.

The proposed plat consists of two medium density development areas (attached housing units) as proposed in Conditional Use Permit #C7-2004, and 12 single family residential lots serviced by a public road. Because the Planning Commission chose to continue the CUP request pending a redesign of the site, Dan O'Neill representing Geiger Land Development, requested that the Planning Commission act on the proposed single family area only.

The public hearing was opened, and with no comments from the public, was closed.

All single family lots meet the minimum lot size and width requirements. The lots abut a wetland. A 40' vegetation buffer and a 50' wetland setback has been shown on the preliminary plat drawing.

It was moved by Wilcox, seconded by Remfert to recommend approval of the proposed single family area, for the following reasons:

1. The plat complies with the New Prague Comprehensive Plan and Zoning Ordinance.
2. The proposed plat conforms to the original development plan and EAW.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 6/4/04, the preliminary grading and construction drawings dated 6/4 /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. Geiger Development 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. Approval is subject to all recommendations of the City Engineer.
5. Grading and construction plans must be approved by the City Engineer, City Planner and Public Works Director prior to final plat approval.
6. The preliminary plat approval is subject to the utility extension permits from the Pollution Control Agency and the Department of Health.
7. Drainage and utility easements must be dedicated at the time of final plat.
8. The delineated wetlands should be shown on the final plat, along with a surrounding 40' drainage and utility easement.
9. The developer will need to create a lot within the subdivision to be used for the construction of a boosted pressure system. The layout as shown on the preliminary plat drawing dated 6/4/04 will change due to the creation of the additional lot needed for the boosted water pressure system.
10. The City logo shall be removed from the plan set / preliminary engineering information.

Motion carried: Ayes 5 Nays 0

Last on the agenda, Joanne Foust with Municipal Development Group updated the Commission on the progress of the **Comprehensive Land Use Plan** update. Mrs. Foust continued to discuss draft Chapter 5, Land Use, which had been started at the May Planning Commission meeting. The Commission was updated regarding two public meetings which were held on June 16th, 2004, where the public was invited to participate in the Comprehensive Plan process. Three draft land use plans were reviewed, as well as maps showing physical features in the proposed growth area.

It was decided that a special meeting should be held to continue reviewing draft Chapters 5 and 6, as it was getting late in the evening. A special meeting was agreed to on July 7, 2004 at 7:00 p.m.

It was moved by Wilcox to adjourn at 10:25 p.m.

Respectfully Submitted,

Renee L. Christianson
City Planner