

Meeting Minutes
New Prague Planning Commission
Wednesday, September 29, 2010

1. Call Meeting to Order

The meeting was called to order at 6:37 p.m. by Planning Commission Vice Chair Bob Gilman with the following members present: Kay Wilcox, Bob Gilman and Jay Nuhring. Absent: Grant Gengel and Ryan Peltier.

City Staff Present: Ken Ondich – Planning Director

2. Approval of July 28, 2010 Regular Meeting Minutes

It was moved by Wilcox, seconded by Nuhring to approve the July 28, 2010 regular meeting minutes as submitted. Motion carried (3-0, Gengel and Peltier Absent).

3. Old Business - None

4. New Business

**A. Concept Review of Zoning Ordinance Amendment
Residential Erosion Control, Turf Establishment and Tree Requirements
New Prague Planning Department, Applicant**

Planning Director Ondich presented the staff report. He stated that the original version of the ordinance took effect on June 16, 2009 and was slightly amended in September 2010. He stated that in summary the ordinance requires a \$1,500 escrow deposit to ensure a completion of sod in the front yard, sod or seed in the rear yard and one tree planted in the front yard. He stated that the escrow is returned after a 30 day warranty period and inspection. He stated that 20 homes have fallen under the ordinance since it took effect in 2009 and that staff feels the ordinance has been working well. He stated that two builders have specifically asked the City to look at an amendment to provide for the option of not planting sod in the front yards. He stated that specifically they would recommend that the ordinance be amended to only require sod or erosion control blanket with seed in situations of greater than 4 to 1 slopes. Staff further suggests that the lot would then need to be inspected for adequate coverage at the end of the warranty period if seeded and that documentation of weed treatment would also be necessary if weeds are present at the end of the warranty period before the escrow is returned. He stated that staff recommends approval of the suggested changes and that they will achieve the same results for erosion control purposes. He also noted that he would suggest that a requirement for as-built surveys be discussed to better deal with grading and drainage issues that arise on new homes.

Commissioner Gilman asked if it was unusual for a city to require an as-built survey for the grading.

Planning Director Ondich stated that he believed all the other cities in Scott County require an as-built survey as well as the City of Lonsdale.

The Planning Commission discussed the viability and cost of sod versus seed and came to the consensus that they were accepting of the proposed changes to the ordinance and that staff could proceed with the scheduling of a public hearing at a future Planning Commission meeting.

B. Discussion of Detached Accessory Dwelling Units New Prague Planning Department, Applicant

Planning Director Ondich presented the staff report. He stated that at the July Planning Commission meeting Kay Wilcox had provided an article to staff about “MedCottages” which are also known as “Elder Cottages”, “Granny Pods” and more simply “accessory dwelling units”. He stated that the City of Faribault recently adopted ordinance provisions to allow for detached accessory dwelling units by conditional use permit but not in single family zoning districts. He stated that the City of Bloomington has provisions for accessory dwelling units, but not “detached” accessory dwelling units. He stated that staff has not devised any sample language but instead would like discussion on possible age limit for occupants and if that is legal, requiring a doctor’s order, providing for a minimum and maximum square footage for the units and then requiring connecting to existing sanitary and water services of the principal dwelling unit on a lot.

Kay Wilcox stated that she could see this working but only if they are temporary structures that can be removed when the particular tenant no longer occupies the building. She stated that she likes the idea of these in single family zoning districts. She also stated that besides the elderly she sees these as being possible for developmentally delayed family members to provide for some independence. She stated that she has heard that some companies may rent the units and then move them out at the end of the rental term.

Jay Nuhring stated that he felt these types of units are a drastic thing to introduce into an established neighborhood. He also noted that he could see existing larger homes being repurposed to provide for spaces for the elderly relatives rather than expanding into backyards of homes with units such as these.

Kay Wilcox stated that she would suggest that only “licensed medical units” be allowed and not just any sort of structure.

The Planning Commission reached consensus that staff should continue to collect information on the topic as time permits.

5. Miscellaneous

The following miscellaneous items were reviewed:

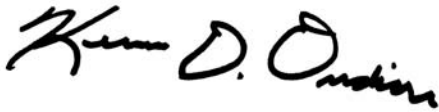
- A. State Supreme Court Interpretation of Variance Authority – LMC Article – Planning Director Ondich stated that as noted in the article, a Supreme Court ruling this past summer severely

limited all cities abilities to issue variances. It used to be that a city could issue a variance if the request was deemed “reasonable”. The court rules instead that a variance can only be issued if there is no reasonable use of the property without the variance. He noted that the City of New Prague has always leaned towards the stricter standard now adopted by the court, but that even some of the variances that have been issued in the past would not be possible with the current ruling. He stated that it is possible that the legislature would revisit the topic in the spring.

6. Adjournment

It was moved by Wilcox, seconded by Nuhring to adjourn the meeting at 7:20PM. Motion carried: 3-0.

Respectfully submitted,

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

Kenneth D. Ondich
Planning Director