

Meeting Minutes
New Prague Planning Commission
Wednesday, October 25, 2006

1. Call Meeting to Order

The meeting was called to order at 6:32 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Kay Wilcox, Bob Gilman, Michael LaDuke, and Grant Gengel. Absent was Pat Remfert.

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

2. Approval of August 23, 2006 and September 20, 2006 Meeting Minutes

It was moved by Wilcox, seconded by Gilman to approve the August 23, 2006 meeting minutes as submitted. Motion carried (3-0-1, with Gengel abstaining).

It was moved by Wilcox, seconded by Gilman to approve the September 20, 2006 meeting minutes as submitted. Motion carried (4-0).

**3. Request for Variance #V5-2006 for Attached Garage Front Setback – 404 1st Ave. NE
Clinton Stocker, applicant**

Planner Ondich presented the staff report. He stated that the applicant Clinton Stocker is proposing to build an attached 26' by 36' garage addition on the south side of an existing single garage stall. He stated that the existing stall is 13.7' from the front property line and that the proposed addition would be in-line with the existing stall which is less than the required 30'. He stated that the home is 12.7' from the front property line because it jogs 1' closer than the garage to the street. He stated that the addition would meet the rear and side setbacks but not the front setback to 1st Ave. NE if lined up with the existing garage stall. He stated that the home was built in 1958 which was prior to any zoning regulations in the City and that because the home is on a corner lot it makes it more difficult to build onto the home. He noted that the length of the driveway is 22' to the street which is ample to park a vehicle. He stated that the garage addition could be pushed back within the buildable area on the lot but that it would be setback 16.3' further than the rest of the attached garage and would have to be 4' less in depth than proposed. He added that this would also cause construction problems as well as an irregular appearance to the streetscape. He stated that staff does not support setting back the addition which would prevent it from lining up with the existing single garage stall. He noted that the addition would be no closer to the front property line than the existing stall and that other homes on the same block along 1st Ave. NE do not meet the required 30' setback. He noted that a variance was given at 405 1st Ave NE across the street to allow a detached garage to be less than 30' from the front property line back in 2003. He stated that the driveway curb cut is allowed at no more than 30' in width. He stated that staff recommends approval of the variance to allow the attached two stall garage addition to be 13.7' from the east property line along 1st Avenue NE with the findings listed in the staff report.

Clinton Stocker, applicant, stated that the home is for sale and that the contract to sell it runs out in mid-November. He stated that he did not believe the home would sell so constructing the added garage space is something he's always wanted to do to the home.

Commissioner Gengel asked when the home was last re-sided.

Mr. Stocker stated that it was last re-sided within the past four years.

Commissioner Gengel stated that it was important to find siding that would match the existing on the home and that the roof of the garage addition will match the existing as well. He asked how the roof for the garage addition would blend in with the existing home roof line.

Mr. Stocker stated that the roof will match up in appearance on the front and have a gable on the back.

Commissioner Wilcox asked about the curb cut width.

Planner Ondich stated that the maximum residential curb cut width is 30' and that with such a short driveway length it might be difficult to angle the driveway from the curb up to the proposed three garage stalls.

Mr. Stocker stated that the 30' curb cut should work if he slightly angles the driveway up to the garage.

Commissioner Gengel asked if the City has a policy on multiple curb cuts.

Planner Christianson stated that the City does not have regulations on the number of curb cuts that a residential property may have.

Commissioner LaDuke stated that he drove past the property and thought the garage addition would blend in nice with the area.

Commissioner Gilman stated that he was okay with the request.

It was moved by Gilman, seconded by LaDuke to recommend approval of Variance #V5-2006 to allow a 16.3' variance from the requirement that single family residences be setback a minimum of 30' from a front property line to allow an attached garage addition to be 13.7' from the front property line along 1st Avenue NE in the RL-84 Single Family Residential Zoning District, with the following findings:

1. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone or vicinity because the lot which the applicant owns is a corner lot of only 69' of width. Once all the setbacks are accounted for it only provides for a 32' wide by 70' long of buildable area for the attached garage addition which is much further from the road than the existing home and attached garage. The lot was created before current zoning ordinance was adopted and the home was constructed in 1958 which was before zoning ordinances were enacted in the City.

2. The literal interpretations of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance because the property is a narrow corner lot, the buildable area on the lot is unreasonably small compared to many other lots in the City. Furthermore, all the homes located in the immediate vicinity of the proposed addition on 1st Ave. NE are all affected by the terms of the ordinance as none of them currently meet the 30' setback along 1st Ave. NE and all would require a variance in order to add onto their homes within the 30' setback.
3. The special circumstances do not exist as a result of the actions of the applicant because the lot was created at a narrow width for a corner lot well before the adoption of the current zoning ordinance. It is the narrow width of the lot and the only 32' wide buildable area and the location of the existing home outside of the buildable area that is the special condition.
4. The granting the variance would not confer a special privilege in that all other structures within the same block along 1st Ave. NE all do not meet the currently required 30' front setback to 1st Ave. NE.
5. The variance being requested is the minimum variance which would alleviate hardship of having a narrow buildable area on the lot which is not in line with the existing structure which is to be added onto. The proposed garage addition is proposed to be in line with the existing attached garage at 13.7' from the front property line which is 16.3' within the required 30' front setback along 1st Ave. NE. Having the garage addition in line with the existing attached garage makes the addition more easily match the appearance of the existing structure.
6. The variance being requested would not be materially detrimental to the purpose of this zoning ordinance or other property in the same area because all other homes on the same block along 1st Ave. NE are located within the required 30' front yard setback and because the proposed attached garage addition will not be any closer to the front property line than the existing attached garage stall.
7. The granting of the variance from the required 30' front yard setback from 30' to 13.7' would be reasonable because it would match the existing conditions on the block in which it is located relating to setbacks existing at less than 30' and would allow the applicant to add additional garage space onto a home that currently has a single stall garage.

Motion carried: Ayes 4 Nays 0

4. Review Adult Use Ordinance

Planner Christianson presented the staff report. She stated that the state legislature recently approved drastic changes to the statute regulating adult entertainment establishments known as Minnesota Statute 617.242. She stated that the City adopted regulations in 2003 which is chapter 119 of the city code. She noted that conditional use permits are required for adult entertainment establishments within the city. She stated that the current city ordinance states that the city must provide reasonable opportunity for Adult Entertainment Establishments to locate and that the city cannot zone them out. She stated that cities in Minnesota can adopt their own regulations for adult entertainment establishments or if a city has not adopted their own regulations than the state statute applies. She stated that the new state statute requires that at least 60 days notice must be given to the city before a permit application is submitted and also that if another adult entertainment facility is located within 50 miles of a city that the city is not required to provide for a location for an adult entertainment facility. She stated that the law states that two establishments may not operate within 1,500' of each other, may not locate within 500' of residential property and may not locate within 2,800' of schools or places of worship. She added that the city ordinance currently requires 1,000' setback from parks, schools, churches, and daycares. She stated that state statute allows operation from 10:00 a.m. to 10:00 p.m. on Monday though Saturday and no operation on Sundays or legal holidays while the current City Ordinance allows operation from 7:00 a.m. to 10:00 p.m. Monday though Saturday. She stated that the statute does not allow persons convicted of certain offenses to operate or work at an establishment for three years after the discharge of the offense while the city ordinance currently states that such persons may not ever operate or work at an establishment. She stated that there are concerns with the new statute particularly with a lawsuit challenging the statute as unconstitutional and that a federal district court has ruled that several parts of the new statute likely violate the first amendment and that it could eventually be appealed to the Supreme Court. She stated that the city attorney and city staff are suggesting that the city wait to amend the ordinance until the courts make a determination on whether the statute is constitutional or not because of the city adopted the same provisions the city ordinance could also be struck down as unconstitutional. She stated that it is suggested to revisit the issue in 6-12 months to see if a determination has been made by the courts.

Commissioner Wilcox asked if there is a state map available mapping all the current adult use businesses in the state.

Planner Christianson stated that there is not such a map, but that staff had mapped a 50 mile buffer around the City which includes both Mankato and downtown Minneapolis which both have adult entertainment establishments. She stated that the issue will be revisited in the spring.

5. Miscellaneous

A. Zoning/Sign Ordinance Amendment Info – Chamber Notices-

Planner Christianson stated that notice information that was provided to all Chamber of Commerce Members relating to the possible revisions to the City's Sign Ordinance and public hearing scheduled for November 15, 2006.

B. East Town Plaza Monument Sign Pictures & Complaint

Planner Christianson presented a letter from Gordon Carlson regarding the new sign that was installed at the corner of Main Street E. and 7th Ave. SE for the East Town Plaza Strip Mall. She stated that Mr. Carlson does not support the location of the sign and states that it is very bright at night. She stated that Joel Wollin was the other concerned resident that submitted the pictures of the sign. She noted that since the complaints were made known to City Staff that the back light on the sign has been turned off at night.

Commissioner Gilman stated that the red light from the sign lights up the side of the homes. He stated that he doesn't see a need for the sign to be on after mall hours.

Planner Christianson stated that the sign meets all ordinance requirements except possibly for light and glare standards.

Commissioner Wilcox stated that someone should be hired to measure the brightness of the sign.

Planner Christianson stated that the city could purchase a device to measure light output for about \$100.

C. Growth Statistics through 9/30/06-

Planner Christianson presented a growth statistics summary current through the end of September. She noted that with the recent Chart Inc. addition permit that the year to date value for commercial permits is ahead of last year which is a good thing.

Commissioner Wilcox asked about growth that could be expected by the end of the year.

D. Transportation Amendment on November 7th Ballot-

Planner Christianson stated that the Transportation Amendment would be on the November 7th Ballot.

E. Preview of November Agenda-

Planner Christianson presented an overview of the November 15, 2006 Planning Commission Agenda. She stated that there would be a variance for a garage addition, a conditional use permit request for the State Bank of New Prague, the public hearing for the sign ordinance revisions and a preliminary plat for Turek Estates which has been reviewed in the past.

F. Housing Conditions-

Commissioner Wilcox stated that she had heard from a mayoral candidate that many of the homes in the urban core are somewhat run down. She stated that the City should have money from a past grant program to help people fix up their homes.

Planner Christianson stated that the City probably has a small pool of money from the past Small Cities Grant program.

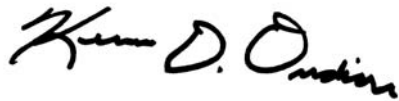
Commissioner Gilman stated that the income guidelines for that program were very strict.

Planner Ondich stated that it was very difficult for most families to meet the income guidelines in order to take advantage of the program and that it was easier for the elderly to meet the guidelines.

6. Adjournment

The meeting was adjourned at 7:26 PM. by Chairperson Grant 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 initial "K" and "O".

Kenneth D. Ondich
City Planner