

Meeting Minutes
New Prague Planning Commission
Wednesday, January 22, 2020

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Bob Gilman with the following members present: Shawn Ryan and Michael Uttenhove. Absent were Paul Tupy and Dan Meyer (arrived late).

City Staff Present: Ken Ondich – Planning / Community Development Director

2. Approval November 20, 2019 Regular Meeting Minutes

It was moved by Uttenhove, seconded by Ryan, to approve the November 20, 2019 regular meeting minutes as submitted. Motion carried (3-0, Meyer had not yet arrived).

3. Old Business

A. None.

4. New Business

**A. Request for Variance #V1-2020 – Carwash Exist Door to Remain Open During Dry Cycle
Kwik Trip, Inc., applicant**

Planning Director Ondich presented the staff report. He stated that kwik Trip has been previously approved for a plat and conditional use permit for a new store at 101 Chalupsky Ave. NE. He stated that they have applied for a variance to allow the dryer door to remain open during the dry cycle of the wash because the zoning ordinance requires both doors to remain open during wash and dry cycles. He stated that Kwik Trip was granted a variance in 2017 to allow the dryer side door to remain open at their 104 4th Ave. NW location. He stated that three car washes existed prior to the door closing requirements were adopted but that a car wash at Speedway was constructed to keep the dryer doors closed and that another car wash at Coborns, which was never constructed, was also approved and designed to keep the dryer doors closed. He stated that the property is zoned B-2 Community Commercial and that in the immediate vicinity are a daycare to the north, state highway and commercial development to the south, a single family home and KA Witt Construction to the east located outside of City Limits and Gerold Bros. and NAPA to the west. He stated that Kwik Trip provided noise level data based on another location where they have the same car wash and took readings with the dryer door open to compare how a car

wash at the subject site might sound. He noted that the data provided showed that MPCA sound levels would not be violated which would be 70dB for 10% of an hour or 65dB for 50% of an hour because the expected measurements at the commercial properties adjacent would be no more than 55dB. He stated that while the expected decibel readings would not be considered a nuisance violation, it was not the only criteria to be evaluated in granting a variance. He stated that Kwik Trip provided a statement of practical difficulties in which Kwik Trip noted that they do not have any other locations where the exit door is closed during the drying cycle, that the drying cycle is only 99 seconds compared to 7 minutes for the cycle in full, that they would need to add 20' to the wash bay in order to dry a car before the door would need to be opened and that they have concerns about the addition to the wash bay affecting truck turning movements or exiting into a drive aisle. He stated that City Staff does not believe the property has any unique circumstances to warrant a variance as it is a large, greenfield site of 4.39 acres, that there is ample room to expand the car wash bay on the west side and that the 99 second dry times could be a disruption to neighboring properties. He stated that the zoning ordinance lists the criteria by which variances must meet in full and that the request was not able to meet all the criteria. He stated that staff recommends denial of the variance request based on the finding contained in the staff report which notes that there are not unique circumstances to the lot.

Planning Director Ondich stated that while a public hearing is not required for the variance request, he did note that he had received a letter from Chantel Gaaskjolen, owner of Memories and Milestones Academy at 1501 1st Street NE, and that she requested the letter to be read into the record.

A letter dated 1/22/20 from Chantel Gaaskjolen, owner of Memories and Milestones Academy noted the following: The variance to keep the car wash doors open is not necessary and that there is no reason to grant the variance. The proposed project would most likely be a nuisance to Memories and Milestones Academy with consideration to children playing outside within 200 to 300 feet, the main entrance door, infant classroom, toddler classroom and main office are south facing and are approximately 200 to 300' away from the car wash, windows for a toddler room and preschool room are located approximately 200 to 300 feet from the east side of their building, they have daily nap time between 12 and 3 with infants taking naps throughout each day, their parking lot needs to be free from noise disruption when children are being walked to their cars or when walking to the bus stop and that they have kept their windows open as much as possible during the past 11 years would potentially be a problem with the car wash location. The letter finally notes that the daycare is one of the direct receivers of nuisance from the project and that she is already working with the EPA, MNDOH and others to mitigate any hazards from the project and that a property sound study would have to be done to ensure compliance with MPCA rules if the variance were approved.

Dean George, Kwik Trip Real Estate Development Manager, stated that they are committed to the new Kwik Trip store, regardless of having a car wash or not. He said that they may not construct the car wash with the dryer door closed as they don't know how to build them to keep the dryer door closed.

A motion was made by Ryan, seconded by Uttenhove to recommend denial of Variance #V1-2020 to allow the exit door to remain open during the dry cycle at the proposed car wash located at 101 Chalupsky Ave. NE with the following finding:

1. While the variance would be considered reasonable and not alter the essential character of the neighborhood, unique circumstances do not apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the site is a large, greenfield site of 4.39 acres, and there is ample area to lengthen the car wash bay by 20' to allow the dry cycle to occur within the building with the exit door closed or an onboard dryer could be utilized within the existed proposed building area.

Motion carried (4-0).

B. Request for Preliminary and Final Plat of Deutschland First Addition – 1 Lot Plat Marv Deutsch / GTT Properties, LLC., applicant

Planning Director Ondich presented the staff report. Planning Director Ondich stated the plat includes one lot and public right of way on 1.59 acres. He stated that a previous development agreement allowed 1st Street SE to be constructed but that the plat must dedicate the right of way by June of 2020. He stated that the applicant is considering applying for a conditional use permit to construct a building with first floor commercial and apartments above, or to rezone the property to RH High Density Residential and have only apartments. He stated that the property is currently zoned B-2 Community Commercial and that easements provided for on the plat needed to be adjusted to meet the subdivision ordinance. He also stated that once the right of way for 1st Street SE is platted, the city can consider acceptance of the segment of 1st Street SE that the applicant previously constructed. He stated that prior to the city signing the final plat that development fees were owed for the water area access charge, sidewalk fee, emergency warning siren fee and seal coat fee for the road. He stated that staff recommends approval of the preliminary and final plat with the finding and conditions listed in the staff report.

The public hearing was opened at 6:55PM.

No public comments were received.

The public hearing was closed at 6:56PM.

Commissioner Meyer asked about the existing driveway that was located on the subject property and it would remain.

Marv Deutsch, applicant, stated that it will be replaced and that they did not connect the driveway to 1st Street SE. He stated that they are working on layouts for the site and noted that there is a limit on density if zoned RH High Density Residential that seems more suited to up to 12 plex buildings than the multi-story apartment buildings. He stated that he was considering up to 40 units for the site with 1 bedroom apartments being 600 to 800 sq. ft. and 2 bedroom apartments being 1000 to 1100 sq. ft.

Commissioner Ryan asked what Mr. Deutsch was considering for the appearance of an apartment building.

Mr. Deutsch provided an example rendering to the Planning Commission. He noted that he would likely do a flat roofed building like Praha Village down the street. He stated that it would take some time to design a building and that he was also considering other amenities like a roof-top patio and other amenities.

Planning Director Ondich stated that if the property were rezoned to RH High Density Residential that only 28 units would be allowed on the site and that there are currently not any architectural requirements for buildings in the RH District but that he could look into possible amendments.

Commissioner Meyer asked what retail could utilize the first floor.

Mr. Deutsch stated that he wasn't sure retail or commercial on the first floor was the best route to take for the building.

Commissioner Ryan stated that he was not sold on having to have first floor commercial and that should be left up to Mr. Deutsch on whether or not he believes it could work there. He added that he wanted to make sure the building would look architecturally pleasing.

A motion was made by Ryan, seconded by Uttenhove, to recommend approval of the preliminary and final plat of Deutschland First Addition, with the following finding:

1. The plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.

And the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 12/30/19 on file with the New Prague Planning Department.
2. Approval is granted in general accordance with the Final Plat submittal dated 12/30/19 on file with the New Prague Planning Department.
3. The Final Plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
4. Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.

5. Easements are not shown as required on the plat as submitted. Easements must be shown as follows: 10' easement along the north lot line, east lot line and south lot line and a 5' easement along the west lot line.
6. 1st Street SE must be accepted by the City before the two year warranty period can begin.
7. The plat must be adjusted so that the ROW line is one foot away from the back of the existing sidewalk along 1st Street SE.
8. Development fees must be paid as follows prior to the City signing the final plat: \$856.68 for the seal coating, \$238.50 for the Emergency Warning Siren Fee, \$50 for the Sidewalk Fee, and \$3,798.90 for the Water Area Access Charge.

Motion carried (4-0).

5. Miscellaneous

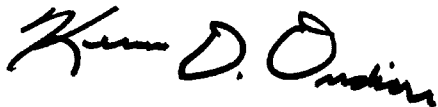
The following miscellaneous items were reviewed as information only:

- A. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

6. Adjournment

A motion was made by Ryan, seconded by Uttenhove, to adjourn the meeting at 7:18PM.
Motion carried (4-0).

Respectfully submitted,



Kenneth D. Ondich
Planning / Community Development Director