

Meeting Minutes
New Prague Planning Commission
Wednesday, February 26, 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: Dan Meyer, Michael Uttenhove and Paul Tupy. Absent was Shawn Ryan.

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

2. Approval January 22, 2020 Regular Meeting Minutes

It was moved by Tupy, seconded by Meyer, to approve the January 22, 2020 regular meeting minutes as submitted. Motion carried (4-0).

3. Old Business

A. None.

4. New Business

**A. Request for Variance #V2-2020 – Wetland Setback Variance to Edge of Conservation Easement
Michael Weinandt, applicant**

Planning Director Ondich presented the staff report. He stated that the subject property is located along 7th Street NE and was platted as Pond 2nd Addition in 2018. He stated that a conservation easement was established with the platting process to provide a buffer from the edge of the wetland at a minimum of 30' and that signs are located on the site to delineate the easement area. He stated that the applicant does not have a specific home design for the lot at this time. He stated that the 2002 ordinance that required a 50' setback to wetlands would leave a substandard building pas of less than 35' deep which would not fit a split entry style home that is typical of the neighborhood. He stated that the property is zoned RL-90 Single Family Residential and that other properties in the neighborhood abut the wetland but have sufficient depth to not require a variance, except 900 Lexington Ave. N. which is located about 30' from the wetland edge and is a legal-non-conforming structure. He stated that over 67% of the lot is wetland or wetland buffer and with the full 50' setback to the wetland edge that a home of similar size and style would not be possible to be built on the lot. He stated that the wetland buffer and setback requirement first went into effect in 2002, but is now based on the assessment of the wetland, but a 50' setback to buildings still exists. He stated that there have been 5

previous variances issued for wetland setbacks, most recently for a lot on Eastland Ave. SE that approved a home to be constructed up to the buffer/easement line which is similar to the present request. He stated that staff recommends approval of the variance request based on the findings contained in the staff report.

Planning Director Ondich stated that he handed out a letter from Gary Pikal, located at 801 Philipp Parkway. He stated that Mr. Pikal asked for the letter to be provided to the Planning Commission and City Council. He summarized the letter by noting that Mr. Pikal was against the variance because the applicant knew the setbacks and guidelines before purchasing the property and that those setbacks were in place to protect the citizens of New Prague and the natural environment. Also noted in the letter was references to nuisance violations occurring on the lot and the lot being an eyesore.

Paul Simon, 708 Lexington Ave. N., asked if Mr. Weinandt had been clearing trees on Mr. Pikal's property.

Planning Director Ondich stated that he had been to the site to verify with Mr. Pikal that Mr. Weinandt had not cleared beyond the property line and that it was sufficiently marked in the field.

Mr. Simon stated that he is totally against the variance request and that all Mr. Weinandt's properties are eyesores and that he would rather have him out of town because everyone else in the neighborhood keeps their properties in good order.

Chair Gilman asked how many lots could fit on the property if further divided.

Planning Director Ondich stated that it could potentially be split into 4 lots, but that would require further review.

Dick Tuma, 801 Lexington Ave. N., stated that he is opposed to the variance because the applicant does not finish his projects.

Tammy Schmitz, 802 Bruzek Lane, asked if Mr. Weinandt had to comply with the covenants of the neighborhood.

Planning Director Ondich stated that the City does not enforce covenants and that other homeowners in the development would need to, but also noted that the property had only been an outlot of the adjacent lands and he could not comment on if the covenants might have ever applied.

Commissioner Tupy stated that he was not in favor of the variance because there was not a specific plan for construction in front of the Planning Commission that would actually be built.

A motion was made by Tupy, seconded by Meyer to recommend denial of Variance #V2-2020 for reduction from the required 50' Wetland Setback to the edge of the

existing conservation easement for Pond 2nd addition, located along 7th Street NE, for the following reason:

- A. No actual plan for a house on the lot has been submitted at this time in which to evaluate.

Motion carried (4-0).

**B. Zoning Ordinance Amendment – Density and Building Appearance Standards in RH High Density Residential Zoning District
City of New Prague., applicant**

Planning Director Ondich presented the staff report. He stated that at the January 22, 2020 Planning Commission meeting, discussion took place about allowed density in the RH High Density Residential Zoning District as related to the plat of Deutschland First Addition. He stated that the maximum density is currently 22 units per acre which is conducive to townhome development versus apartment development. He stated that staff researched area cities and found that New Prague is allowing less densities than most cities and is requesting to increase the density to 32 units per acre. He stated that he is also proposing to adjust the minimum lot size per unit and open space per unit to gain the higher density in practice. He stated that staff looked at building height increases over 50', but recommends staying at 50' which works well with the city's fire apparatus. He stated that staff also recommends building appearance standards for units with five or more units which is common among area cities. He recommended that the Planning Commission hold the required public hearing and discuss the proposed amendments.

The public hearing was opened at 7:09PM.

Marv Deutsch, 12410 New Prague Boulevard, New Prague, MN, stated that he had discussed the changes with Planning Director Ondich and that he was in agreement with the changes as it could help attract developers to town that will spend money and make improvements, but that he did want to discuss building heights and the limit of 50'. He stated that Praha Village was closer to 64' at its tallest from the backside of the building and didn't see why the ordinance couldn't change to allow taller buildings versus issuing variances.

Planning Director Ondich stated that Praha Village has an average height of 50' but that the elevation changes depending on the side of the building. He also stated that staff had spoken with a member of the fire department who believed that the 50' height limit should remain.

Paul Tupy stated that the ladder truck has a 75' reach, but depending on how close the truck can get, 60' might be an issue. He stated that as long as they can get onto the habitable floor at they are OK and don't need to get into every single part of a building from all sides. He stated that he believes the height limit should remain at 50' and variances could be considered on a case by case basis.

The public hearing was closed at 7:13PM.

Commissioner Uttenhove asked if his apartment building would be sprinklered.

Mr. Deutsch stated that it would be.

Commissioner Meyer stated that he didn't see an issue with building heights over 50' along as the livable area wasn't over that height.

A motion was made by Tupy, seconded by Uttenhove, to recommend that the City Council consider adoption of the proposed zoning ordinance amendments as contained in the staff report.

Motion carried (4-0).

5. Miscellaneous

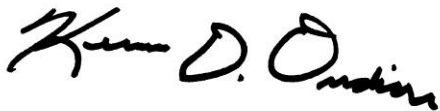
The following miscellaneous items were reviewed as information only:

- 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.
- B. 2019 Lot Inventory: Commercial, Industrial, Residential
- C. Annual Commercial Building Audit 2020
- D. Summary of 2019 Growth Statistics

6. Adjournment

A motion was made by Tupy, seconded by Meyer, to adjourn the meeting at 7:24PM. Motion carried (4-0).

Respectfully submitted,



Kenneth D. Ondich
Planning / Community Development Director